

## **2017 Human Dimension Implementation Meeting**

# **CONSOLIDATED SUMMARY**

**Warsaw, 11 – 22 September 2017**

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## I. EXECUTIVE SUMMARY

The 21<sup>st</sup> OSCE Human Dimension Implementation Meeting (HDIM) took place in Warsaw, from 11 to 22 September 2017 at Warsaw National Stadium (PGE Narodowy). This year, this large-scale event attracted over 1300 participants, representing OSCE



participating States, Partners for Co-operation, OSCE institutions and executive structures, international organizations and civil society representatives. Organized by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in co-operation with the Austrian OSCE Chairmanship, the Ministry of Foreign Affairs of Poland and other OSCE executive structures – the OSCE Secretariat, the offices of the OSCE High Commissioner on National Minorities and the OSCE Representative on Freedom of the Media, the OSCE Parliamentary Assembly as well as field operations, it aimed at reviewing the implementation of the full range of OSCE human dimension commitments.

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

### **Organization of the Meeting**

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

The opening plenary was chaired by Ingibjörg Sólrún Gísladóttir, the new Director of the OSCE/ODIHR, who also gave an opening statement. Witold Waszczykowski, Minister of Foreign Affairs of the Republic of Poland gave an opening address as a representative of the host country. Ambassador Michael Linhart, Deputy Minister for Europe at the Federal Ministry for Europe, Integration and Foreign Affairs of Austria gave an opening address on behalf of the OSCE Chairperson-in-Office. This year the HDIM was addressed by recently appointed OSCE Secretary General Ambassador Thomas Greminger, the OSCE High Commissioner on National Minorities Ambassador Lamberto Zannier, the OSCE Representative on Freedom of the Media Harlem Désir.

The Opening plenary also featured a high-level panel on *Key issues that threaten the human dimension in the OSCE region – how should the OSCE respond?* The panel was opened with a video statement by a prominent Russian human rights defender Lyudmila Alekseeva, the Chairperson of the Moscow Helsinki Group. Two panellists continued the discussion: Claudia Luciani of Council of Europe and Jonathan Cohen of Conciliation Resources. The debate was moderated by Annabelle Chapman, a Warsaw-based journalist. The panel discussed a number of issues, including whether ‘winter is coming’ for human rights and democratic standards, how to reduce the risk of conflict

in the OSCE area, how to balance and ensure that human dimension is not neglected, and what could be done by the OSCE and its participating States to protect the human dimension.

Seventeen delegations of participating States, including the OSCE Troika members represented by the Delegation of Germany and the Delegation of Italy also delivered statements during the opening session.

There were nine working sessions in the first week of HDIM from 11 to 15 September and they focused on the following topics:

- **Working session 1:** Fundamental freedoms I, including freedom of expression, free media and information, including best practices for safety of journalists
- **Working session 2:** Fundamental freedoms I, including freedom of peaceful assembly and association; national human rights institutions and the role of civil society in the protection of human rights
- **Working session 3:** Democratic institutions, including democracy at the national, regional and local levels; democratic elections
- **Working session 4 and 5:** (specifically selected topic) Ensuring equal enjoyment of rights and equal participation in political and public life
- **Working session 6:** Fundamental freedoms II, including freedom of thought, conscience, religion, or belief
- **Working Session 7:** Tolerance and non-discrimination I, including combating racism, xenophobia, and discrimination; combating anti-Semitism and intolerance and discrimination against Christians, Muslims and members of other religions; prevention and responses to hate crimes in the OSCE area
- **Working sessions 8 and 9:** (specifically selected topic) Tolerance and non discrimination

In the second week, 18 to 22 September, there were also nine working sessions which addressed the following topics:

- **Working sessions 10:** Tolerance and non-discrimination I, including rights of persons belonging to national minorities; Roma and Sinti issues, including implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti; preventing aggressive nationalism, racism and chauvinism

- **Working session 11:** Humanitarian issues and other commitments, including combating trafficking in human beings; refugees and displaced persons; persons at risk of displacement
- **Working session 12:** Rule of law I, including prevention of torture; exchange of views on the question of abolition of capital punishment; protection of human rights and fighting terrorism
- **Working Session 13:** Rule of law II, including right to a fair trial; independence of the judiciary; democratic law-making
- **Working sessions 14 and 15:** (specifically selected topic) Economic, social and cultural rights as an answer to rising inequalities
- **Working session 16: Tolerance and non-discrimination II,** including equality of opportunity for women and men; implementation of the OSCE Action Plan for the Promotion of Gender Equality; prevention of violence against women and children
- **Working session 17:** Fundamental freedoms II (continued), including freedom of movement; migrant workers and the integration of legal migrants
- **Working session 18:** Discussion of human dimension activities (with special emphasis on project work)

#### LINK TO THE AGENDA

English: <http://www.osce.org/odihr/335086?download=true>

Russian: <http://www.osce.org/ru/odihr/335811?download=true>

The HDIM was concluded by a **Closing Plenary Session**. Closing addresses were delivered by Ambassador Christian Strohal, Special Representative for the OSCE Chairmanship and ODIHR Director Ingibjörg Sólrún Gísladóttir. Eleven participating States also delivered statements at the Closing Session.

In terms of invited guests at the sessions, there were altogether 30 different introducers from 18 countries representing governmental and public structures, civil society, OSCE executive structures, international organizations and academia. Out of 30 introducers, 21 of them are women and 9 are men.

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

The detailed **timetable** can be found here:

<http://www.osce.org/odihr/338231?download=true>



## Statements at the sessions

Participants, altogether, delivered 693 statements during all sessions and delegations of participating States used their right of reply 193 times. See the statistics below.

<i>Sessions</i>	<i>Delegations</i>	<i>Partners for Co-operation</i>	<i>Civil society</i>	<i>OSCE institutions</i>	<i>International Organizations</i>	<i>Media</i>	<i>Total (without RoR)</i>	<i>Right to reply</i>
<b>Opening</b>	15						15	4
<b>WS 1</b>	15		33		1	1	50	9
<b>WS 2</b>	12		37				49	14
<b>WS 3</b>	11		30		1		42	8
<b>WS 4</b>	11		16				27	9
<b>WS 5</b>	11		17				28	11
<b>WS 6</b>	13		39				52	11
<b>WS 7</b>	9		36		1		46	13
<b>WS 8</b>	9		40				49	14
<b>WS 9</b>	7		22				29	6
<b>WS 10</b>	13		39		1		53	15
<b>WS 11</b>	18		30		1		49	11
<b>WS 12</b>	14		31	1	1	2	49	13
<b>WS 13</b>	7		33			2	42	11
<b>WS 14</b>	9		14				23	8
<b>WS 15</b>	4		11			1	16	7
<b>WS 16</b>	18		20	1		1	40	9
<b>WS 17</b>	9		10		1		20	10
<b>WS 18</b>	3						3	5
<b>Closing</b>	11						11	5
<b>Total</b>	<b>219</b>		<b>458</b>	<b>2</b>	<b>7</b>	<b>7</b>	<b>693</b>	<b>193</b>

The most popular session, in terms of interventions, was the working session 10 on Tolerance and Non-Discrimination including rights of persons belonging to national minorities and Roma and Sinti issues. This session received 53 interventions and 15 rights of reply.

The second most popular session was the working session 6 on Freedom of thought, conscience, religion or belief, which received 52 interventions and 11 rights of reply.

The third most popular was the working session 1 on Freedom of expression, free media and information with 50 interventions and 9 rights of reply.

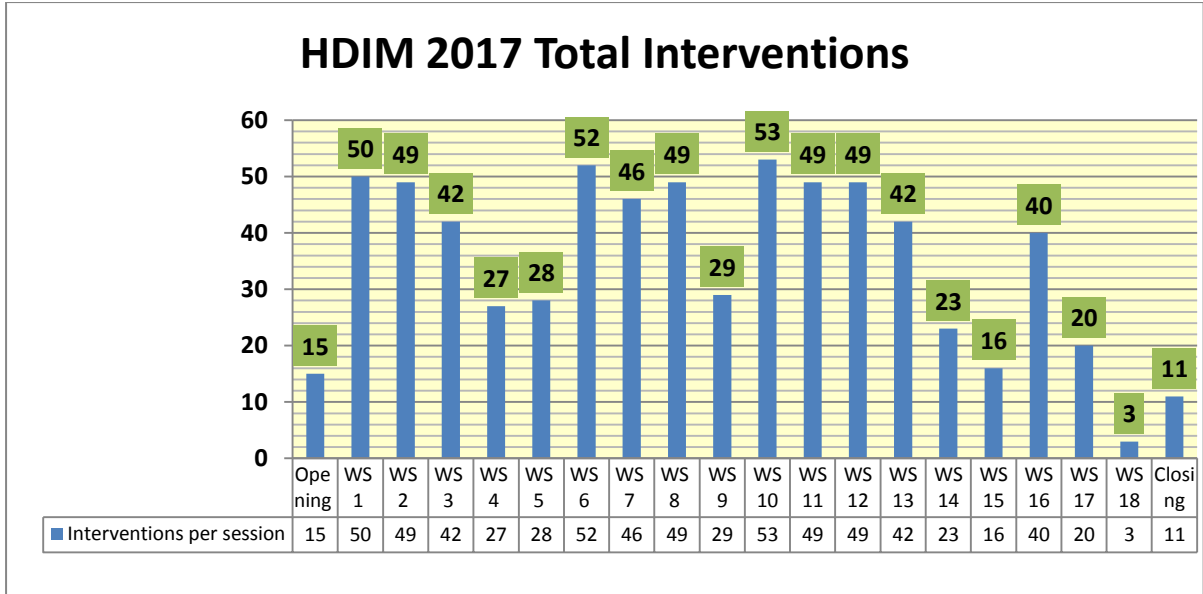


Figure 1: Total number of statements per session (without the right of reply statements)

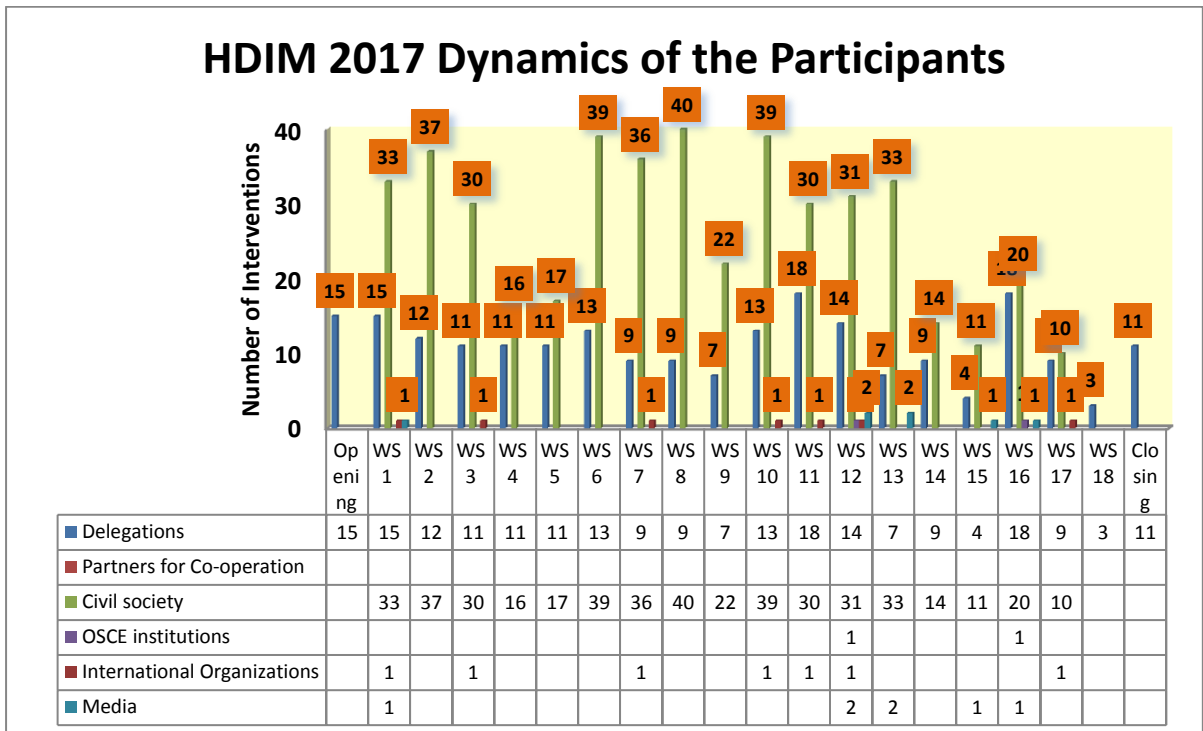


Figure 2: Dynamics of interventions per session, per category

## Side events

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

Full list of side events with descriptions is available here:

<http://www.osce.org/odihr/337971?download=true>

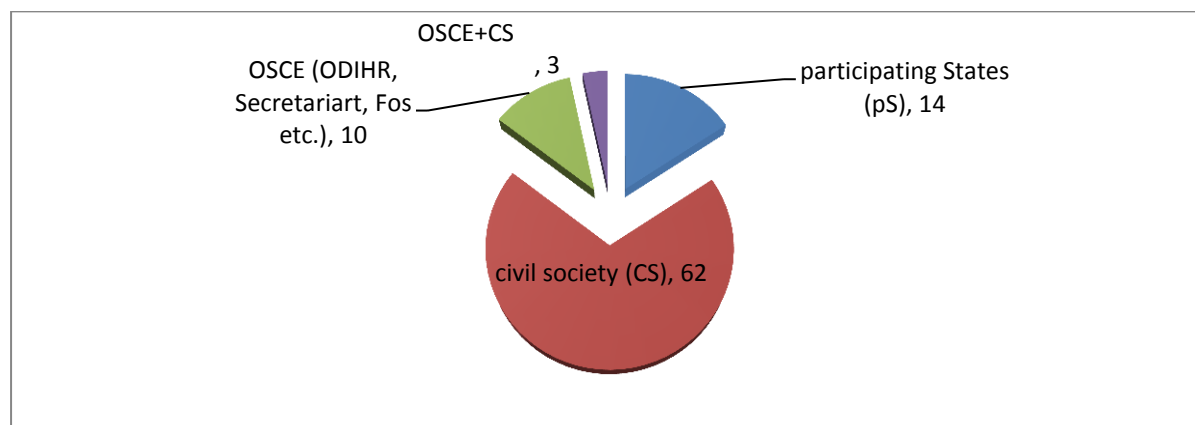


Figure 3: Side events per organizer

## 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. The summaries were made available to all participants as to allow them to review HDIM results and recommendations.

## HDIM 2017: Social media & Livestreaming

This year, ODIHR continued to focus on conference outreach in an effort to bring its impact to a wider audience. A dedicated [HDIM Highlights](#) page was created on the ODIHR website and a social media campaign was launched on Facebook and Twitter



Figure 3 Summary of online outreach campaign

The recorded sessions are available here:

[http://www.osce.org/odihr/hdim\\_2017highlights](http://www.osce.org/odihr/hdim_2017highlights)

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

<sup>1</sup> Total reach counts the followers of a person that sent a post each and every time that a user sends a post; unique reach only counts them once per day. E.g.. if a user has 1,000 followers and sends three posts, total reach would increase by 3,000, while unique reach would increase by 1,000.

### **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).

## II. PARTICIPATION

Total number of participants - 1329 (M: 708, F: 610, ND: 11)<sup>2</sup>, including:

**414 participants from 53 participating States** (M: 230, F: 183, ND: 1) from: Albania (9), Andorra (1), Armenia (4), Austria (21), Azerbaijan (9), Belarus (3), Belgium (5), Bosnia and Herzegovina (2), Bulgaria (6), Canada (3), Croatia (5), Cyprus (4), Czech Republic (7), Denmark (5), Estonia (8), Finland (5), France (8), Georgia (11), Germany (8), Greece (5), Holy See (4), Hungary (5), Iceland (1), Ireland (2), Italy (7), Kazakhstan (11), Kyrgyzstan (11), Latvia (4), Liechtenstein (1), Lithuania (9), Luxembourg (5), Malta (2), Moldova (5), Mongolia (3), Montenegro (3), Netherlands (10), Norway (6), Poland (19), Portugal (3), Romania (12), Russian Federation (29), Serbia (10), Slovakia (8), Slovenia (3), Spain (6), Sweden (10), Switzerland (4), the former Yugoslav Republic of Macedonia (2), Turkey (3)<sup>3</sup>, Ukraine (24), United Kingdom (15), United States of America (41), Uzbekistan (7)

**7** (M: 3, F: 4, ND: 0) **representatives from 5 Partners for Co-operation:**

- Israel (1)
- Japan (2)
- Morocco (2)
- Republic of Korea (1)
- Tunisia (1)

**25** (M: 8, F: 17, ND 0) **representatives of 17 International Organizations:**

- Community of Democracies (2)
- Council of Europe (3)
- Council of Europe's Consultative Council of European Judges (CCJE) (1)
- European Commission (2)
- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1)
- European Institute for Gender Equality (1)
- European Parliament, office of Julie Ward MEP (1)
- Food and Agriculture Organization of the United Nations (1)
- Frontex-European Agency for the Management of Operational Cooperation at the External Borders (2)
- International Criminal Court (1)
- International IDEA (4)
- INTERPOL - General Secretariat (1)
- INTERPOL - Commission for the Control of Interpol's Files (CCF) (1)
- Regional Cooperation Council (1)
- UNDP (1)

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<sup>2</sup> M – male; F – female; ND – not defined.

<sup>3</sup> only at the opening plenary session

- United Nations High Commissioner for Refugees; Branch Office in Warsaw (1)
- United Nations Population Fund - Regional Office for Eastern Europe and Central Asia (1)

**50 (M: 27, F: 22, ND: 1) participants from 9 OSCE Institutions:**

- OSCE Secretariat (7)
- Prague Office of the OSCE Secretariat (1)
- OSCE Secretariat; Action against Terrorism Unit (2)
- Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (2)
- Office of the Representative on Freedom of the Media (8)
- OSCE Office for Democratic Institutions and Human Rights (20)
- OSCE High Commissioner on National Minorities (6)
- OSCE Parliamentary Assembly, International Secretariat (4)

**56 (M: 24, F: 30, ND: 2) representatives of 13 OSCE Missions/Field Operations:**

- OSCE Presence in Albania (2)
- OSCE Centre in Ashgabat (1)
- OSCE Programme Office in Astana (4)
- OSCE Programme Office in Bishkek (2)
- OSCE Mission to Bosnia and Herzegovina (6)
- OSCE Mission in Kosovo (6)
- OSCE Mission to Moldova (5)
- OSCE Mission to Serbia (7)
- OSCE Mission to Skopje (3)
- OSCE Programme Office in Dushanbe (6)
- Office of the OSCE Project Co-ordinator in Ukraine (8)
- Office of the OSCE Project Co-ordinator in Uzbekistan (5)
- OSCE Special Monitoring Mission to Ukraine (1)

**729 (M: 391, F: 331, ND: 7) representatives of 445 Civil Society from 45 countries:**

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

**17 (M: 6, F: 11, ND: 0) representatives of 9 NHRIs from:** Austria, Moldova, Poland, Serbia, Slovakia, Ukraine, Uzbekistan.

**30 (M: 19, F: 11, ND: 0) registered participants from media.**

### III. Rapporteurs Reports

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

- **Freedom of expression, free media and information, including best practices for safety of journalists**

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

**No of statements: 50**

Delegations: 15

Civil Society: 33

OSCE Institutions: 0

International Organizations: 1

Media: 1

**Rights of reply: 9**

The session examined the role that free media play in democracy, including their function as advocates and promoters of human rights and fundamental freedoms, as well as key challenges the OSCE region is facing in this field.

The Representative on Freedom of the Media stressed that there are no free societies without free media. He pointed out that today the OSCE region is undergoing a number of challenges in terms of freedom of expression. There are examples of restrictive laws and practices in various participating States that negatively affect free flow of information. The Representative underlined, that vague definitions of certain legal provisions – for example, aimed at combating spread of terrorist or extremist views – allow arbitrary interference by States into editorial policies or functioning of Internet sites or platforms.

The Representative named other problems in the media landscape in the OSCE region, including the spread of hate speech, fake news, disinformation and propaganda that need to be properly addressed. At the same time he underscored that counter measures should not lead to further restriction of freedom of expression. He said that there should not be any State interference in regulating Internet or influence on independent media.

The Representative expressed his intention to promote pluralism of the media and to continue the dialogue between Russian and Ukrainian and Greek Cypriot and Turkish Cypriot journalists. He also flagged four priorities for his activity - the safety and protection of journalists, and the fight to end impunity of crimes committed against them; to protect media freedom in the new security context; to engage governments and media professionals in the debate on the need to address threats of disinformation, “fake news,” propaganda, and hate speech; to promote media pluralism in the OSCE region through promoting best policy practices in the rapidly digitizing media landscape, and warning against illiberal approaches.



The participating States and representatives of the civil society shared their views on the situation with media freedom in the OSCE area, brought concrete examples and made their suggestions.

Many participants indicated various challenges for free media: pressure on journalists on political grounds by authorities, denial of accreditation or limitations for participation of journalists in important events, blocking Internet sites and search engines, silencing alternative voices, influencing editorial policies of media outlets, shutting down TV and radio channels and other restrictive measures. A number of participants pointed out even more serious threats, such as intimidation, attacks on, harassment of and even killings of journalists, abductions and imprisonment of media professionals that criticize government or present alternative views. It was noted that journalists face different challenges when travelling to other participating States, including expulsion, restrictions, denial of entry, shutting down of TV and radio channels. Several representatives of the civil society advocated for decriminalization of insult and libel.

Some representatives of the civil society stressed the necessity of mutual understanding and dialogue on different topics, which may be a way out to address the spread of hate speech, intolerance and tensions in society. Others argued that prevailing impunity for crimes against media professionals has a direct chilling effect on freedom of expression. A number of the representatives of the civil society were critical about their governments stressing the failure in implementation of the OSCE commitments on human rights and fundamental freedoms. They indicated a number of challenges in some OSCE participating States, such as arbitrary detentions of journalists and bloggers, fabricated cases against them, political imprisonment and torture in prisons, lack of access to fair trial. Other representatives of civil society argued that their respective countries made a significant progress in terms of implementing OSCE commitments in the field of freedom of expression. Some NGOs pointed out that the governments in their respective countries exercise tough pressure on national independent media, tend to co-ordinate publications, there is a high level of censorship and control over electronic media. A number of representatives of the civil society called on to stop practices of introducing “black lists” for journalists and to shut down dangerous sites that pose a serious threat to lives of media professionals.

Both participating States and representatives of the civil society stressed the need for more safety for journalists, especially in armed conflicts, as well as the need to ensure that Internet remains an open forum for information and dialogue and the need for proper balance between freedom of expression and national security.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Stop harassment of independent media;
- Engage constructively with the Representative and make use of expertise and recommendations;
- Respect the Representative's mandate and autonomy and provide the Representative with the necessary resources to fulfill this mandate;
- Abide in good faith by their commitments in the area of freedom of expression and free media and safety of journalists, and further strengthen the OSCE commitments in this regard;
- Guarantee alternative sources of information to their citizens;
- Guarantee the freedom of expression;
- Uphold to the principles of the Organization;
- Ensure unimpeded access of journalists to all conflict zones;
- Act internally by upholding commitments and externally by promoting commitments;
- Think about new methodology of functioning of the OSCE;
- Focus on how to implement standards on a country level;
- Ensure that restrictions are prescribed by law;
- Amend laws according to best practices in other participating States;
- Eliminate censorship and restriction;
- Give hate speech a clear and workable definition;
- Focus on protection freedom of expression as such, for all topics;
- Condemn all attacks and violence against journalists;
- Demonstrate political commitment to fight impunity;
- Encourage legislators to create national legal frameworks that protect freedom of expression and media pluralism;
- Acknowledge risks faced by female journalists and their impact on media pluralism;
- Recognize risks with safety of journalists in the digital age, such as violations of freedom of expression and privacy;
- Encourage counter-speech and counter-narratives to fight hate speech and intolerance;
- Ensure unimpeded access of journalists to conflict areas;
- Not to criminalize the work of journalists.

### **Recommendations to the OSCE Representative on Freedom of the Media:**

- Collect good practices of unimpeded access of journalists to conflict zones;
- Seek to stimulate free thinking and free Internet;
- Collect good practices on unimpeded work of journalists in conflict environments;
- State that truth can never constitute hate speech.

## **Working Session 2: Fundamental freedoms I, including:**

- **Freedom of peaceful assembly and association**
- **National human rights institutions and the role of civil society in the protection of human rights**

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

**No. of statements: 49**

**Delegations: 12**

**Civil Society: 37**

**OSCE Institutions: -**

**International Organizations: -**

**Media: -**

**Rights of reply: 14**

The first introducer, Ms. Milena Costas Trascasas, human rights law expert and member of the ODIHR Panel of Experts on Freedom of Peaceful Assembly, emphasized the importance of the freedom of assembly and association for the rule of law and for our democratic societies more generally. When societies are deprived of these rights, the views of the privileged and those in power will become the dominant view. A robust civil society on the contrary, will make our communities more resilient. Freedom of assembly and association therefore plays a key role in driving human rights forward and achieving social change. An example was given from Spain, where a platform to help people affected by mortgages in the wake of the financial crisis, resulted in a change of the national legislation to protect the rights of debtors against unfair mortgages.

In the OSCE region, there is a trend towards the curtailing of the freedom of assembly and association. Ms. Trascasas gave a number of examples from across the region, amongst others new and pending legislation in the United States restricting the freedom of association, the high number of fines related to assemblies in Spain in 2006 and restrictive measures in France related to the state of emergency. The fight against terrorism is leading to an increasing number of restrictions and is being abused to silence criticism. Small NGOs are often especially affected by changes in national legislation.

How can this trend be reversed? According to the UN Special Rapporteur on Freedom of Peaceful Assembly and Freedom of Association, all necessary instruments and oversight bodies are in place. Ms. Trascasas pointed out that, also in the OSCE, we have the instruments we need, amongst others the Guidelines on Freedom of Association, the Panel of Experts and the work of ODIHR. Finally Ms. Trascasas emphasized the urgent need for a change of mindset. She quoted the former UN Special Rapporteur on

Freedom of Peaceful Assembly and Freedom of Association, who said that we were facing an "epic global struggle" and a "fight for the future of democracy".

The second introducer, Ms. Danuta Przywara, Chair of the Board of the Helsinki Foundation for Fundamental Rights and member of the Helsinki Committee in Poland, also emphasized the importance of the freedom of assembly and association for the good functioning of our democracies. However, the OSCE decisions and principles are not being respected, we are witnessing a shrinking space for the work of human rights defenders. The new authoritarianism from the Russian Federation is spreading to countries across the region, including former USSR countries, Turkey and countries from Central Europe. Guarantees on paper are being overturned to limit the civil society. NGOs are facing discreditation and administrative measures are used to limit their work. Ms. Przywara is worried about the situation of human rights defenders: their main role is to control the respect of participating States for their international obligations, but they are often the first target through media campaigns discrediting them. The same goes for national human rights institutions.

Participants highlighted that the OSCE participating States should implement the recommendations of the civil society parallel conference at the 2016 Hamburg Ministerial Council, and create a group of experts on human rights defenders; that ODIHR should closely monitor the implementation of the relevant engagements by the participating States in close co-operation with civil society; and to more systematically work with NGOs in order to increase the space for civil society.

Many delegations from participating States and representatives of civil society expressed concern about the increasing restrictions on freedom of assembly and association in the OSCE region, limiting the space for civil society, as well as the increasing attacks on human rights defenders. These restrictions and attacks, they said, are in violations of the OSCE principles and commitments.

Many different undue restrictions and challenges to the freedom of assembly across the OSCE region were highlighted, including the arrests and detention of peaceful participants to assemblies, the prohibition of peaceful assemblies, the intimidation of participants to assemblies or of their family members and the challenge to protect peaceful participants against attacks from counter-protesters.

With regards to the freedom of association, many concerns were raised pertaining to restrictive laws and administrative measures affecting the work of NGOs or forcing them to close down. The restrictions on the freedom of association of the Crimean Tatars were also addressed in various interventions.

A number of interventions focused on the precarious situation of human rights defenders in various countries in the OSCE region, where they are subject to arbitrary detention, politically motivated trials, intimidation and threats online (with a disproportionate burden on female human rights defenders). Concerns were also raised about actions against lawyers who are defending human rights activists.

One civil society organization encouraged participating States to do more to support the work of national human rights institutions, some of which are becoming under threat themselves.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Use the OSCE/ODIHR Venice Commission Guidelines on Freedom of Association;
- Guarantee the right of freedom of peaceful assembly more proactively and protect peaceful assemblies against intimidations, threats and attacks;
- Investigate and prosecute violent groups attacking the freedom of peaceful assembly;
- Protect LGBTI persons seeking to associate and assemble from attacks and reprisals through preventive measures and by investigating attacks, prosecuting perpetrators and ensuring remedy for victims;
- Guarantee a free and active participation of civil society and free civil society space, as well as promote more systematic co-operation with civil society;
- Guarantee an enabling environment for the work of human rights defenders so that they can work safely and without fear and harassment, with a particular attention to women human rights defenders;
- Support and promote the implementation of the ODIHR Guidelines on the Protection of Human Rights Defenders;
- Ensure that OSCE co-operation programmes feature human rights conditionality;
- React when human rights defenders or their families are retaliated against for participating in HDIM.

**Recommendations to the OSCE/ODIHR:**

- Restore its focal point for human rights defenders and establish an expert panel on the protection of human rights defenders;
- Study the implementation of the Guidelines on the Protection of Human Rights Defenders by participating States in co-operation with civil society, using reports and information from such organizations.

### **Working Session 3: Democratic institutions, including:**

- **Democracy at the national, regional and local levels**
- **Democratic elections**

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

**No. of statements: 42**

**Delegations: 11**

**Civil Society: 30**

**OSCE Institutions: -**

**International Organizations: 1**

**Media: -**

**Rights of Reply: 8**

Working Session 3 concerned itself with *democratic institutions, including democracy at the national, regional and local levels, and democratic elections*. The annotated agenda and the discussion-questions focus on the enhancement of political pluralism and participation, the safeguarding of legislative bodies to strengthen the democratic balance of power, the role of think tanks and civil society in supporting democratic processes, and the assistance that OSCE (its institutions and field operations) could provide in promoting political pluralism and participation. Furthermore, the annotated agenda welcomed examples of established and evolving good electoral practices, as well as how to deal with challenges that participating States face in meeting their commitments related to the issues at hand.

Mrs. Ivilina Verginova Aleksieva-Robinson, Chair of the Central Election Commission, Republic of Bulgaria, stressed that free and fair elections are a central component of democracy. She presented a number of recent legislative developments in Bulgaria, noting in particular the independent Central Election Commission, continued engagement with ODIHR, Council of Europe and its Venice Commission, co-operation between government entities and civil society, and an increasing presence of both international and domestic observers at Bulgarian elections. Furthermore, she highlighted the work of the Association of European Electoral Officials (ACEEO) with Bulgaria currently holding the chairmanship and its focus on regional co-operation.

Touching on a number of challenges in the field of elections and electoral organization and administration, Mrs. Aleksieva-Robinson mentioned among these the accountability of campaign financing, the increase of online hate speech during campaigns, the importance of ensuring the freedom of expression during campaigns and ensuring a level playing-field during campaigns, the technical working and protection of electronic voting, the rapidly growing role of social media (Tweeter, Facebook) during campaigns and as a way of including young people in political life, as well as public dissatisfaction with the political process and the lack of interest among

notable parts of the population. These and other challenges re-affirm the value of cooperation between participating States, ODIHR, and civil society.

Mr. Sergei Danilenko, Chief of Staff of Central Election Commission, Russian Federation, opened his remarks by affirming that free democratic elections form the foundation of any democratic state. Based on the working model of the Russian Central Election Commission, he stressed the importance of making use of experience from previous elections to ensure continued improvements to future elections, in particular in advancing transparency and increasing the trust of citizens in the electoral process.

Expanding on a number of concrete developments promoted by the Central Election Commission, Mr. Danilenko spoke about ensuring the ability of voters to cast their ballot close to their residence (avoiding long journeys to participate in the election and promoting broader election participation), supporting municipalities in voter registration, also using the Internet, creating a single-voter list for the whole country, as well as making use of technological improvements and means to accelerate counting and thereby avoiding human error. Furthermore, he noted that the Central Election Commission has increased the number of election observers, and will continue to seek advancement in the administration of elections, and in this regard continue its cooperation with international entities, including ODIHR.

In the subsequent discussions, interventions from the floor underlined the importance of democratic elections, and that these be fair, credible and enable the broadest possible participation. Also, the positive role that election observation plays in assisting election commissions and governments in improving and safeguarding their elections was highlighted, as was the work ODIHR on election observation missions. A number of speakers presented good practices, as well as national and local measures that have advanced democratic elections.

However, both participating States and civil society noted that there remain significant implementation gaps in the OSCE region as regards democratic institutions, including democracy at the national, regional and local levels, and democratic elections. A number of concrete challenges to implementation of OSCE commitments were repeatedly touched upon: lack of freedom for opposition parties and groups, underrepresentation of women in politics and in electoral process, growth of intolerance and hate speech as part of political campaigns, various forms of election corruption and vote-buying, use of public authority and financial resources to impact election campaign, unclear role of police and armed forces, lack of freedom of expression and freedom of media, poor or flawed voter registration, difficulties for voters to cast their ballot freely and secretly, absence of independent appeals procedures on alleged irregularities and the lack of independent electoral commissions.

**Recommendations** made by participants during this session include (non-exhaustive list):

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

- Take appropriate measures to ensure participation of women and under-represented groups;
- Engage with citizens in order to promote open debate and democratic citizenship awareness raising;
- Regularly engage in ODIHR's electoral follow-up activities and submit voluntary reports to the OSCE Permanent Council and Human Dimension Committee;
- Maintain dialogue with NGOs on these issues and support human rights defenders;
- Advance freedom of expression/freedom of the media in elections;
- Continue to work with ODIHR, implement its recommendations, as well as secure funding for and second observers to ODIHR;
- Follow-up and implement recommendations from ODIHR and HCNM;
- Abolish blasphemy laws to ensure freedom of expression;
- Increase contributions to election observations missions;

## **Recommendations to the OSCE/ODIHR:**

- Enhance co-operation with participating States;
- Continue its work on promoting and protecting democracy and democratic institutions;
- Assist participating States in their election governance;
- Seek additional ways to promote civic space and civil society;
- Make use of new technology to advance civic space;
- Monitor implementation of joint opinions and guidelines of OSCE/ODIHR Venice Commission;
- Consider undertaking a general evaluation of election observation missions;
- Take all violations of human rights seriously.



#### **Working Session 4 (specifically selected topic):**

#### **Ensuring equal enjoyment of rights and equal participation in political and public life**

***Rapporteur:** Ms. Eglė Maier, First Secretary, Permanent Mission of the Republic of Lithuania to the OSCE*

**No. of statements: 27**

**Delegations: 11**

**Civil Society: 16**

**OSCE Institutions: -**

**International Organizations: -**

**Media: -**

**Rights of Reply: 9**

In Working Session 4, a specifically selected topic of equal participation in political and public life was discussed.

The introducer, Dr. Dimitra Petrova, co-founder of Equal Rights Trust, emphasized the need of having a broad net of comprehensive equality rights established in the OSCE region, as currently there are huge differences between the developed legislation in different participating States. She noted the concerns related to discrimination on the basis of political opinion, pointing out that even though it is reflected in all instruments of the international human rights law, there have been no court cases. She stated the indivisibility and interdependence of human rights and noted that in recent years there is regress observed in human rights area.

Dr. Petrova highlighted the relationship between the freedom of expression and equality and stressed that in the 21<sup>st</sup> century human rights are equally valid online as well as offline. Turning to the issue of collecting statistical data on discriminatory practices, she noted that shortcomings keep persisting among participating States in this area. Political participation of youth was also emphasized noting that both youth and children should be involved when taking decisions that concern them. She stated that the option of electronic voting should be ensured and noted that the whole notion of political participation is changing nowadays, becoming broader and richer.

In conclusion, Dr. Petrova posed a question for reflection: does the Internet help fostering political participation, or is it debilitating political sphere and makes more harm than good? She noted a huge degree of polarization on these issues and stressed that it is up to the user to decide which way the information and communication technologies are used; government bodies and democracy stakeholders have these tools in their hands.

A few delegations referred to the existing OSCE principles and commitments in the area of equal political participation, which were set out in the Helsinki Final Act, the 1989 Vienna Document and the 1991 Moscow Document. A vast majority of speakers noted that despite these existing commitments, many citizens continue to face obstacles, such as discrimination, in exercising their right to participate in political and public life as well as of other human rights that enable it.

A number of delegations and civil society representatives emphasized the importance of protecting electoral rights and noted that democratic elections are crucial for democracy. It was stated that no voting system is perfect; therefore it is the responsibility of all individuals to protect these rights. One delegation pointed out to the electoral system flaws in some other participating States urging to consider measures to address these situations. One civil society organization highlighted electoral system flaws in one participating State pointing out that existing power structures tend to replicate themselves by leveraging administrative power to silence opposition, or by compromising the administration of elections through the composition of election commissions. Another civil society representative noted that the rate of Muslim voters remains dramatically lower than that of other groups, and suggested that religious organizations preaching against democracy should lose their status as religious entities.

Calls on ODIHR were made by one civil society organization to follow up on its recommendations from 2013 election observation mission in one participating State. The same civil society organization has also urged for the adoption of a strategy on political prisoners in participating States.

A number of participating States and civil society organizations expressed their concerns regarding ongoing harassment in some participating States towards their marginalized national minorities, opposition representatives, and environmental defenders through various legal and social exclusions. Several participants raised the issue of non-citizenship. The speakers drew attention to concrete cases and situations, calling to end the ongoing restrictive practices.

A few civil society representatives lamented that in some participating States there is a decline in participation in political and public life noting the detriment of stratified society where an elite ruling class controls the civic and political environment. It was stated that civil society should have the right to condemn dictators and others who impede equal access to public and political participation.

A number of participating States and civil society organizations also made points related to ongoing discrimination of marginalized groups, including women, youth, the elderly, persons with disabilities, and Roma and Sinti. It was stressed that these groups must be protected from discrimination in political and public life.

Equality of women and men was mentioned explicitly in a number of interventions expressing concern that women are often underrepresented in public bodies. A few

participating States shared their experiences on strengthening women's political and economic participation, including by establishing a quota system in order to enhance women's political participation. A few civil society representatives commented that prevailing issues in the OSCE region include gender inequality, domestic violence, little access to quality education, and traditional early marriage; these factors contribute to lack of access to equal participation in political and public life for women.

One participating State raised a point of order protesting against an expression used by another participating State during its right of reply. Subsequently, the latter participating State responded by raising its own point of order stressing the unacceptability of such move.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Ensure equal enjoyment of rights and equal participation of women, persons belonging to marginalized groups of minorities, including Roma and Sinti, persons with disabilities and persons in vulnerable groups, including youth, to participate in political and public life;
- Support policies, initiatives and effective measures that promote non-discrimination, inclusiveness and equal access to opportunities, including access to education and training;
- Find proactive ways to enhance youth political participation and activism, including via new forms of online participation, the inclusion of youth perspective into the political debate and strengthen youth role in the promotion of democracy, human rights and fundamental freedoms;
- Develop legislation in the area of equal rights, including on discrimination on the basis of political opinion;
- Ensure human rights on-line as well as off-line;
- Collect and publish relevant statistical data on discriminatory practices, as this is an important element for setting out the policy measures;
- Ensure the option of electronic voting;
- Re-categorize religious leaders or organizations preaching against democracy as political organizations;
- Highlight importance of environmental rights and stop harassing of environmental activists.

**Recommendations to the OSCE executive structures:**

- Follow up on OSCE/ODIHR recommendations from 2013 election observation mission in one participating State;
- Urge for the adoption of a strategy on political prisoners in participating States.

## **Working Session 5 (specifically selected topic): Ensuring equal enjoyment of rights and equal participation in political and public life**

*Rapporteur: Ms. Nevena Jovanovic, Second Secretary, Permanent Mission of the Republic of Serbia to the OSCE*

**No. of statements: 28**

**Delegations: 11**

**Civil Society: 17**

**OSCE Institutions: -**

**International Organizations: -**

**Media: -**

**Rights of Reply: 10**

The session's moderator, Dr. Marcin Walecki, Head of Democratization Department of ODIHR opened the session by underlining that the OSCE human dimension commitments acknowledge the need for additional efforts to increase the participation of women, youth, persons with disabilities and Roma and Sinti in political and public life. He referred to the 2009 Athens and 2007 Madrid OSCE Ministerial Council Decisions calling on participating States to support and promote the participation of women and youth in democratic processes, as well as to the 1991 Moscow Document in which the OSCE participating States agreed to take steps to ensure the equal opportunity of persons with disabilities to participate fully in the life of their society and to promote the appropriate participation of such persons in decision-making in fields concerning them. Dr. Walecki also emphasized that demographic data revealed that under-represented groups in fact account for a large percentage of the global population.

The first introducer, Mr. Dastan Bekeshev, Member of Parliament of the Kyrgyz Republic spoke about participation of persons with disabilities in political and public life. He paid a special attention to the enjoyment of electoral rights (both passive and active) for disabled persons. Mr. Bekeshev stressed that OSCE participating States should ensure that voting processes, materials and facilities are fully accessible to all persons with disabilities. He also emphasised the importance of ensuring voting secrecy for them, which is often not a case. Mr. Bekeshev underlined the importance of combating intolerance and discrimination towards persons with disabilities, stressing that persons with disabilities should be seen as active members of the society, included in all aspects of public and political life.

The second introducer, Ms. Henriett Dinok, Executive Director of Romaversitas Foundation noticed that many Roma and Sinti people, especially Roma girls and women are still facing significant challenges to their participation in political and public life. She emphasized that marginalization of Roma and Sinti people results in their absence from the decision making processes, particularly related to the topics of their special interest. She underlined that participation in political and public life is not possible

without enhancing their skills and providing opportunities. Ms. Dinok also drew attention to the increasing number of hate crime incidents against Roma and Sinti people globally, as well as to multiple forms of discrimination that Roma women are facing with.

It was emphasized that equal participation in political and public life is an integral part of a cohesive and inclusive society. A number of participants flagged to the attention various barriers that exist to political participation for under-represented groups such as discrimination on the grounds of race, sex, language, religion, nationality, ethnicity, disability, nationality, etc.

A special focus in discussion was put on different under-represented groups, such as women, youth, Roma and Sinti and persons with disabilities. It was underlined that inclusion of these groups in decision-making processes would allow them to more effectively participate in public life and to enjoy their rights. In this regard, education was pointed out as one of the main preconditions for ensuring the equal rights for all members of society and their full social inclusion. Discrimination, prejudices, economical problems as well as non-access to education were listed among the most pressing challenges the under-represented groups are facing.

A number of delegations expressed their concerns over the fact that the right to equal political participation is often subjected to exceptions.

Several delegations regretted that OSCE participating States were not able to agree on the proposed Ministerial Decision on Roma and Sinti Political Participation at last year's Ministerial Council in Hamburg.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Ensure equal enjoyment of rights and equal participation of women, persons belonging to marginalized groups or minorities, persons with disabilities and persons in vulnerable situations, including young persons, to participate in political and public life, including through identifying and eliminating discriminatory laws, policies and practices;
- Support policies, initiatives and effective measures that promote non-discrimination, inclusiveness and equal access to opportunities, including access to education and training;
- Enhance the OSCE's focus on supporting implementation of UNSCR 1325 and its follow-on resolutions, including through tailored assistance to participating States in development and implementation of national action plans on women, peace and security;
- Continue to implement the OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area as well as Ministerial Council Decisions

6/08 and 4/13, including by addressing practical obstacles to enhanced public and political participation of Roma and Sinti persons, paying particular attention to the effective and equal participation of Roma and Sinti women;

- Find proactive ways to enhance youth political participation and activism, including via new forms of on-line political participation, the inclusion of youth perspective into the political debate and a strengthened role of youth in the promotion of democracy, human rights and fundamental freedoms;
- Implement the 2009 OSCE Ministerial Council Decision on Women's Participation in Political and Public Life as well as the OSCE's 2004 Gender Action Plan;
- Implement the OSCE Ministerial Council Decision 3/13 on Freedom of thought, conscience, religion or belief;
- Take into account election observation reports and implement the recommendations that they contain, concerning specifically election participation conditions which are important for young people, women and vulnerable groups;
- Evaluate the Guidelines on the Protection of Human Rights Defenders with a view of better reflecting the political and public participation within the OSCE area.

## **Working Session 6: Fundamental freedoms II, including:**

### **- Freedom of thought, conscience, religion, or belief**

*Rapporteur: Mr. Francis X. O'Donoghue, Deputy Head, Permanent Mission of Ireland to the OSCE*

**No. of statements: 52**

**Delegations: 13**

**Civil Society: 39**

**OSCE Institutions: -**

**International Organizations: -**

**Media: -**

### **Rights of reply: 11**

During the Working Session 6 on freedom of thought conscience, religion and belief, the range of views and opinions expressed was wide though often divergent. The discussion on the role of religion and the pursuit of gender equality in 21<sup>st</sup> century society within the OSCE area produced less than a consensus view.

Some speakers focused on the absence of religious liberty in some participating States. Other speakers mentioned that anti-terrorism and security related legislation was being used in some participating States as a pretext to proscribe the activities of certain religions, for example The Church of Scientology and Jehovah's Witnesses.

There was argument, expressed by some, in favour of ensuring the basic respect in law for the autonomy of religious belief communities subject to the maintenance of public order and the common good. Religious liberty was a fundamental value in a secular democratic State but that allowed for certain legal limitations when there is obvious threat to an individual's entitlement to personal respect and personal freedom such as through the practice of forced marriages and honour killings.

Some speakers argued that the views of some religions were being voiced in such a way as to attempt to thwart long established secular values of some participating States. There were also contributions that advocated the clear distinction between the State and one's right to practice freely one's religious belief or to have the liberty to practice none at all. Religious liberty was for some understood to mean that the State was not to be the arbiter between what are the pros and cons of different forms of religious belief. Some speakers noted that in this regard the State has to remain neutral and respect the individual's right to choose what to believe or not to believe or for that matter the freedom to change from one particular religious faith to another without fear of personal threat.

Some speakers highlighted that in certain participating States women's rights were facing a backlash to the extent that it involved the public violation of women's bodily integrity by law enforcement agents.

One speaker questioned whether there was a consensus within the OSCE on the meaning of certain perjorative terms, such as discrimination, which, the speaker indicated, are not defined in OSCE commitments. Therefore, who has the right to define certain acts and actions, as examples of “bad” discrimination?

There was expression of view as to strict separation in the application of the law of the State and that of a particular religious doctrine or belief being underpinned by state law. Some of the speakers stated that, for example, Muslim Sharia law is incompatible with European values that relate to non-discrimination and that the European Court of Human Rights had so found.

Several speakers mentioned the appearance in public of women of Muslim faith wearing particular forms of apparel such as the hijab. For some this practice was seen as public expression of a woman’s right to identify as a person of Muslim faith and for others it was seen an obstacle to enable women, regardless of their faith background, to strive for equality of opportunity. Some participating States of the OSCE area had decided in recent times to restrict by law the wearing of such head apparel by women in the public place.

Other speakers cited recent attempts in Europe to outlaw time honoured ritual religious practice of animal sacrifice in the name of animal rights and that these attempts were setting members of law abiding long established Muslim and Jewish faith communities in opposition to the State in that it is having the effect of stigmatising them among the general community.

The importance of the role of education was stressed by some speakers in combatting prejudice and discrimination against women as well as in combatting religious intolerance, in the OSCE area, generally.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Implement in good faith OSCE commitments and international standards on freedom of religion or belief;
- Respect the principle of autonomy of religious or belief communities, when considering the interrelationship between freedom of religion or belief and gender equality;
- Re-consider existing policies and practices to ensure full and effective protection of minorities, including Muslims;
- Co-operate with ODIHR’s Tolerance and Non-Discrimination and Human Rights Departments in countering discrimination on various grounds and advancing freedom of religion or belief for all;
- Promote the respect for diversity and mutual understanding through education and promotion of interreligious dialogue;



- Recognize the role of youth in strengthening interreligious collaboration and involve youth in interreligious dialogue;
- Engage members of religious or belief communities and other relevant non-state actors in consultations prior adopting laws and policies affecting the functioning of their organizations/communities;
- Make use of the OSCE/ODIHR Guidelines on the Legal Personality of Religious or Belief Communities;
- Attend to the rights and freedoms of members of religious majorities;
- Ensure adequate protection of places of worship and holy sites;
- Ensure equal and effective participation of women in policy- and law-making processes;
- Act against promotion of Sharia law and take actions against those who promote laws and practices that are against democratic principles and values and human rights. Recognize incompatibility of Sharia law with democratic principles, Western values and human rights. Classify organizations and missions promoting anti-democratic values as 'political' rather than 'religious' (for example, those promoting Sharia law);
- Devote one meeting of the Human Dimension Committee to the discussion of the concept of freedom of religion or belief, in line with relevant OSCE commitments;
- Engage with the authorities of Georgia in order to prevent draft amendments to the Constitution of Georgia concerning freedom of religion or belief to be adopted;
- Seize funding of so-called anti-sect organizations, including those operating in the Russian Federation;
- Ensure unimpeded access of believers from South Ossetia to their places of worship and Holy sites in Georgia;
- Stop the persecution and prosecution of Imams, appointed by the community. Recognize the rights of the Muslim community to elect and appoint its own leaders. Recognize and respect the right of the members of the Muslim community to religious education;
- Re-consider asylum claims of members of some religious communities and their deportation;
- Stop persecuting members of religious groups in Crimea, including Muslim Tatars;
- Attend to the issue of political prisoners in Crimea and support their family members with psychological, financial and other type of assistance.

**Recommendations to the OSCE/ODIHR:**

- Work on non-discrimination and protection of other communities, in addition to Muslims, Christians and Jews.

## **Working Session 7: Tolerance and non-discrimination I, including:**

- **Combating racism, xenophobia, and discrimination**
- **Combating anti-Semitism and intolerance and discrimination against Christians, Muslims and members of other religions**
- **Prevention and responses to hate crimes in the OSCE area**

*Rapporteur: Mr. John McKane, Political Officer, United States Mission to the OSCE*

**No. of statements: 49**

**Delegations: 9**

**Civil Society: 39**

**OSCE Institutions: -**

**International Organizations: 1**

**Media:**

**Rights of reply: 13**

During the first of three plenary sessions on promoting tolerance and non-discrimination, multiple participating States and non-governmental organizations condemned increases in xenophobic, anti-Semitic, anti-Muslim, and anti-Christian incidents, and expressed support for the OSCE's "Turning Words into Action" project to address anti-Semitism in the OSCE region.

The first introducer, Mr. Mohammed Kozbar, Chairman of the Finsbury Park Mosque, called on all participating States to embrace the integration of minority communities, address anti-Muslim hatred, and reject extremists who aim to divide communities. The second introducer, Ms. Anna Chipczynska, President of the Warsaw Jewish community, focused on the importance of Holocaust education and commemoration in ensuring the security of the Jewish community, stressing that the physical, societal, and financial security of the Jewish community is vital.

Ingeborg Gabriel, Personal Representative of the OSCE Chairperson-in-Office on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, said that all religions can further the rights of women as equal persons with equal rights, any inter-religious dialogue should include a component on gender equality, and gender-based violence cannot be supported by traditional or religious values. Personal Representative on Combating Anti-Semitism Rabbi Andrew Baker noted anti-Semitic sentiments expressed in some participating States and called for "clear language of condemnation" from the highest levels of national governments. Baker also called on some governments not to allow racist demonstrators to threaten or commit violence against Jewish individuals or communities. Bülent Şenay, Personal Representative of the OSCE Chairperson-in-Office on Combating Intolerance and Discrimination against Muslims, stressed the urgent need to address the rise in anti-Muslim incidents, while highlighting positive work being done by law enforcement in some participating States to disaggregate and report their data on anti-Muslim hate crimes.

Several participating States and civil society representatives called on the OSCE to adopt a working definition of anti-Semitism as has been adopted by the International Holocaust Remembrance Alliance. Numerous NGOs condemned one participating State's use of its anti-extremism legislation to clamp down on unofficial religious activity not associated with the state-affiliated religion. One large grouping of participating States stressed the interconnectedness of all fundamental freedoms and called on the OSCE to adopt a single, unified approach to address all forms of prejudice and discrimination, instead of the current configuration of a focus on anti-Semitism; discrimination against Muslims; and racism, xenophobia, and discrimination against Christians and other religions. Freedom of religion and tolerance are inseparable concepts, several participating States claimed, and fundamental freedoms and human rights should never be in competition with one another.

Several speakers called on OSCE participating States the adoption of recent laws in some participating States barring religious dress as discriminatory. Some non-governmental organizations expressed anti-Muslim views during the session, prompting the moderator to repeatedly call for all participants to abide by OSCE tolerance commitments. Multiple participating States said it was unfortunate to hear so many anti-Muslim statements and noted robust OSCE commitments against intolerance and supporting free expression. Some participating States called on OSCE executive structures, like the Office for Democratic Institutions and Human Rights, to do more to combat discrimination and intolerance against Christians and Muslims.

Multiple civil society representatives and several participating States criticized one participating State for unduly restricting the rights of religious minorities whose activities were outside of state-sanctioned religious activity. Equal protection against discrimination and intolerance must be afforded by governments to non-believers as well as lesbian, gay, bisexual, transsexual, and intersex persons as well, according to several civil society representatives and participating States. One participating State made the point that, while the OSCE region faces challenges from globalization, migration, urbanization and rapid technological advances, societies and governments should embrace diversity and inclusivity.

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

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

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

**Recommendations** made by participants during this session include (non-exhaustive list):

### **OSCE participating States should:**

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

### **OSCE Institutions, executive structures and field operations should:**

- Evaluate its tolerance and non-discrimination work in light of fundamental freedoms;
- Use the IHRA working definition of anti-Semitism;
- Increase the capacity of tolerance and non-discrimination efforts and programs;

- Participate in discussions on 2014 Declarations;
- Raise awareness on growing intolerance;
- Recognize the term Islamophobia;
- Continue and further develop its work on hate crimes;
- Work together with the three Personal Representatives of the Chair-in-Office to ensure a better coherence and efficiency of their work;
- Develop a clear and just definition of hate speech;
- Facilitate exchange of experience among the participating States on prevention of and response to hate crimes and combating racism, xenophobia and discrimination;
- Strengthen co-operation with other relevant intergovernmental bodies addressing issues of tolerance and non-discrimination;
- Support regional, sub-regional and national initiatives on monitoring and protecting human rights, including the issues of tolerance and non-discrimination;
- Field operations to support interaction between public authorities and civil society on human rights monitoring and protection, including combating hate crimes and other manifestations of intolerance;
- Field operations to establish projects on teaching tolerance in the educational institutions and working together with authorities to develop human rights programs in the educational curricula.

## **Working Session 8 (specifically selected topic): Tolerance and non-discrimination**

*Rapporteur: Mr. Eduardo Carrasco, Counsellor, Permanent Representation of Spain to the OSCE*

**No. of statements: 49**

**Delegations: 9**

**Civil Society: 40**

**OSCE Institutions: -**

**International Organizations: -**

**Media: -**

**Rights of reply: 14**

This working session on tolerance and non-discrimination was opened by Ms. Karoline Fernandez de la Hoz, Director of the Spanish Centre for Racism and Xenophobia (OBERAXE), Secretary General's Office for Immigration and Emigration, Ministry of Employment and Social Security of Spain, and Mr. Fiyaz Mughal, Founder and Director of Faith Matters, Founder and former Director of Tell MAMA Project.

In her presentation, Ms. Fernandez de la Hoz referred to the Spanish itinerary to combat hate crimes. It is based on 5 lines of action including the approval of Comprehensive Strategy 2011; amendment to the Penal Code in 2015; reform of the State Attorney General's Office to create positions of special prosecutors; training security forces and law enforcement officials; and awareness-raising and co-operation with public institutions and civil society. She also pointed out that collaboration between partners is essential for successfully fighting against hate crimes. At the same time reliable information allows for best strategies to address policies against hate crimes.

The second introducer, Mr. Fiyaz Mughal, stressed that coalition building is instrumental in a globalized environment as it provides more opportunities. By entering into coalitions, a foundation is set on shared values. As an example of forging coalitions, he referred to the Tell MAMA Project's work in partnership with the Community Security Trust (a charity that works on Jewish Community security) and the Gallup organization (on LGBTI issues). Mr. Mughal also stated that Tell MAMA's commitment to sending the message that the Muslim community would challenge anti-Semitism and homophobia is also critical to working together in coalition to address all forms of discrimination and hate crime. It also pushes aside narratives attempting to exclude communities of different background. He retained as key issues: looking for potential partners; co-operation with public officials, including police and law enforcement agents; political inclusion and taking advantage of the social media as a way to spread messages of tolerance and non-discrimination. Finally, he underlined that victims should be the centre of the hate crime policies.

The majority of interventions focused on the importance of promptly investigating hate crimes; compiling statistics on hate crimes and providing access to justice for victims. Others called on reinforcing the fight against hate crimes committed on Internet while preserving the freedom of speech. One delegation expressed concern over stigmatization of the entire Muslim communities because of terrorist attacks committed by individuals. In this regard, Islamophobia was also frequently mentioned and the need to counter its negative narrative. At the same time it was stressed that all forms of religious discrimination should be addressed.

Finally, a number of civil society representatives warned against the violation of human rights under the pretext of participating States tackling terrorism.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Actively co-operate with ODIHR and collect data; support civil society organizations in prevention of hate crimes with police, prosecutors by exchanging data and allowing for third party reporting of hate crimes; compile statistic on hate crimes and provide access of victims to justice; reinforce the fight against hate crimes committed on Internet while respecting freedom of expression; prevent hate speech and crimes through education on human rights; and promote diversity;
- Repeal all blasphemy laws;
- For Kazakhstan to bring its legislation on religious communities in line with international human rights standards;
- For Ukraine to apply Hague Recommendations on education;
- For Armenia to adopt a stand alone anti-discrimination law explicitly naming LGBTI as protected characteristic, comply the religion laws excluding discriminatory provisions and introduce definition of hate speech. Revise textbook of history of Armenian church and eliminate indoctrinations and provide opportunities for other religions;
- For Kazakhstan to establish a special department within Ministry of religious affairs and invite ODIHR to train the staff on how to ensure human rights and tolerance;
- Address all forms of religious discrimination. Provide training for law enforcement and prosecutors on agreed commitments in this area;
- For Ukraine to ensure a comprehensive approach towards tolerance and non-discrimination principles, especially when it comes to implementation of the Action Plan on execution of the National Human Rights Strategy 2020. Include sexual orientation and gender identity characteristics into the Criminal Code, as per the Action Plan.

### **Recommendations to the OSCE/ODIHR:**

- Prevent Ukraine from adopting the draft law on religion which is in violation on principles of freedom of religion;
- Monitor closely the forceful deportation of discriminated Mesketian Turks of Georgia and the government of Georgia's attempts to assimilate the population;
- Include more data in its hate crime report on cases on intolerance and discrimination against Christians in Europe;
- Pay attention to attacks against Muslims in participating States;
- Train the staff of Kazakhstan's Ministry of Religious Affairs;
- Provide assistance to the Czech Republic on implementation of the Basel Declaration for religious tolerance;
- Contribute in raising awareness on notable hate crimes.



## **Working Session 9: (specifically selected topic) Tolerance and non-discrimination**

*Rapporteur: Mr. Tarash Papaskua, Counsellor, Permanent Representation of Georgia to the OSCE*

**No. of Statements: 29**

**Delegations: 7**

**Civil Society: 22**

**OSCE Institutions:-**

**International Organizations:-**

**Media:-**

**Rights of Reply: 6.**

The session aimed at discussing ways of how to best counter cultural prejudices and promote tolerance and non-discrimination. The role of effective education in schools, the need for educating young population, students as well as the teachers, the role of the media and governments were examined with a view to promoting appreciation for cultural and religious diversity.

Ms. Sarah Soyei, the first introducer, an executive director of EqualiTeach, a UK-based non-for-profit equality and diversity training and consultancy organization, spoke about rising intolerance towards Muslims in Europe, including towards children in schools, and what needs to be done to counter it. She particularly emphasized the important role of schools, stressing that schools are uniquely placed to counter misunderstanding and stereotypes. She underlined the negative role that media plays in contributing to rising hostility. Ms. Soyei reviewed the relevant UK legislation and national efforts with respect to the role of schools in fostering relations and promoting community cohesion. Among the barriers that exist she identified lack of time and possibilities for young people to discuss issues related to tolerance, lack of confidence on the part of teachers and lack of awareness amongst the wider public about the topic. Ms. Soyei also highlighted the importance of effective social justice education that is based on human rights and called for more engagement with local communities and ensuring inclusive approaches within schools, all of which represent elements of good practice in actively challenging prejudice.

Mr. Mark Weitzman, second introducer, from the Simon Wiesenthal Center in New York talked about the importance of remembering Holocaust and its victims, and to that end, stressed the significance of the January 27, the date commemorating Holocaust. He noted that today there is a paradox: while on the global scale there is a wider commitment to the commemoration and common values, these same values are under threat due to increase of extreme nationalism, Holocaust distortion and denial, all serving the purpose of evading responsibility. Mr. Weitzman spoke of few countries with negative developments, where governments' proposed actions, such as including anti-Semitic writers in teaching curricula, minimizing the number of victims of holocaust, etc. are aimed at erasing history and replacing them with myths. He stressed the important role the OSCE and International Holocaust Remembrance Alliance (IHRA) play in reminding the international community what anti-Semitism can lead to.

He also underlined the importance of ODIHR's project *Words into Action* which aims at assisting the participating States through producing policy guidelines on education. He encouraged the participating States to join the initiative and contact ODIHR. Mr. Weisman also thanked the Romanian chair of IHRA for the efforts to adopt the common definition of anti-Semitism.

Many of the interventions focused on the importance of education and ensuring that youth have access to education and opportunities for success. The role that youth play in promoting social progress was also widely acknowledged. Many of the speakers underlined the specific cases in different OSCE participating states where there is a lack of opportunities for education for national minorities and where the government proposed amendments to the laws on religious organizations are of discriminatory nature and have the potential to restrict their activities.

A number of participating States talked about their respective legislation and initiatives taken to combat hate crimes, racism, xenophobia and discrimination, as well as to promote inter cultural exchange. In light of increased number of cases of intolerance and discrimination, the need for respect for different cultures and religions and refraining from imposition of one's views was called for. The reference was also made to the use of term *tolerance* as having a negative connotation for minorities and was suggested to replace it with the term *inclusiveness*.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Work together with ODIHR to prevent and combat all forms of intolerance and discrimination;
- Contact ODIHR and join ODIHR's Words into Action project;
- Work together with civil society towards inclusive societies by promoting diversity, dialogue and tolerance;
- Promote education among students, teachers, as well governments officials and awareness-raising to prevent intolerance and discrimination among police and prosecutors;
- Allow access to Crimea for the OSCE Special Monitoring Mission to Ukraine.

**Recommendations to the OSCE executive structures:**

- For ODIHR to support regional, sub-regional and national initiatives on monitoring and protecting human rights, including the issues of tolerance and non-discrimination;
- For ODIHR to assist participating States in developing guidelines for educators on tolerance and non-discrimination;

- For ODIHR to assist participating States in developing guidelines for intolerance against Christians;
- For the OSCE to include the discrimination against people of African descent into the mainstream discussion on racism and xenophobia;
- For ODIHR to facilitate dialogue within countries to improve situation with regard to the right of religious freedom;
- For the OSCE to raise awareness on remembrance of genocide. For ODIHR to assist participating States in implementing the Ljubljana Ministerial Council decision on Tolerance and Non-Discrimination;
- For the OSCE to detect how countries approach history to make the story of an ethnic minority a separate subject;
- For the OSCE to promote better education of police towards people changing religious faith, include crimes motivated by hostility to apostates into definition of hate crimes, robustly reject calls for blasphemy law, promote concept of equality before the law.

## **Working Session 10: Tolerance and non-discrimination I, including:**

- **Rights of persons belonging to national minorities**
- **Roma and Sinti issues, including implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti**
- **Preventing aggressive nationalism, racism and chauvinism**

*Rapporteur: Mr. Davit Knyazyan, Deputy Head, The Delegation of the Republic of Armenia to the OSCE*

**No. of statements: 53**

**Delegations: 13**

**Civil Society: 39**

**OSCE Institutions:**

**International Organizations: 1**

**Media:**

**Rights of Reply: 15**

The working session 10 was devoted to reviewing of implementation of the OSCE commitments in the field of human rights of persons belonging to national minorities, improving the situation of the Roma and Sinti people in the OSCE area and related challenges of aggressive nationalism, racism and chauvinism. Participants discussed state of affairs in regard to this wide range of topics and main challenges, as well as exchanged recommendations and best practices.

The first introducer Ms. Ilze Brands Kehris highlighted the link between protection of human rights of national minorities and prevention of conflicts. She referred to Ljubljana Guidelines, which clearly identify that integration of diverse societies goes hand in hand with implementation of the rights of persons belonging to national minorities. Among the current challenges she indicated growing divisiveness, rhetoric and policy in a number of states, which leads to exclusion, polarization of societies and feeds intolerance, racism and radical nationalism. She also referred to the tendency of securitization of national minorities and their rights. Ms. Brands Kehris underlined the need to assess and review the achievements and shortcomings of participating States' national strategies, as well as the urgency of a renewed effort to develop and implement effective policies facilitating integration of society. She indicated that often national efforts stop once the integration strategy is created and practical implementation, as well as review mechanisms remain a challenge for many states. She stressed the need of allocation of human and financial resources to move towards effective implementation and the need to develop strategies based on disaggregated data and evidence. Ms. Brands Kehris called to direct efforts to local level, including municipalities, which are better placed to develop participatory mechanisms. In this context she mentioned the promising establishment of network of cities and local authorities sharing experiences on intercultural and integration policies and supporting inclusion and bottom-up approach. However there is need to have comprehensive national strategies. Equal participation requires focus on the most

marginalized and excluded groups, quality of minorities' political participation and access to reliable information. Ms. Brands Kehris referred to some positive initiatives in different participating States such as association between police, human rights commissions, minority communities and youth leaders.

The second introducer Dr. Iulius Rostas referred to the 2003 OSCE Action Plan on Roma and Sinti as the first comprehensive policy document setting standards for Roma and Sinti integration at international level and inspiring processes in other international fora, such as adoption of the EU Framework on National Roma Integration Strategies up to 2020. Roma and Sinti people continue to remain vulnerable and face racism and discrimination in all spheres of public life. In this context he referred to the decade of Roma Inclusion 2005-2015, the Council of Europe Strasbourg Declaration of 2010, national strategies and programmes as additional documents reflecting the challenges faced by Roma and Sinti. Dr. Rostas highlighted positive policy from past experience such as setting of participatory mechanism to ensure meaningful participation of Roma and Sinti with special attention to women and youth. He emphasized the importance of engaging Roma and Sinti communities in design and implementation of relevant national policies. He stressed the role of local authorities in practical implementation of national policies. He referred to the challenge of anti-gypsyism as a special form of racism towards Roma and Sinti. Combating anti-gypsyism should be cornerstone national strategies to prevent reproduction of inequality between Roma and Sinti and majority population. He attached importance to countering segregation of Roma and Sinti in schools, addressing their inadequate living conditions, mainstreaming gender. Dr. Rostas also stated that financial allocations and adequate resources should back plans and documents which requires data, monitoring and evaluation mechanisms to provide feedback in real time and adjust.

Many delegations commended the appointment of the new High Commissioner on National minorities and pledged their support to the Institution. They stressed their adherence to the protection of human rights of minorities to ensure peace and stability. One delegation underlined the importance of the HCNM activities without double standards and equal attention to the OSCE area, stressed the need to put an end to the isolation of Roma and Sinti people and also touched upon the issues of statelessness and discrimination on ethnic grounds. Another delegation highlighted issues of violation of human rights of national minorities in a number of the OSCE participating States, including their discrimination, torture and enforced disappearance, as well as called for greater efforts of some participating States to address the human rights of Roma and Sinti communities. One delegation emphasized the need for national minorities to have a sense of belonging and political participation in order to ensure stability. Another delegation presented its constitutional and legal framework, as well as referred to preparation of specific law targeting rights of national minorities in cooperation with the Council of Europe. One delegation mentioned establishment of early warning system to promote peace and identify conflict potential at early stage, as well as activities of monitoring centre and specific centres in areas with high percentage of ethnic minorities.

Several delegations presented their efforts to promote equal access to education for Roma and Sinti people as means to support Roma integration in mainstream educational system. Among best practices they highlighted the erection of memorial of genocide of the Roma and Sinti people in consultation with survivors and national campaigns against racism and hate speech, addressing also anti-gypsyism.

The discussions focused also on the language rights. A number of participating States raised the issue of violation of the rights of national minorities to get education in their mother tongue, including through imposing legislative restrictions. Other participating States highlighted their good practices of protection of rights of national minorities, and referred to good practices, such as bilingual education and minority education schools, which combine education of the state language and mother tongue. Creation of cultural centres, co-ordination boards and working groups focusing at inclusion of national minorities and Roma and Sinti people, broadcasting and publications in national minority languages were also highlighted as good practices of protection of rights of national minorities.

An NGO presented its experience in countering religious extremism on the Internet. A number of NGOs referred to cases of violation of human rights of national minorities, including restrictions to political participation, discrimination on ethnic grounds, language discrimination, prohibition of use of minority language in public sphere, marginalization and campaign of bigotry targeting national minorities, violation of their human rights and fundamental freedoms under pretext of fighting terrorism, violation of property rights, expropriation of places of worship and closure of religious institutions. A group of several NGOs presented cases of human rights violations of Roma and Sinti people, including right to education, intolerance and discrimination in public life, inadequate living conditions, healthcare issues, problems with registration documents. They referred to problems with practical implementation of national action plans and strategies due to lack of financial resources, monitoring mechanisms and non-sufficient engagement with Roma and Sinti communities. Specific vulnerability of Roma and Sinti women and children and travellers was underscored. Anti-gypsyism was mentioned as root cause of marginalization of Roma and Sinti people in the OSCE area.

One international organization presented its activities to improve the policies of member states on the integration of Roma and Sinti people at regional level and declared its readiness to participate in the elaboration of an official strategy and national action plan, budget and donor funding. It encouraged the governments to adopt regional standards for the proper budgeting of Roma and Sinti integration strategy.

Participating States in their replies refuted the raised criticism, by referring to their national policies and strategies and achievements in their implementation. In doing so they emphasized their commitment to take on board the recommendations of international organizations and reasserted their commitment to protection of the human rights of persons belonging to national minorities and rights of Roma and Sinti

people. Reference was made to reports of international organizations, which have reflected positive trends in implementation of Roma and Sinti inclusion strategies. Participating States also disagreed with criticism of discriminatory practices ethnic grounds and stated that naturalization has taken place in the country. Protection for freedom of expression was touched upon and at the meantime hate speech and hate crime were condemned.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Meet their international commitments and co-operate with the HCNM in granting the Office full and unrestricted access;
- Ensure that persons belonging to national minorities are able to exercise their rights without facing discrimination and in equality before the law;
- Involve national minorities in public life through active rather than formal representation. They should be granted full access and inclusion in policies and strategies;
- Create mechanisms for effective participation of Roma and Sinti with focus on women and youth, in policy processes concerning them;
- Put countering anti-gypsyism at the core of their policies in regard to Roma and Sinti people;
- Promote equality and social inclusion of Roma and Sinti;
- Allocate adequate financial resources, create effective monitoring and evaluation frameworks, set quantifiable indicators and targets and collect disaggregated data in monitoring the impact of integration strategies of Roma and Sinti;
- Take effective measure to ensure the respect for fundamental rights and the participation of Roma and Sinti and women and girls;
- Place greater emphasis on education, employment, access to education, fight against violence against the community, including domestic violence, human trafficking and forced marriage issues and its codification in national legislation;
- Guarantee education in minority languages at all levels. Participating States should allow the use of min language in areas largely populated by national minorities and refrain from restrictive measures in this regard;
- Roma and Sinti people should be recognized as national minorities and get citizenship rights;
- Participating States are encouraged in going beyond representation mechanism to ensure Roma participation in policy making through the use of deliberative methods such as participatory budgetary planning;
- Participating States are encouraged to adopt human right based inclusion perspectives that go beyond formal participation;
- OSCE should be more present in the field and support Roma and Sinti communities in implementation of their basic rights and access to political participation;

- Facilitating atmosphere for Roma and Sinti people should be created in order to assist them in their self-realisation through education.
- Continue issuing ID to Roma and Sinti persons under simplified administrative procedures, provide shelter to girls and women, as well as elaborate special programme for victims of domestic violence and abuses and prevent forced marriage.
- Monitoring of comments in online newspapers and launching of a campaign on countering anti-gypsyism and discrimination against Roma and Sinti people.

**Recommendations to the OSCE and its Institutions:**

- The HCNM needs to make full use of its tools, including quiet diplomacy;
- ODIHR and HCNM should closely monitor situation with rights of national minorities in certain OSCE participating States;
- OSCE should keep in its agenda protection of human rights of Roma and Sinti people.



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

- **Combating trafficking in human beings**
- **Refugees and displaced persons**
- **Persons at risk of displacement**

*Rapporteur: Ms. Amélie Delaroche, Counsellor, Permanent Representation of France to the OSCE*

**No. of statements: 49**

**Delegations: 18**

**Civil Society: 30**

**OSCE Institutions: -**

**International Organizations: 1**

**Media: -**

**Rights of reply: 11**

The first introducer, Amb. Madina Jarbussynova, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR) noted that the OSCE remains a pioneer in the field of human trafficking and applies a human rights and victims-centred approach in countering anti human trafficking, basing its activities also on ODIHR's work on National Referral Mechanisms (NRMs). Despite some progress by the Participating States, she noted the major challenges in the implementation of relevant human dimension commitments and legislation. She called for all relevant stakeholders for regular communication between relevant actors, including those residing in countries of origin, transit and destination. She emphasized the need for a multidisciplinary and multi-agency approach to counter human trafficking. Convinced that adopting an all-inclusive approach will help translating human dimension commitments into concrete actions, the OSR co-operates closely with the OSCE executive structures, field missions, civil society and other relevant actors. The OSR stressed that four pillars serve as a key component to any national strategy to combat human trafficking: prevention, protection, prosecution and partnership. In her concluding remarks, the OSR reiterated her readiness to support participating States, with the help of current and incoming Chair-in-Office, and together with the OSCE executive structures.

The second introducer Mr. Yonus Muhammadi, President of Greek Forum of Refugees - himself an Afghan refugee who had been made prisoner by the Taliban regime and escaped - pointed to the critical situation in the Mediterranean region and at the challenges persons face when they decide to flee their countries: Mr. Muhammadi presented this as a choice of last resort and survival. The desire to survive is so strong, people are willing to risk their lives during the journey, and can become victims of smugglers and human traffickers. Mr. Muhammadi recommended devoting more attention to the root causes in the countries of origin, such as wars and conflicts,

aggravated by corruption. He also pointed to the role played by NGOs at the “front line”, often under-resourced, that provide services to refugees living in challenging and sometimes inhumane conditions (hot spots). Mr. Muhammadi called for solidarity, a common and effective asylum policy, durable and sustainable services provided by participating States, support to civil society and more dialogue and co-operation among all stakeholders.

In his concluding remarks, Mr. Muhammadi reiterated the key role of civil society in providing services and assistance to victims of human trafficking and also in the creation of policy and awareness-raising about trafficking. This is crucial as persons are not always aware they are being victims of trafficking.

State representatives expressed their support for the mandate and the work of the OSCE Special Representative and underlined their commitment to combat human trafficking, which for some participating States was presented as a national priority. They highlighted that human trafficking remains a huge challenge for the international community as a whole. Therefore, combating human trafficking needed to be addressed at international level with all actors (including the private sector), based on a multidisciplinary approach.

The need to early identify and protect victims of human trafficking and to prevent trafficking in human beings among the most vulnerable groups, especially unaccompanied minors and women (gender-sensitive approach), was underlined by several participants.

A number of delegations shared their good practices with the audience by presenting for example their national action plans for combating trafficking in human beings, laws on labour migrants, recent steps taken in combating sex tourism, reception arrangements for migrants and refugees in some specific regions, laws of rehabilitation of victims of trafficking, efforts to strengthen the capacity of the NRM etc.

The specific challenges with regards to the current migration and refugee crisis was stressed on a number of occasions. Some participants noted with concern that the international community is not sufficiently prepared to deal with the current humanitarian crises.

The situation of people residing in conflict territories was also mentioned. Many called upon the participating States to ensure the right of internally displaced people (IDPs) to a safe, dignified and voluntary return, as stipulated in the UN Guiding Principles on Internal Displacement. Some participating States called for the immediate withdrawal of occupying forces from their territories and the prohibition of discrimination when addressing the issues of displaced and vulnerable groups.

Many participating States also expressed their readiness to co-operate with ODIHR in strengthening its anti-trafficking activities.

The importance of close co-operation with civil society was underlined by all. Its role as a service provider but also in creating and implementing policies with State authorities, in raising awareness, or in uncovering new trend and cases, was highlighted.

Civil society representatives reminded participating States of their obligations as enshrined in the international legal regime and relevant protocols (e.g. CEDAW, Palermo protocols). They stressed the need for increased efforts by participating States to identify victims, such as undocumented migrants, workers in informal economy and sex-workers, as well as the need for better and adequate assistance to these persons and access to remedies for victims of trafficking.

Some participating States welcomed the OSCE Ministerial Council Decision 3/16 which embeds displacement of persons in the OSCE concept of comprehensive security.

One participating State informed it would launch call for action by international community to put the relevant Sustainable Development Goals (SDGs) into practice to fight modern slavery, a challenge that required a global and coordinated response.

Some other specific issues were raised, such as: the issue of the kidnapping of children residing in third countries, the challenges faced by some groups when applying for refugee status in other countries; the need to differentiate between economic migrants and political refugees, the forced displacement/deportation from some occupied territories where international community was not being granted access to, the cotton harvest in some participating States, the absence of legal standards to provide refugees with citizenship in some participating States or measures allowing for citizenship to be taken away; the role of the internet as a tool for recruitment but also to combat trafficking.

One NGO asked 2 participating States to grant political asylum to their representatives, who faced the risk of being sent back to their country of origin where their religious movement is banned and they face persecutions. One participating State was criticised by an NGO for not letting Muslim refugees in and inquired about one legislation. Another NGO criticised one participating State for granting visas to exploited workers from a country outside the OSCE region.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Improve the implementation of their international commitments regarding trafficking of human beings;
- Include civil society as equal partners in decision making and policy development processes;
- Pay attention to new techniques used by traffickers;

- Devote more attention to the root causes of migration in the countries of origin;
- Show more solidarity in the migration crisis;
- Enhance awareness raising about trafficking;
- Ensure IDP's right to a safe, dignified and voluntary return;
- Sign the Palermo Convention and its Protocol;
- Strengthen international co-operation for addressing trafficking in Human Beings;
- Improve early identification and protection of victims taking gender specific measures and a child centred approach;
- Improve the effectiveness of investigations and prosecutions of perpetrators, including by strengthening police and judiciary cooperation against traffickers;
- Raise awareness among migrants, asylum seekers and refugees along migration routes about the risks that they can encounter;
- Ensure better victim protection by bringing policies and practices in line with a victim based approach;
- Mainstream combating of human trafficking when addressing crises and conflict;
- Look into the situation of migrants from sub-Saharan Africa and ensure effective operation of NRMs to protect these persons;
- Share best practices on the role of the Internet in combating human trafficking.

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

- Further promote co-operation with civil society;
- OSCE executive structures and field operations should work closely together to enhance response to human trafficking on the ground;
- Pay close attention to the issue of human trafficking particularly in the context of conflict situations;
- Address trafficking in human beings from a cross-dimensional perspective, with human-rights centred and gender-based approaches, enhancing the focus of the OSR on implementation of the 2003 Action Plan on Combating Trafficking in Human Beings and its 2013 addendum.

## **Working Session 12: Rule of law I, including:**

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

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

**No. of statements: 49**

**Delegations: 14**

**Civil Society: 31**

**OSCE Institutions: 1**

**International Organizations: 1**

**Media: 2**

### **Rights of Reply: 13**

Working session 12 was devoted to issues related to the prevention of torture, the abolition of the capital punishment and the protection of human rights while combating terrorism.

The session was introduced by Dr. Mykola Gnatovskyy, President of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and Mr. Nadim Houry, Director of Terrorism and Counterterrorism Program of Human Rights Watch.

Dr. Gnatovskyy provided an overview of the role and mandate of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. He highlighted the benefits of the periodic visits the Committee does to places of detention in Council of Europe Member States. He also underlined the importance of discussing this topic, pointing out some of the current challenges, in particular the limited access to areas of conflicts which are not covered by human rights monitoring mechanisms.

Mr. Houry focused his intervention on the protection of human rights while combating terrorism. He alerted to the fact that the traditional criminal justice response, based on the Rule of Law and the judicial system, is being undermined. He pointed out some significant negative trends: the banalization of the state of emergency; broad definitions of terrorism; the criminalization of certain forms of expression that fall short to being incitements to violence in order to silence legitimate forms of expression; the use of administrative control measures to restrict freedom of movement; and the expansion of indiscriminate mass surveillance.

Several delegations reminded the absolute prohibition of torture, and that no circumstance whatsoever may justify torture or cruel and degrading treatment. Several

speakers pointed out that despite the commitments, torture and other cruel treatments, as well as enforced disappearances still persist in the OSCE region. Several delegations and representatives of civil society shared concrete cases related to the use of torture and enforced disappearances, including allegations of systemic use of these practices in some participating States. Some speakers also mentioned the particular situation in areas of conflict.

Several interventions addressed the issue of the death penalty. One group of participating States called for a global moratorium as a step towards abolition of the death penalty, referring its cruel, inhuman and degrading nature even when backed by due process in a democratic system. Some speakers expressed concern with public appeals for the re-introduction of the death penalty.

Many delegations reminded the importance of respecting human rights while countering terrorism and preventing violent extremism and radicalization. Some participants referred to negative developments in this field in the OSCE area. Several speakers underlined that the protection of human rights and the fight against terrorism are complementary rather than contradictory, adding that measures to counter-terrorism that do not respect human rights and the rule of law are ineffective and counter-productive.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Take necessary actions to end torture and other ill treatment, and prevent enforced disappearances;
- Ratify the Optional Protocol to the Convention against Torture (OPCAT), the International Convention for the Protection of All Persons from Enforced Disappearance, the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) concerning the abolition of the death penalty, and all other related international human rights instruments in this field;
- Introduce a moratorium on executions and death sentences with a view to the complete abolition of the death penalty;
- Support the UN General Assembly Resolution calling for a global moratorium on the death penalty;
- Establish National Preventive Mechanisms in accordance with OPCAT;
- Investigate allegations of torture and excessive use of force by law enforcement and bring those responsible to justice;
- Provide training to prison staff;
- Guarantee independent monitoring of places of detention by domestic and international bodies;
- Ensure that fighting terrorism is in line with human rights, the rule of law and OSCE commitments;

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

- OSCE bodies should remain engaged in the field of preventing torture, including by providing assistance to the participating States, and continue to address existing shortcomings.

### **Working Session 13: Rule of law II, including:**

- **Right to a fair trial**
- **Independence of the judiciary**
- **Democratic law-making**

*Rapporteur: Ms. Zsofia Elek, Deputy Permanent Representative, Permanent Representation of Hungary to the OSCE*

**No of statements: 42**

**Delegations: 7**

**Civil Society: 33**

**OSCE Institutions: 0**

**International Organizations: 0**

**Media: 2**

**Rights of reply: 11**

Working Session 13 on the rule of law addressed the issues of democratic lawmaking, independence of the judiciary and the right to a fair trial.

The session's moderator, Ms. Christine Hirst, Deputy Head of the ODIHR Democratization Department, drew attention to the existing OSCE commitments on the abovementioned subjects. She encouraged participating States to discuss during the session issues listed in the Annotated Agenda, including: challenges they face with regard to carrying out judicial training, selection and appointment in an objective and transparent manner; challenges related to ensuring the independence of prosecutors and lawyers; question of public trust; methods of inclusive and transparent law-making especially on draft legislation relating to judicial reform.

Introducer of the session, Mr. Nils Engstad, President of the Consultative Council of European Judges stressed that the main elements of rule of law is the independence and impartiality. There are different definitions with regard to rule of law but there are two essential components: legality and access to an independent court. The legality also means that during the law-making process the legislator bears in mind the basic principle of rule of law and the protections of human rights. Mr. Engstad stressed the importance of the role of the public in general, and especially of the interested stakeholders. This particularly means the judicial profession while conducting a reform or drafting a law in the field of judiciary. In this context he mentioned his own country, Norway as a positive example but also cited other participating State in a negative context. It is inevitable to have tension between the judiciary and the Government. This calls for safeguards to ensure the independence of the judiciary. Unfortunately the guarantees and safeguards are under attack in several participating States. Mr. Engstad emphasized that it is key to have independent prosecutors free from politicization and political pressure. This is also essential to secure public trust, which may be endangered by the allegation of corruption and overly long procedures. Politicization can lead to self-censorship and can have a chilling effect on the judicial system. Mr.



Engstad noted that in a wider context political pressure on the judiciary can have a negative effect on other fundamental freedoms, such as the freedom of expression or freedom of the media.

A group of participating States stressed the importance of the rule of law in democratic societies, highlighted that an independent and impartial judiciary is crucial for ensuring the rule of law and guaranteeing the right to a fair trial. Some stressed the close link between human rights, rule of law and democracy. Participating States also highlighted the importance of the principle of separation of powers.

Many civil society representatives as well as some delegations referred to negative developments in the OSCE area, including with regard to torture, ill-treatment and impunity; arbitrary arrest and detention; political prisoners and their disappearance; government response following a coup; measures against lawyers defending human rights defenders; challenges to the principle of non-refoulement; shortcomings in ongoing reforms in the field of judiciary and lack of transparent and democratic procedures for appointing officials. Delegations and NGOs referred to many individual cases.

Many speakers underlined the importance of civil society's effective participation in the lawmaking process.

Several participating States outlined their judicial reform processes and other steps being taken in their countries to further the rule of law and the independence of the judiciary.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Respect the separation of powers, in particular, although not limited to, the separation between judicial power and executive power;
- Make lawmaking processes as inclusive as possible. Make legislation accessible to all citizens. Improve civil society's involvement in legislative processes;
- Guarantee the right to a fair trial;
- Support lawyers and human rights defenders in their trial monitoring activities and reporting;
- Strengthen professional guarantees to lawyers working in the field of human rights protection;
- Ensure that any personal liability of judges is regulated by precise and consistent laws and is compatible with the independence of the judiciary;
- Ensure that all those who have been imprisoned solely to punish them for peacefully exercising their rights to freedom of expression, association, assembly, religion or belief are released immediately and unconditionally;

- Ensure that all other political prisoners are retried in proceedings which meet international standards on fairness;
- Ensure that all reports of intimidation, harassment, arbitrary detention, torture or other ill-treatment, and fabrication of charges against human rights defenders and other civil society activists, dissidents and opposition politicians, lawyers, journalists and bloggers are investigated promptly, impartially and thoroughly and that the perpetrators are brought to justice;
- Ensure that human rights defenders, other civil society actors, opposition politicians, lawyers, journalists and bloggers, and religious activists are able to carry out their peaceful legitimate activities without fear or threat of reprisal, unlawful restrictions and arbitrary prosecutions;
- Ensure full compliance with the rule of law in responding to a coup.

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

- Monitor the situation in the field of judiciary in participating States;
- Carry out a comparative study of independence of the judicial system and present it at next year HDIM.

## **Working Session 14 (specifically selected topic): Economic, social and cultural rights as an answer to rising inequalities**

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

### **Working Session 14**

**No of statements: 23**

**Delegations: 9**

**Civil Society: 14**

**OSCE Institutions: -**

**International Organizations: -**

**Media: -**

**Rights of reply: 8**

Dr. Hanna Machinska, who introduced working session 14, stated that economic, social and cultural rights were closely connected to civil and political rights. In order to ensure full access to the enjoyment of economic, social and cultural rights by everyone in a society, adequate policies need to be in place. She referred to the International Covenant on Economic, Social and Cultural Rights as the main instrument at the international level, as well as to the OSCE commitments on economic, social and cultural rights, going back to the Helsinki Final Act.

Dr. Machinska spoke about the economic crisis in Europe, which has had a negative impact on people's lives in many European countries, depriving many people of their economic, social and cultural rights. When speaking about poverty one cannot describe it as mere lack of material resources, but also as lack of social and cultural ones, creating risks for the whole society. The question of how to fight against social exclusion and how to create inclusive societies is therefore essential. Enhancing social protection is instrumental. Dr. Machinska underlined two fundamental treaties that play an important role in the European context: the European Charter for Human Rights and the European Social Charter adopted in 1961 and revised in 1999. She stressed the need to reinforce the system of the Social Charter in order to improve implementation of economic, social and cultural rights. Dr. Machinska noted that the Agenda 2030 offers another unique opportunity so strengthen economic, social and cultural rights.

Following the introductory remarks a majority of the OSCE participating States underlined that they attach the same importance to economic, social and cultural rights as to civil and political rights. This includes the right to work and form trade unions, the right to family life and to choose who to marry and when, the right to live free from hunger, the right to education and to participation in cultural life. They Indicated that the right to education affects girls in particular who should have the power to make their own choices e.g. on their health, relationships, whether or not to have children and how many. They stressed that all OSCE participating States have the responsibility

to ensure gender equality both in terms of remuneration but also in terms of equal opportunity to be promoted.

A number of speakers welcomed the inclusion of two sessions on economic, social and cultural rights as an answer to rising inequalities on HDIM agenda. They indicated that links between inequality and economic and social rights were mutual and that discrimination arising on various grounds was a significant factor in the limitation of economic and social rights. Several examples were mentioned: horizontal and vertical gender segregation in the labour market, racial and ethnic discrimination as a barrier to enjoyment of rights e.g. by Roma persons, exclusion of children with disabilities from mainstream school system, direct discrimination of LGBT people in employment, religious discrimination, direct discrimination on the basis of political opinion.

One participating State noted that there was an unequal approach towards political and civil rights on one hand and economic, social and cultural rights on the other in the OSCE. It indicated that multilateral human rights structures find it difficult to move away from double standards and politicization. It stressed its readiness to work equally on all categories of human rights and improve situation of individuals in the OSCE region.

Another participating State informed that it is fighting discrimination with several federal laws and enforcement mechanisms, e.g. prohibiting discrimination on rental, sells and home landing transactions on certain grounds as well as in education.

Ensuring minority groups' right to education and health care was mentioned as a challenge in the OSCE region. It is necessary to ensure that all persons in the region have equal rights and freedoms without any discrimination on nationality or ethnicity. This also refers to media in minority languages and cultural events. Poverty in rural areas and lack of psychological support for unemployed persons was also mentioned as a major challenge in certain areas.

One participating State informed that according to the most recent data there were about 100 ethnic minorities on its territory. It explained that in order to ensure peace, stability and peaceful co-existence, a People's Assembly has been created, which contributed to the amendments to the Constitution, which included relevant provisions protecting cultural rights of ethnic minorities. To ensure peaceful co-existence of different ethnic minorities and fight radical extremism, the Assembly follows principles of justice, non-violence, equality and freedom and responsibility.

Another participating State indicated that its Council of Ministers has adopted a National Action Plan for the Implementation of the European Nations Guiding Principles on Business and Human Rights for 2017-2020. It was underlined that National Action Plan was created on the basis of three pillars – state's duty to protect human rights, corporate responsibility to respect human rights and access to remedies. Different actions are planned in the field of education and public information addressed both to companies and consumers.

An NGO informed that in at least ten OSCE countries there are lists of prohibited jobs for women. According to that NGO, governments tend to refer to reproductive health of women as reasons for keeping such lists. The NGO underlined that it is not the State but a woman herself should decide what role she would like to play in a society. A campaign was created entitled 'All jobs for women' with the goal to abolish this ban as discriminatory. One Speaker drew attention to the situation of working migrants' rights and in particular to the situation of women and children. He explained that overall access to education and healthcare for migrants in certain host countries improved but that in order to enjoy those rights workers need to have contracts, which is not always the case. Those migrants without a contract are particularly vulnerable.

One participating State stressed that the enjoyment of economic, social and cultural rights is a key pillar for sustainable development and recalled their importance for people residing in conflict areas. One Speaker indicated that violations of economic, social and cultural rights were the main source of enrichment of authoritarian powers.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Ensure equal access to all levels of education;
- Improve distribution of resources between rural and urban areas;
- Strengthen link between education and labour market;
- Recognize their responsibility to actively promote economic, social and cultural rights without discrimination towards any group and ensure effective monitoring of implementation of those rights;
- Comprehensive anti-discrimination laws should be introduced to increase the enjoyment of economic, social and cultural rights;
- Anti-discrimination laws must be both specific and genuinely comprehensive, providing protection on the full ground of discrimination as recognized by international law;
- All participating States are encouraged to prepare their own National Action Plans for the Implementation of the United Nations Guiding Principles on Business and Human Rights;
- Legislation in several countries which prohibit or limit women access to some professions need to be changed;
- Law enforcement agencies and non-governmental organization should play role in improving situation of working migrants;
- Ratify ILO Convention 143 and the Additional Protocol to International Covenant on Economic, Social and Cultural Rights and other international instruments concerning migrant workers;
- Implement the recommendations by the UN Committee on Economic, Social and Cultural Rights concerning migrant workers;

- Involve OSCE in addressing violations of economic, social and cultural rights of people residing in conflict areas and elaborate measures of protection of these rights.

## **Working Session 15 (specifically selected topic): Economic, social and cultural rights as an answer to rising inequalities (cont.)**

*Rapporteur: Ms. Tanja Milin Horvat, First Secretary, Permanent Mission of the Republic of Croatia to the OSCE / EU Delegation to the OSCE*

**No of statements: 16**

**Delegations: 4**

**Civil Society: 11**

**OSCE Institutions: 0**

**International Organizations: 0**

**Media: 1**

**Rights of reply: 7**

Working Session 15 was open by Moderator, Mr. Pavel Chacuk, Deputy Head of the OSCE/ODIHR Human Rights Department who stressed the importance of the economic, social and cultural rights and their relevance in countering violent extremism.

Ms. Anna Neistat, Senior Director of Research at Amnesty International, in her introductory address emphasized that participating States have to frame the discussion on preventing violent extremism and radicalisation leading to terrorism. If social, economic and cultural rights do not address this issue, measures undertaken to fight against it and prevent it, start to be counterproductive, and fuel the trend of radicalization itself.

Existing practices show that participating States need to analyse drivers of terrorism if they want to achieve tangible results, said Neistat. She referred to the latest UNDP report, which shows that the parameters observed in regards to the most vulnerable groups to be caught by terrorism organisations networks, are globally applicable. The report in question was based on African context but it showed that people born into a marginalized neighbourhood and poorly educated would be prone to point religion as one of the reasons they join the terrorist organization. They usually live in poor economic conditions, are in search of employment and have a sense of grievance towards Governments who are perceived by them as not caring.

According to Neistat, impact of counterterrorism measures and violation of rights have great impact on enjoyment of economic, social and cultural rights while measures to fight terrorism usually encompass redistributing of financial resources from social and education programmes to security sector and the pretext of terrorism leads to shrinkage of space for civil society, minorities and other vulnerable groups. The impact is even more visible in countries that have systemic problems. Targeted sanctions do not come without counter effect neither, shares Neistat, while they can be very effective, they often lack transparency and affect negatively the family of the individual they are targeting. Last, but not least she pointed out that construction of physical barriers to prevent movement of certain individuals or even groups can have

devastating impact on communities like the practice shows in Israel or south-east Turkey.

The introducer ended her intervention by pointing out the OECD key entry action points in regard to minimizing the effect of counterterrorism measures to the exercise of social, economic and cultural rights:

- States should conduct analyses in accordance with interpretative principles of social, economic and cultural rights before putting measures into place;
- Measures implemented should support capacities to resist extreme ideologies, being political or religious, that already exist in community;
- States should provide help to build effective and responsible media and public information strategies which represent also a tool for prevention of violence;
- States should put more emphasis on the donor programs for young people and provide young people with job opportunities in order to prevent creation of vulnerable and disenfranchised youth;
- States should put increased focus on people that are transitioning out of poverty;
- States should strive to make the fight against violent extremism and radicalisation an inclusive process which will reduce support to terrorism.

In the discussion that followed, participating States emphasized that terrorists cannot be associated with race, religion or nationality and that poverty might be a driver for violent extremism – along with the feeling of injustice (real or perceived). Participating States also stressed the importance of respecting economic, social and cultural rights when countering violent extremism and its long-term benefits. They pointed out that migrations led to new threats. The role of the family and the interaction between state and family was highlighted as crucial for economic, social and cultural rights to be correctly implemented and interpreted, including in education. Few mentioned that root causes of violent extremism and radicalization could be linked to lack of future perspective and economic set back.

In their interventions civil society representatives pointed out that language skills can provide better understanding, poverty can lead to economic migrations further leading to radicalization. They highlighted the negative effects that non-transparent government policies can have on society and its vulnerability to violent extremism and radicalization leading to terrorism. Interventions included references to withdrawal of children from their families and the adoption procedures, discriminations in regard to national minorities, and minority groups in general, including in the area affected by conflicts, participation of sport professionals in international contests, domestic violence and sexual violence in the family and freedom of movement of human rights activists. Some of the interventions focused on the theme as pointed out in the annotated agenda and streamlined by the moderator and the introducer, other addressed economic, social and cultural rights in general, while a number of interventions remained outside of the scope of the working session discussions.



The session was closed by Ambassador Christian Strohal, Special Representative of the Austrian OSCE Chairmanship who informed about the appointed special representative on violent extremism with a role is to assist the Chairmanship in formulating recommendations aimed at tackling issues related to the topic. The work carried out by the special representative will help with the formulation of recommendations to be proposed for adoption during the forthcoming OSCE Ministerial Council in December

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Participating States should implement targeted measures aimed at fostering economic opportunities to prevent further radicalization in society;
- Participating States should ensure that there is adequate education in religion providing for clear understanding of religion and cultural background;
- Laws regulating rights of minorities should encompass commitments undertaken in international fora and be duly implemented;
- Rights of populations must not be dependent on territory or places where people live. Every person should be free in exercising her/his rights.

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

- ODIHR should continue to follow closely the destiny of the civil society representatives taking floor at HDIM especially when there are signs that the person might be held accountable for exercising freedom of expression.

## **Working Session 16: Tolerance and non-discrimination II, including:**

- **Equality of opportunity for women and men**
- **Implementation of the OSCE Action Plan for the Promotion of Gender**
- **Equality Prevention of violence against women and children**

*Rapporteur: Ms. Helen Teasdale, First Secretary/Political, United Kingdom Delegation to the OSCE*

**No of statements: 39**

**Delegations: 18**

**Civil Society: 20**

**OSCE Institutions: 1**

**International Organizations: 1**

**Media: 1**

**Rights of reply: 9**

The first introducer, Amb. Melanne Vermeer in her video statement stressed that gender equality is at heart of advancing democracy, peace, security and stability. It was a moral and strategic imperative. Violence against women was one of the biggest and entrenched human rights issues. Amb. Vermeer stated that domestic violence was pervasive: no country was untouched. It was neither a private matter nor cultural - it was criminal. She stressed the toll domestic violence extracts on the victim, but also on society (through economic loss, and the cost of government response). Men and boys must be part of the solution and would also benefit given the impact on their own outlook. Amb. Vermeer also noted the role of women in political and public life.

The second introducer, Ms. Gloria Atiba Davies, explained the work of the Office of the Prosecutor in the International Criminal Court (ICC). She discussed the prevention of violence against women and children and how it was covered by the mandate of the ICC to investigate most egregious of crimes, including sexual and gender based crimes. Ms. Davies noted that her Office also focuses on combating crimes against children, which could include conscription and use of children in hostilities. Crimes against and affecting children also include attacks against buildings dedicated to education. The Prosecutor's role was to fight against impunity. Methods included: integrating gender perspective and analysis into all our work, including investigation and prosecutions; a victim responsive approach; and undertaking investigations in parallel while investigating other crimes. She explained that investigation plans had to include a component on sexual and gender based violence. If decision was made not to investigate crimes, the team leader must justify why. Ms. Davies added that children were victims of sexual and gender based crimes, including in peacetime as well as war. She cited the obligations in the Convention of rights of child.

Ms. Davies expanded on the duty on office on how it interacts with children: there was an obligation on the Court to protect the safety and physical and psychological well being of victims. Obstacles that victims face included: law enforcement officers lacking sensitivity; fear of being accused of a crime; difficulties dealing with stigma;

institutional barriers that exist – such as long cumbersome legal procedures. Ms. Davies referenced UN SCR 1325, and how the ICC contributed to its implementation. Prosecutions send a message that violations of international law, including sexual and gender based crimes will be dealt with. She also highlighted the need for public statements condemning gender based violence. The greatest potential of ICC lay with its interaction with domestic systems, to ensure complementarity. She stressed the need to ensure training, revise legislation, ensure victim support, and provide a strong evidential base. The consequences of violence were far reaching – stigma of sexual and gender based violence, how shame affects ability to come forward and reduces the ability of women and girls to come forward and fulfill lives.

She concluded with an emphasis on conducting further research into violence against women; enhancing partnerships with civil society to improve partnerships; engaging men; and having strong political commitments. She highlighted the Preventing Sexual Violence Initiative of the UK as best practice. In response, one speaker highlighted the challenges that Roma women face, including as a result of low literacy rates, early marriage and discrimination in education, work and healthcare situation.

A large number of speakers welcomed follow up to the Gender Review Conference, greater engagement of men and boys, and noted the challenges that gender discrimination presented.

Many participating States spoke about the advances within their own domestic situation, including adoption of national legislation, ratification or signature of the Istanbul Convention, support to survivors of gender based violence, including practical measures such as helplines and shelters. However, one speaker challenged the positive effect of domestic violence legislation and prosecution. One participating State spoke about the Sustainable Development Goals and Agenda 2030 and how they were working towards implementation. As well as national action plan under UNSCR 1325 and UNSCR 2242. Many other participating States also highlighted the importance of these UNSCRs and outlined their respective work in this field.

Several speakers spoke about steps to increase equality in political life. One speaker mentioned through provisions to ensure that electoral lists have no more than 70% men or women. Another participating State spoke about their domestic legislation and parliamentary committee to ensure gender equality. That participating State also spoke about the impact of the illegal occupation of the autonomous Republic of Crimea and City of Sevastopol on the realization of equality for the people there. They spoke of women's involvement in the military and in conflict resolution.

On participating State noted that equality of men and women was not about making women same as men, which would not advance efforts. They stressed the need for authentic equality between men and women and concrete practical issues, including on issues such as equal pay, fairness in the workplace and promotion, family rights, protection for working mothers as well as those who stay in the home.

One participating State called on countries to ensure equal attention to motherhood, childhood and the family. Stressing that children are our future, they spoke about threats to rights of children: trafficking; sexual exploitation; homelessness; lack of education; risks to disabled children; and child migrants. They said that women should be able to combine career and family. For example through vocational training, support for small and medium sized enterprises, support for civil society organizations that work on women's issues. They noted the international nature of the threat, as a result of trafficking, migration and increased risk of conflict.

Another participating State noted some of the challenges in other participating States, and highlighted best practice and positive steps. Issues included ending early and forced marriage, domestic violence, female genital mutilation, providing support to victims, including migrant survivors of sexual and gender based violence. Another speaker also highlighted issues such as female genital mutilation and honour killings, and the need to educate religious leaders.

Several speakers raised the issue of lack of shelters for victims of domestic violence and problems that women faced when interacting with law enforcement. Other speakers talked of the positive benefit of shelters, and of working with women in rural areas.

More than one participating State noted that when girls are empowered and can make decisions, we see positive effect on the state. When girls and women controlled their sexuality and reproductive lives, including when to have children and child-spacing, the wider situation in the country improved.

One speaker noted how gender inequality affects all, including transgender persons. LGBT persons, sex workers and people with HIV were at risk. They noted the challenge sex workers faced in engaging the police, and suggested that they also faced threats and intimidation from law enforcement. Another speaker highlighted discrimination against LGBT persons in one part of the OSCE region.

One speaker noted provisions in the UN Convention to Eliminate all forms of Discrimination against Women (CEDAW), that set out steps on combating discrimination. The speaker noted that this should include tackling indirect and direct discrimination (for example when encountering public authorities, judiciary and so on). They also stressed the need to recognize and prohibit intersectional discrimination, including sexual orientation, gender identity, disability etc. They noted that Roma and Sinti, lesbians, and young women face multiple discrimination, including gender based violence. Participating States that did not protect them, were failing under CEDAW.

More than one speaker drew attention to the issue of the amendment to legislation of one participating State that decriminalized domestic violence. The speakers suggested that the issue had been misrepresented, and was a matter of equality. One speaker suggested that prosecution of domestic violence without the consent of the victim was a violation of the victim's rights. One speaker raised concerns over legislation that

removed children at risk from families, and suggested that the rights of families and of blood relatives should be given weight.

One speaker raised concern over legislative practices, such as naming of children, restrictions on religious rights that had an impact on the rights of children. And on the ability of children to move about without an adult, and the impact this had on their mental health and growth. One speaker raised concerns about the impact on children when their parents were living in exile and unable to return to their homeland. Another speaker highlighted concerns over women's access to the internet and free media within the OSCE region. They noted the impact it had on women's empowerment.

One speaker briefed on how civil society organizations were working together to improve gender equality and to share best practice and ideas. They would cover a range of issues: multiple aspects of discrimination; not just women as victims, but as agents of change; migration and women migrants; IDPs and conflict areas; economic empowerment; and women's political participation. They noted that the issue of shrinking space for civil society was not gender neutral.

One participating State noted the role of women in situations of conflict and that no woman should be left behind. Women were also the victims of military action. A separate speaker also spoke of women victims of conflict.

One OSCE field operation briefed on the work of their dedicated gender unit. It had provided support to the government on legislation, on protection of victims, and on encouraging reporting of domestic violence.

In exercising their rights of reply, a number of participating States directly addressed the challenges raised by speakers regarding legislation and support for victims of domestic violence. One speaker challenged the assertion that LGBT persons had faced discrimination as had been outlined by another speaker. A number of participating States spoke to condemn the illegal annexation by the Russian Federation of the Autonomous Republic of Crimea and the city of Sevastopol.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Mainstream gender aspect in Roma strategies;
- Ensure equal and non-discriminate access for Roma women in education, political and public life;
- Address child marriage in Roma and Sinti communities;
- Renew domestic measures to address violence against women;
- Adopt a multi-sectoral approach to address violence against women;

- Work towards implementation of the UN resolutions on women, peace and security;
- Ratify Istanbul convention;
- Adopt anti-discrimination legislation;
- Address gender-based violence in armed conflict and in vulnerable groups, including refugees and internally displaced persons;
- Involve women in conflict resolution.

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

- Promote awareness of economic social cost of violence against women;
- Include in training, units on sexual and gender based violence as well as measures on impact. Engage community based policing more on this;
- Support police reform, from force to service.

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

- ODIHR to continue assistance to participating States in advancing political participation of women;
- ODIHR to ensure that engagement is based on common understanding of participating States;
- Promote women's access to all fundamental rights;
- Ensure that recommendations as part of gender review conference are followed up;
- Engage in wide ranging campaign to end gender stereo types;
- Dedicate more resource to women, peace and security agenda;
- Use its role to promote human rights and fundamental freedoms of women residing in conflict areas.

## **Working Session 17: Fundamental freedoms II (continued), including:**

- **Freedom of movement**
- **Migrant workers and the integration of legal migrants**

**No of statements: 20**

**Delegations: 9**

**Civil Society: 10**

**OSCE Institutions:**

**International Organizations: 1**

**Media: 0**

**Rights of reply: 10**

*Rapporteur: Ms. Cordula Geinitz, First Secretary, Permanent Mission of Germany to the OSCE*

The Introducer Olga Poalelungi, Director of the Bureau for Migration and Asylum of the Ministry of Internal Affairs of the Republic of Moldova, elaborated on current tendencies and challenges in policies on migration, such as migrant workers and their legal and effective integration. She reminded that freedom of movement is the basis of global wealth, based on economic freedom, on freedom of goods, welfare and persons. Making reference to commitments laid out in the OSCE documents such as guaranteeing freedom of professional travel or for humanitarian purposes, she called on participating States to find a balance with issues related to the place of residence.

On travel regulation, she stated that although it is important that the state level provides necessary prerequisites for a visa free entrance to EU (e.g. UKR, GEO, MDA), individual aspects always are being considered. The lack of clear documents on the integration of legal migrant workers is also a problem. Instead, some documents of international level are being invoked. She reminded that the right of migrants should also apply to their family members.

Integration strategies and programmes in the receiving state are crucial for successful integration. They should be comprehensive in the way as to also including civil aspects, gender aspects and healthcare. Another important factor noted by Ms. Poalelungi is the existence of institutions and civil society to facilitate the integration process. On the migrants' side, it could be required to fulfil certain levels of language knowledge or level of education; on the other hand, participating States should consider the level of vulnerability of the person. She highlighted that effective integration is often linked to employment. Participating States can support integration into the labour market by offering measures like teaching local language, support the process of recognition of diploma, providing services on vocational training or qualifications. In her view, the present migration crisis is the most serious challenge for policy nowadays.

Participating States and civil society representatives discussed several aspects of migration. While it was generally stated that freedom of movement in the sense of

internal and external travel is a core human right, regulation and obstacles to the exercise of this right were discussed.

With regards to controls of travel, some participating States claimed that so-called blacklists hampered granting visa for individuals, also non-recognition policies. On the other hand, civil society representatives described numerous cases where certain groups of individuals were denied receiving necessary documents by their national authorities. Civil society representatives linked this with professional or civil society activities of these individuals, even if they had been imprisoned for that reason, thus indicating that granting travel documents can be used as a political instrument. The abolition of so-called Exit Visa in some participating States was also welcomed. It was discussed whether ethnic or national reasons could be a reason for limitation in the issuance of travel documents. It was stated that in some cases, the issuance of travel documents were even denied in spite of humanitarian reasons such as necessary medical treatment, and that the denial of travel documents and other restrictive measures by the national authorities affected the individual's capability to leave the country.

Participating States discussed the regulation of temporary labour migration and the complex related questions such as formalities and social security aspects. Control over the legal migration should help avoid illegal migration and negative side-effects such as exploitation of migrants.

Many participants deplored poor conditions in areas of administrative detention which were inadequate with regards to human rights standards, including the right to education. Vulnerable groups were specifically affected, such as women, children, persons with disabilities, stateless persons. Several participants pointed out that notably the practice in some participating States to separate children from their parents had a detrimental effect on these children.

Participants described the situation in areas of conflict as particularly problematic where limitations in freedom of movement is often felt and in view of the affected persons, is linked to other countries authorities. An example was the question how to organize the return to the area of ethnic origin in order to live people to people contact. It was noted that the return of internally displaced persons (IDPs) after long periods of absence can be problematic with regards to many administrative questions; participants also called for increased and timely attention of national justice. A lack of re-integration policies was also observed.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- Ensure rights of individuals to the freedom of movement, to leave and to return to the countries, including their own;



- Ensure the freedom of movement of human rights defenders to conduct their activities;
- Contribute in the coherent way to integration of migrants in the host OSCE participating States and ensure the protection of the migrants' rights and freedoms;
- engage ODIHR as well as Personal Representative of the OSCE Chairperson-in-Office on Combating Racism, Xenophobia and Discrimination in efforts to protect migrants from racism, xenophobia and discrimination;
- Improve the situation in administrative detention areas so as to fulfill human rights standards.

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

- OSCE should pay attention to the existence of the national "black lists", which prohibit some individuals from entering other OSCE participating States in order to comply with the norms and principles of international and European law. The OSCE participating States which are Schengen States, should use careful and objective approach in taking decision on each case on the application of the ban on entry in respect of persons entered into "black lists". This will ensure compliance with their rights. The same is recommended for those cases, when questions concern the rights of persons living on "disputable" territories.

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

- For OSCE institutions to carry out more activities in educating migrants and building their for integration;
- OSCE Special Monitoring Mission in Ukraine and other international organizations should monitor the uncontrolled territories, for which Ukrainian authorities do not have access. The international mechanisms on IDPs need further development and there should be an improvement in protection of IDPs, especially in relation to the vulnerable groups. Ukraine would welcome the development of the international legal instrument of IDPs, especially involving UNHCR in the development process;
- ODIHR should create a special section for the protection of HDIM speakers upon their return back to the countries of origin and mediation of disputes related to their activities. ODIHR should monitor the situation of such people.

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

*Rapporteur: Ms. Anna Pogwizd, Second Secretary, Permanent Mission of the Republic of Poland to the OSCE*

### **No of statements: 3**

Delegations: 3

Civil Society: 0

OSCE Institutions: 0

International Organizations: 0

Media: 0

### **Rights of reply: 5**

The session was opened by Mr. Luc Lietaer, Project Co-ordinator at ODIHR, who introduced the speakers representing five OSCE field missions, including OSCE Mission to Skopje, OSCE Mission to Serbia, OSCE Mission to Bosnia and Herzegovina, OSCE Programme Office in Bishkek, and OSCE Project Co-ordinator in Ukraine. The OSCE Programme Office in Astana planned to make a presentation via Internet connection focusing on the Office's torture prevention work. Due to technical issues, the presentation could not be displayed, but it will be shared with participants through the distribution system.

The five speakers focused on practical aspects of their daily work with the respective host countries and identified examples of tangible outcomes, good practices as well as remaining challenges and lessons learned.

The OSCE Office in Bishkek representative's presentation focused on the Office's work in the field of strengthening local institutions' capacities and its co-operation with the civil society, promoting inclusiveness and transparency embedded in civilian oversight. Examples include contribution to enactment of laws on tackling early marriages and domestic violence, which strengthened the mechanism for prevention and protection of victims. The presenter also played a video *My Plea to You* created by teenage girl beneficiaries of the Office's *Activism against gender-based violence* campaign.

The OSCE Project Co-Coordinator in Ukraine (PCU) representative referred to PCU's work in improving adherence to the rule of law commitments, ranging from supporting dialogue on reshaping the Supreme Court to police training, with an overarching goal of promoting a culture of rule of law. The PCU has also been helping the Ministries of Education and Justice introduce standards-based legal education, as well as supporting the development of a range of textbooks for law students.

The work of the OSCE Mission to Bosnia and Hercegovina is based on regular contacts with the authorities, law enforcement and returnees when it comes to tackling prejudices and bias-motivated crimes, threatening stability and cohesion of communities. Good practices include building local "coalitions against hate", working

on prevention and information sharing on hate and bias related incidents. Through the Mission's advocacy, amendments to criminal procedure codes have been introduced.

The OSCE Mission to Skopje representative described Mission's work towards increasing stability, social cohesion and implementation of the Ohrid Framework Agreement by promoting constructive inter-ethnic relations, democratic principles and the rule of law. The Mission engages with the host country's central and local government institutions developing legislation and policies, while also advancing the independence and impartiality of the judiciary. The Mission is also building capacity of the civil society, i.e. in the area of trial monitoring, in following up on hate motivated incidents or through its youth work. Examples include working with the Ministry of Education to facilitate dialogue on integrated education or supporting the South Eastern European University project, initiated by the OSCE High Commissioner on National Minorities, to improve opportunities for higher education in minority languages.

The OSCE Mission to Serbia representative pointed out that missions operate in complex environments, where their goals might be clearly defined, but the political consensus - not only on the ground, but also within the Permanent Council - needed to achieve them often needs time to be formed. It takes vision and determination to plan projects which only begin to show results after several OSCE budget cycles. Therefore solid, reliable funding, political support, time and trust, as well as skilled and motivated staff are key.

The delegations which took the floor expressed their strong support to the work of ODIHR, RFoM, HCNM and to the field missions, stressing that project work remains an important way for the Executive Structures to engage with participating States and to assist them in the implementation of OSCE commitments. Some delegations mentioned the crucial work of those structures in response to the crisis in and around Ukraine that include confidence building measures and strengthening of dialogue among civil society and government stakeholders on human dimension issues. One delegation stressed the need for the OSCE structures to be able to fully monitor the human rights situation in the occupied territory of Crimea.

Some delegations also underlined the role of the Human Dimension Committee (HDC) in amplifying the OSCE dialogue in areas such as freedom of religion or belief, freedom of expression, the upholding of commitments on torture, women's participation in public and political life, freedom of assembly and association and, the role of society in combating hate crime. They referred to the HDC as a platform for participating States to share examples of how they have turned OSCE recommendations into concrete action, i.e. through voluntary reports.

In view of one delegation, the Executive Structures are to adapt a more demand driven approach, respecting the specific requirements of participating States, while also increasing the transparency and accountability of their work.

**Recommendations** made by participants during this session include (non-exhaustive list):

**Recommendations to the OSCE participating States:**

- 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 ensure the timely adoption of the OSCE Unified Budget in order to ensure the Executive Structures can efficiently plan their activities;
- Participating States shall continue seconding high quality, motivated staff to the OSCE Executive Structures.

**Recommendations to the OSCE Executive Structures:**

- The Executive Structures should continue to co-ordinate 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, the Executive Structures should foster close collaboration with civil society and increase their participation in the implementation phase;
- The Executive Structures should continue to improve the monitoring and evaluation of their projects, from conception through to completion, including by prioritizing the use of key performance indicators and implementing results-based management practice;
- The Executive Structures should be accountable and transparent and should improve the geographical and thematic balance of their work;
- The implemented projects should be consistent with the existing executive structure and follow clearly set objectives.

## COMPILATION OF WRITTEN RECOMMENDATIONS

*This compilation contains recommendations submitted to the HDIM Documentation Centre in accordance with the established procedure. The compilation is prepared by working sessions and by what was submitted by delegations / international organizations / civil society to participating States and, separately, to OSCE institutions / field missions or other international organizations. Recommendations are compiled in original language of submissions. This compilation contains recommendations from all documents received at the HDIM Documentation Centre by the end of working session 5; documents received after this time will be included later in the consolidated summary. The text below does not reflect the views of the OSCE.*

**Monday, 11 September 2017**

### *Opening Plenary Session*

#### Recommendations to participating States

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

- ОБСЕ следует уделять значительно больше внимания правам детей. К сожалению, актуальными остаются такие вопросы, как рост насилия, в том числе сексуального, в отношении несовершеннолетних, торговля детьми, в том числе через интернет-биржи, эксплуатация детского труда и детская преступность. Вызывает озабоченность внедрение в ряде стран 7 принудительного просвещения в области сексуальности, которое нередко негативно сказывается на психическом развитии ребенка и идет вразрез с культурными и религиозными убеждениями родителей.

### *Working session 1: Fundamental freedoms I, including: – Freedom of expression, free media and information*

#### Recommendations to participating States

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

To the former Yugoslav Republic of Macedonia:

- Macedonia has experienced disturbing declines in media freedom in recent years. Concerns include direct government interference in media content, and in some cases intimidation by government officials. There has also been a rise in attacks and harassment. We hope that the political changes in Macedonia will lead to an improvement in the media environment.

To Poland:

- Poland's parliament reportedly will consider legislation regulating the media. We urge the government to ensure any such legislation is in line with its international obligations and commitments.

To Turkmenistan:

- Turkmenistan should accredit members of the international press and take steps to protect domestic journalists.

To Ukraine:

- We call on Ukraine to find a way to protect itself that does not undermine its international obligations and commitments or its constitutional principles.

## **Armenia**

To participating States:

- we recommend that all participating states and relevant authorities ensure unimpeded access of journalists and media workers to conflict areas and refrain from criminalizing activities of journalists and media workers therein.

## **Austria**

To participating States:

- Condemn, promptly and unequivocally, all attacks and violence against journalists.
- Demonstrate political commitment to fight impunity by ensuring accountability for crimes committed against journalists.
- Encourage legislators to create national legal frameworks which protect the right to freedom of expression and strengthen a vibrant, pluralistic media environment.
- Acknowledge the specific risks faced by female journalists and its direct impact on media pluralism.
- Recognize the particular risks with regard to safety of journalists in the digital age, including violations of their rights to freedom of expression and privacy.
- Encourage counter-speech and counter-narratives to tackle the pertinent issue of hate speech and intolerance.

## **Canada**

To participating States:

- Que les États participants de l'OSCE respectent intégralement leurs engagements à l'OSCE et leurs obligations internationales en ce qui concerne les droits à la liberté d'association, à l'assemblée pacifique et à la liberté d'expression, en ligne ainsi qu'ailleurs.
- Que les États participants s'assurent que les restrictions à la liberté d'expression sont prescrites par la loi, transparentes et que leur justification puisse se démontrer dans le cadre d'une société libre et démocratique.

## **Estonia/European Union**

To participating States:

- Engage constructively with the RFoM and make use of expertise and recommendations.
- Respect the RFoM mandate and autonomy and provide the RFoM with the necessary resources to fulfil this mandate

- Abide in good faith by their commitments in the area of Freedom of Expression and free media and safety of journalists, and further strengthen the OSCE commitments in this regard.
- Take active steps to prevent and respond to violence and harassment against journalists ensuring that all those responsible are brought to justice, paying special attention to gender-based threats on-line and offline.
- Devote special attention to the phenomenon of disinformation campaigns. - Respect the freedom of expression and refrain from propaganda for wars of aggression.
- Refrain from unduly and disproportionately restricting freedom of speech, online and offline, and prosecuting critics under the guise of fighting extremism or terrorism.

### **France**

- A titre de recommandations, nous invitons les Etats participants à tirer le meilleur parti de la fonction d'assistance du Représentant pour la liberté des médias, pour les accompagner dans la mise en œuvre leurs engagements

### **Lithuania**

To participating States:

- We urge all the OSCE participating States not only to respect the freedom of expression, but also to better cooperate in creating a coherent framework that would allow for sufficient remedies and prevention of violence against them, notably in light of the new challenges, such as widespread disinformation campaigns, restrictions for online media, obstacles faced by the investigative journalists, safety of female journalists, etc.

### **Act for America – Minneapolis**

To participating States:

- Copyright laws get amended with “Fair Use” clauses similar to the American one.
  - That OSCE Participating States abstain from entering Facebook-style agreements to implement censorship.

### **Amnesty International**

To Kazakhstan:

- Repeal Articles 274 of the Criminal Code, which makes “dissemination of information known to be false” a criminal offence;
- repeal Article 400 of the Criminal Code, which forbids providing “assistance” to “illegal” assemblies, including by “means of communication”;
- substantially amend Article 174 of the Criminal Code, which prohibits the incitement of “discord” on social, national, racial, clan or religious grounds or on grounds of birth, with sentences of up to ten years’ imprisonment to ensure that such provision aimed at combatting advocacy of hatred and discrimination is precisely drafted in compliance with Article 19(3) of the ICCPR, to ensure that it does not unlawfully restrict freedom of expression.

To participating States:

- to invoke the Moscow Mechanism in order to establish an ad hoc mission of independent experts to examine violations of the rights to freedom of expression and peaceful assembly in Kazakhstan.

### **Buergerbewegung PAX EUROPA, Austria**

- That participating States and the OSCE return to true and unrestricted freedom of expression and reestablish a marketplace of ideas rather than permitting "licensed speech".
- That participating States, especially those west of Vienna, cease prosecuting individuals with dissenting views.

### **Belarusian Association of Journalists**

To participating states:

- Прекратить практику нарушения свободы слова и прав журналистов.
- Ввести в правовое поле работу журналистов-фрилансеров.
- При рассмотрении дел, связанных с реализацией права на свободное выражение мнения, руководствоваться обязательствами, взятыми на себя на международном уровне, в том числе и рамках Организации и сотрудничества в Европе.

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

To Ukraine:

- Обеспечить открытость Интернета в Украине – устранить блокирование сайтов и контента;
- Эффективные расследования и судебные разбирательства в делах, касающихся убийства журналистов, насилия над ними;
- Обеспечение прозрачности прав собственности на СМИ
- Реализация всех рекомендаций, разработанных ОБСЕ по защите безопасности журналистов
- Помощь стран ОБСЕ, Евросоюза, США в борьбе с тотальной иерархической системой коррупции в Украине

### **Europe in Law Association**

To Armenia:

- The authorities need to bear in mind the imperatives of tolerance and broadmindedness, which are the essential pillars of a democratic society and refrain from seeking to sanction lawyers for defending their defendants interests by exercising their free speech right. This is especially unacceptable in a society where the public institutions and officials enjoy unlimited access to the media and almost monopolous access to broadcast media and can respond to the above lawyers' statement by less restrictive means, including by making counter statements over the media.



## **Human Rights Vision**

To Tajikistan:

- We urge the government of Tajikistan not to restrict the activities of independent media, stop harassment and intimidation of independent journalists for their professional activities, provide an opportunity for the population of the country without fear, allow access to alternative sources of information, and fulfill the obligations before the international legal contracts regarding freedom of speech.

## **International Humanist and Ethical Union**

To Central Asian States:

- We urge the governments of the Central Asian states concerned to foster not hinder expression of belief so that an environment of debate, inquiry and tolerance can be fostered. Where such states might be in doubt, we recommend the UN OHCHR Rabat Plan of Action in helping clarify the scope of state obligations on prohibiting incitement to violence, hostility and discrimination whilst maintaining the right to free expression of its citizens.

## **Human Rights Without Frontiers**

To the European Union:

- the EAW system can only be used for the most serious crimes;
- "wanted person" alerts can only be circulated throughout the EU with its stamp of approval after examination of possible abuses;
- the EU member state requested to hand over a "wanted person" keeps some margin of appreciation in its decision-making process;
- victims of abuse can have access to redress mechanisms through a fair, open and impartial process.

To Romania concerning the case of Alexander Adamescu:

- does not prosecute opposition newspapers because they criticize the authorities;
- ensures the rule of law and fair trials in line with EU standards and values;
- guarantees the independence of the judges; • makes sure justice is not misused for political purposes and settlements of scores with opposition leaders and free media;
- cancel the European Arrest Warrant issued against Alexander Adamescu, the owner of Romania Libera

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

To participating States:

- Ensure that no one is subjected to arbitrary arrest, criminalization, unwarranted legal proceedings or any other forms of misuse of judicial authority for acts related to their human rights engagement (OSCE Guidelines, article 23).
- In the event that criminal charges are brought against them, ensure that human rights defenders are granted a fair trial before a competent, independent and

impartial tribunal, in full accordance with international standards (OSCE Guidelines, article 36).

- Ensure that human rights defenders who are deprived of their liberty are always treated in accordance with international standards, without discrimination of any kind and without being singled out for selective treatment to punish them (OSCE Guidelines, article 34).
- Refrain from engaging in smear campaigns, negative portrayals or the stigmatization of human rights defenders and their work and take proactive steps to counter discrediting of human rights defenders (OSCE Guidelines, article 37).
- Take action, through their diplomatic missions, to support human rights defenders at immediate risk of arbitrary detention, imprisonment and persecution in other states; and raise threats, arbitrary arrests and other serious human rights violations against human rights defenders through appropriate means with the states concerned, for example, in high-level meetings or at international forums (OSCE Guidelines, articles 98 and 99).
- Whenever required, facilitate the issuance of emergency visas and relocation support for individual human rights defenders to allow them to promptly leave the country where they are at risk and to ensure effective protection of their family members (OSCE Guidelines, article 100).

### **Wiener Akademikerbund**

To participating States:

- That OSCE participating States focus on protecting freedom of expression as such, for all topics.
- That OSCE participating States abstain from entering into pro-censorship agreements with private corporations.
- That OSCE participating States abstain from forcing private media providers to implement censorship.

### **[Recommendations to the OSCE Institutions](#)**

#### **Armenia**

To the Representative on Freedom of Media:

- we recommend the Office of the RFOM to collect good practices on creating conditions for unimpeded work of journalists and media workers in conflict areas and conflict environment

#### **Canada**

To the Representative on Freedom of Media:

- Que le Représentant pour la liberté des médias poursuive ses efforts visant à stimuler la réflexion et l'action des États participants sur la façon de prôner la liberté d'expression et la liberté des médias au moyen d'Internet.
- Que le Représentant pour la liberté des médias continue d'appeler l'attention des États participants sur les problèmes de mise en œuvre, tout en mettant

l'accent sur les violations flagrantes de la liberté d'expression, la liberté des médias et la sécurité des journalistes.

### **Russian Federation**

Мы призываем исполструктуры ОБСЕ обратить пристальное внимание на нарушения прав российских журналистов, защитить их права и законные интересы, а также пресечь порочную практику «чисток» информационного пространства от средств массовой информации, неугодных властям тех или иных стран.

### **Act for America – Minneapolis**

To OSCE:

- OSCE establishes a working group to identify and counter censorship and discriminatory practices against new media.

To the Representative on freedom of Media:

- OSCE Freedom of Media representative clarifies that the truth can never constitute “Hate Speech”.

### **Buergerbewegung PAX EUROPA, Austria**

- BPE calls on the Representative on Freedom on Media to ensure that the truth cannot constitute "hate speech".

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

To ODIHR:

- The ODIHR should restore its focal point for human rights defenders and establish an expert panel on the protection of human rights defenders. The ODIHR should study the implementation of the Guidelines on the protection of human rights defenders by participating States in cooperation with civil society, using reports and information from such organizations.

To OSCE Chairmanship:

- OSCE Chairmanships should prioritize the protection of civil society space and the security of human rights defenders, similarly to several successive chairmanships.

To OSCE:

- OSCE actors should more systematically work with other inter-governmental organizations on the protection of civil society space and the security of human rights defenders.
- OSCE cooperation programmes should feature human rights conditionality. The benchmarks used should include implementation of UN Human Rights Committee views and European Court of Human Rights judgments issued in cases of persecution of civil society activists and human rights defenders.

### **Legal Media Center**

To OSCE:

- я хочу обратиться к ОБСЕ и другим международным организациям призвать Казахстан не принимать законы, которые могут уничтожить свободу слова в Казахстане.

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

To the OSCE and international organizations:

- To raise the issue of Western Thrace Turkish Minority in terms of fundamental freedoms in the bilateral meetings with Greek authorities.
- To monitor effectively the situation of the Turkish Minority regarding the discrimination and intolerance and also violation of the basic human rights.
- To pay a visit to Western Thrace in order to get first-hand information and to observe objectively through the High Commissioner on National Minorities, the Representative on Freedom of Media and the Personal Representative of the OSCE Chairperson-in-Office on Combating Intolerance and Discrimination against Muslims.

### **Wiener Akademikerbund**

To OSCE:

- That OSCE gives "Hate Speech" a clearer and legally workable definition.
- That OSCE scale back subsidies of old media to create a more level playing field.
- That OSCE establishes a working group to identify and counter censorship and discriminatory practices against new media, with the aim to suggest guidelines for protecting new media.

To the OSCE Representative on Freedom of Media:

- And finally, that the OSCE Freedom of the Media representative clarifies that publishing the truth can never constitute "Hate speech".
- And finally, we call upon the OSCE Freedom of the Media Representative to clarify that publishing the truth can never constitute "hate speech", and never be a punishable offense.

**Tuesday, 12 September 2017**

***Working session 2: 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***

**[Recommendations to participating States](#)**

## **Azerbaijan**

To participating States:

- I call the OSCE, its member states, as well as my colleagues to make decisive efforts and to take actions for restoration of the state borders and territorial integrity of Azerbaijan recognized by UN and for ensuring return of hundred thousand internally displaced persons to their lands.

## **Canada**

To participating States:

- That OSCE participating States that have not yet done so develop and publicize guidelines for government officials to follow in order to support human rights defenders;
- That participating States ensure that laws, regulations, and practices do not unduly restrict the composition and activities of civil society; and, very importantly,
- That participating States promote and enable an active and effective participation of civil society in multilateral forums, such as today's Human Dimension Implementation Meeting.

## **Estonia/European Union**

To participating States:

- OSCE participating States must avoid using security concerns as a justification for restricting peaceful assembly when those restrictions are not prescribed by law and consistent with international standards. Participating States must avoid the excessive use of force and the use of pre-emptive detentions when engaging with the organisers and participants of peaceful assemblies.
- Participating States should actively engage with ODIHR in ODIHR's work to monitor peaceful assembly. Participating States should recognise the benefits of systematic monitoring of peaceful assembly, including benefits to the State, the organisers and the participants.
- States should take advantage of tools such as the ODIHR/Venice Commission guidelines on the Freedom of Peaceful Assembly, Freedom of Association and the ODIHR guidelines on the Protection of Human Rights Defenders.
- States should allow civil society (meaning both individuals and organisations) the freedom to maintain contacts and cooperate with other individuals and organisations within their own country and abroad, as well as with foreign governments and international organisations.
- Participating States, in accordance with OSCE commitments, must permit organisations and individuals associated with them to seek, receive, manage and administer financial support from domestic, foreign and international entities without undue restrictions.
- Participating States should limit the use of legislation designed to restrict civil society activity and the increasing criminalisation of peaceful activity by individuals from the civil society sector.

- Participating States must respect dissenting views and recognise that human rights defenders face specific risks and are often targets of serious abuses as a result of their human rights work. States must refrain from any act that violates the rights of HRDs, protect HRDs from abuses by third parties, and take proactive steps to promote the full realisation of the rights of HRDs, including specifically the right to defend human rights

### **Finland**

To participating States:

- Guaranty a free and active participation of civil society and free civil society space, as well as promote cooperation with civil society.
- Guaranty an enabling environment for the work of human rights defenders so that they can work safely and without fear and harassment. Particular attention should be given to women human rights defenders.
- Support and promote the implementation of the Guidelines on the Protection of the Human Rights Defenders published by ODIHR as well as guiding documents on freedom of peaceful assembly.
- Support the work of the OSCE independent institutions and their strong and independent mandates.

### **Switzerland**

To participating States:

- Elle invite les Etats à utiliser les lignes directrices du BIDDH et à appliquer les recommandations du rapport sur la bonne gestion des rassemblements approuvé par le Conseil des Droits de l'Homme en mars 2016.
- Elle appelle en outre les institutions pertinentes et les Etats à soutenir une participation accrue de la société civile et des défenseurs des droits de l'homme dans les enceintes multilatérales, y compris à l'OSCE, et à s'abstenir de toutes représailles à leur encontre.

### **ACT for America – Minneapolis**

To the United States of America:

- That police and other authorities clearly differentiate between perpetrators and victims of violence.
- That police effectively protects any peaceful assembly against intimidation, threats and attacks, using any force that may be necessary.
- That violent groups attacking Freedom of Peaceful Assembly be investigated and prosecuted under the law.

### **Buergerbewegung Pax Europa**

To Austria:

- BPE ruft den österreichischen Staat auf, sowohl im Hinblick auf die Durchführung behördlicher Genehmigungsverfahren als auch im Hinblick auf den Schutz von Kundgebungen durch die polizeilichen Einsatzkräfte die durchgehende Demonstrationsfreiheit wiederherzustellen.

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

To Ukraine:

- Принять закон о защите правозащитников
- Отменить требование сообщать персональные данные членов НПО при перерегистрации
- Освободить НПО от уплаты судебного сбора при подаче исковых заявлений в суд

### **ENNHRI - European Network of National Human Rights Institutions**

To participating States:

- to establish and support NHRIs in compliance with the Paris Principles and to enable their independent functioning as an important actor for the protection of other human rights defenders;
- to recognize and support NHRIs in compliance with the Paris Principles as human rights defenders;
- to provide NHRIs in compliance with the Paris Principles a status and role independent from state delegations across OSCE human dimension activities and meetings, including by considering existing international practices (e.g. UN Human Rights Council, Council of Europe) that could be drawn upon as models..

### **Europe in Law Association**

To Armenia:

- All the cases of violation of the right to freedom of assembly have to be effectively investigated by the police, victims must have a right to access to court and the court must act as independent and impartial tribunal in these cases.

### **Election Monitoring and Democracy Studies Center (EMDS)**

To Azerbaijan:

Most of the above-mentioned problems related to the legal framework of civil society organisations are rooted in the NGO legislation. Thus, as a result of this comparative analysis, the following are recommended for elimination of legislative problems of NGOs:

- The length of time for NGO registration procedures should be shortened. The time of NGO registration should be 3 days or close to 5 days, which is required for the registration of commercial entities;
- The requirement of permanent residence for foreigners and stateless persons wishing to establish an NGO should be abolished. The requirement for foreign legal entities to appoint local residents as deputies in the registered NGO should also be abolished.
- The requirement for religious NGOs to acquire permission of the state body regulating the religious entities for registration should be abolished.
- The list of grounds for denial of state registration should be shortened and be more precise. The reasons for denial of state registration should be limited to  
(a) failure to submit all required documents;  
(b) non-compliance with the legislation regarding the names of legal entities;

- (c) inclusion of an activity against the Constitutional order of the state or against democratic society into the objectives of the organisation, stated in its Statutes;
- Groundless restriction for funding of NGOs should be lifted. In particular, the norms and regulations limiting foreign funding and requiring state registration of grants should be lifted. Foreign donors should enjoy same status and equal legal framework with the local donors.
- The scope of the sanctions against NGOs and the power of state authorities in applying sanctions should be limited.
- The number of administrative offences applied to NGOs should be reduced.
- Suspension of activity or termination of NGO should only be applied in the case of serious violations (for examples, if it is established that the founders or managers profit from the revenues of organisation, which are supposed to be spent for non-commercial purposes).
- Imprecise provisions, used as a ground for suspension or termination of NGOs should be lifted from the legislation.

### **European Association of Jehovah's Christian Witnesses**

To the Government of Azerbaijan:

- Grant full registration to Jehovah's Witnesses in Baku and in other parts of the country
- Stop interfering with their worship and manifestation of belief
- Recognize the right to conscientious objection and provide an alternative civilian service programme conforming to international standards
- Allow Jehovah's Witnesses the unhindered use of their religious literature

To the Government of Turkmenistan:

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

### **Freedom Now**

To Tajikistan:

- We call on Tajikistan to end its repression of political opposition groups and to immediately and unconditionally release all political prisoners in the country

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

To Kyrgyzstan:

- Государственные органы и в том числе силовые структуры, должностные лица должны воздерживаться от любых запугивающих или репрессивных действий, имеющих форму угроз, или запугивание в отношении



правозащитников. Органы государственной власти их должностные лица должны открыто осуждать такие действия и проявлять к ним абсолютную нетерпимость. Государственные органы обязаны руководствоваться в повседневной работе Руководящими Принципами ОБСЕ по защите прав правозащитников.

- В случае совершения государственными должностными лицам, иными субъектами каких-либо незаконных действий в отношении правозащитников власти должны немедленно провести тщательное и прозрачное независимое расследование случившегося. Расследования должны быть действенными и приводить к преследованию виновных.
- Государство должно гарантировать полное соблюдение принципа верховенства права и независимости судебной власти в этих целях необходимо; Провести реформы в этом направлении чтобы была обеспечена безопасность правозащитников, не оставались безнаказанными, ни одно нарушение прав со стороны должностных и иных лиц в отношении правозащитников Не допускать в отношении правозащитников политически мотивированных преследований или любого другого необоснованного преследования по причине их правозащитной деятельности
- Правозащитники не должны подвергаться судебной травле, незаконным судебным или административным разбирательствам, или иного злоупотребления административной или 11 Часть 4-я статьи 216 ГПК Кыргызской Республики Совещание по Человеческому Измерению БДИПЧ ОБСЕ, 11-22.09.2017, Варшава 11 судебной властью, а также произвольному обыску их офисов, жилых помещений, аресту, задержанию и другим санкциям за действия, связанные с их правозащитной деятельностью.
- Государство должно обеспечить защиту физической и личной неприкосновенности правозащитников в ходе судебных заседаний. Адвокаты, занимающиеся правозащитной деятельностью, не должны подвергаться запугиванию или репрессиям, угрозам лишить их права заниматься адвокатской деятельностью за их усилия по защите прав человека или защите правозащитников. Они должны быть эффективно защищены от давления со стороны государственных или иных субъектов.
- Должностные лица государственных органов должны прекратить дискредитировать правозащитников и их правозащитную деятельность, воздержаться в своих публичных выступлениях от навешивания на них негативных ярлыков или клевету в той или иной форме. Они должны публично признавать значение работы правозащитников и необходимость их защиты, а также говорить о заслугах конкретных правозащитникам, тем самым повышая легитимность и статус правозащитной деятельности в глазах общества.
- Государство должно развивать активное и конструктивное взаимодействие с правозащитниками, повышать их участие в общественной жизни, в общественных дискуссиях. Необходимо признать важность и полезность работы правозащитников, содействовать

постоянному диалогу между правозащитниками и государственными органами.

- Сделать публичное заявление о недопустимости преследования СМИ и правозащитников;
- Призвать власти прекратить преследование СМИ и правозащитников.
- Разделение полиции на полицию общественной безопасности и криминальную полицию. Полиция общественной безопасности, которая будет следить за правопорядком, должна быть подотчетной как МВД, так и органам МСУ. Население через своих законных представителей должно получить право оценивать эту категорию правоохранителей. Обоснованная негативная оценка должна быть основанием для снятия с должности главы полиции общественной безопасности соответствующего района или города. Криминальная полиция должна оставаться с жестким вертикальным подчинением для обеспечения независимости следствия и оперативно-розыскной работы. Четкое разграничение обязанностей позволит обеспечивать эффективно правопорядок.
- Необходимо перейти к разделению системы управления на гражданского министра и профессионального руководителя полиции. За министром в этой модели будут закреплены функции по выработке политик, контроля за их реализацией. Служба внутренних расследований также должна быть подчинена министру. А руководитель полиции должен полностью управлять рутинной правоохранительной деятельностью, обладая по этим вопросам гарантией невмешательства со стороны министра. Основной гарантией для начальника полиции должен стать конкурсный порядок назначения на фиксированный срок.
- Основа деятельности новой полиции должна быть определена в новом специальном законе «О полиции». В этом же документе должны быть прописаны гарантии независимости органов внутренних дел, а также принципы взаимосвязи между гражданским министром внутренних дел и полицией.
- Подотчетность Службы внутренних расследований должна перед обществом о результатах своей деятельности. Необходимо законодательно закрепить обязанность сотрудников полиции сообщать о противозаконных действиях сослуживцев, неисполнение этого требования должно приводить к увольнению из рядов правоохранительного органа.
- Доступ к информации о деятельности, о процессах реформирования, эффективность расходования средств налогоплательщиков, выделяемые на органы внутренних дел, а также помощи, оказываемой по линии международных организаций на техническое оснащение и реформирование ОВД.
- Пересмотреть статус секретности сведений. Регулярное предоставление публичного отчета МВД о состоянии преступности и работе ведомства

## **Human Rights Without Frontiers**

To Denmark, EU and OSCE:

To use all the institutional mechanisms at their disposal in order to get:

- the repeal of the ban on Jehovah's Witnesses, Tabligh Jamaat and Said Nursi followers
- the release of Dennis Christensen, who is a citizen of the European Union, as well as Russian Muslims belonging to the Said Nursi and Tabligh Jamaat movements.

To the Russian Federation:

- to implement the last recommendations of the UN Committee on Elimination of Racial Discrimination of the United Nations about the laws on 'foreign agents' and 'undesirable organizations', and about the definitions of 'extremist activity' and 'extremist material' in the Law Combating Extremism;
- to repeal the ban of peaceful religious groups such as Jehovah's Witnesses, the Tabligh Jamaat and Said Nursi movements;
- to release Dennis Christensen, a Danish Jehovah's Witness who has been put under pretrial detention for at least six months for attending a religious meeting in Oryol;
- to release Tabligh Jamaat and Said Nursi followers who have been sentenced to prison terms for exercising their right to freedom of assembly.

## **Hungarian Helsinki Committee**

To participating States:

- Continue monitoring the situation of human rights defenders and independent civil society organisations in Hungary and intensify efforts to empower and support them, including through political, legal and financial assistance.
- Urge the Government of Hungary to fully implement the OSCE Guidelines on the Protection of Human Rights Defenders. Most notably, the government should be urged to refrain from using accusatory and labelling rhetoric against human rights defenders and independent civil society organisations; instead, it should be encouraged to take proactive steps to counter discrediting of human rights defenders and independent civil society organisations by political leaders and in the media.
- Engage with the Government of Hungary to encourage meaningful dialogue between the Government and civil society, in order to ensure that institution-building, development and other programmes are human rights compliant.
- Explore and strengthen non-governmental, alternative sources and means of funding for independent civil society, with a view to ensuring free and non-politicized access to funding for all civil society organizations.
- Monitor the impact of legislation as well as other measures and related actions (including communication) by state actors and the media targeting the funding and operations of civil society organisations in Hungary.

## **International Humanist and Ethical Union**

To the Russian Federation and Kazakhstan:

- We call on Russia to repeal its discriminatory provisions and urge Kazakhstan to halt the process of introducing its 'gay propaganda' and 'foreign agent' laws.
- We call on both states to protect LGBTI persons seeking to associate and assemble from attacks and reprisals through preventive measures and by investigating attacks, prosecuting perpetrators and ensuring remedy for victims.
- Finally, we call for full investigation of all the facts about unlawful repression in Chechnya of LGBTI population, punishment for the guilty parties and an end to the practice of extra-judicial violence and killings in the republic.

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

To Kazakhstan:

- Stop detaining, prosecuting and imprisoning journalists, human rights defenders, trade union activists and other critical voices in retaliation for their exercise of freedom of expression and other fundamental rights.
- Release all those who have been deprived of their liberty for their independent civic engagement, journalist work or criticism of the authorities and abolish restrictions on the movement and public engagement imposed on individuals prosecuted on such grounds.
- Put an end to the pattern of pressure on independent and opposition-minded media and journalists.
- Refrain from using tax legislation to unduly interfere in and restrict the activities of NGOs, and revise the draft legislation in media and religious activities currently under consideration to ensure that it is consistent with Kazakhstan's international obligations.
- As a matter of priority, reform legislation and law enforcement practice on the conduct of assemblies to bring them into line with international human rights standards, as also called for by international human rights bodies.

To Kyrgyzstan:

- Refrain from using hostile and stigmatizing language against independent media and journalists, human rights groups and defenders and others who voice concerns about current policies and criticize those in power, including the president, and ensure that they are not subjected to punitive measures on the grounds of their legitimate activities.
- Abolish the role of the General Prosecutor with respect to initiating legal action to defend the honour and dignity of the president, and ensure that all legal proceedings initiated on this ground are terminated.
- Drop the unfounded criminal charges on inciting inter-ethnic hatred initiated against journalist Ulugbek Babakulov and ensure the safety of his family.
- Fully implement the UN Human Rights Committee's decision in the case of Azimjan Askarov, including by releasing him, quashing his initial conviction and granting him adequate compensation.
- Refrain from imposing blanket bans on holding assemblies in certain locations, and safeguard the right to freedom of assembly in accordance with national and

international law. Carry out through, prompt and impartial investigations into any alleged violations of this right.

To Uzbekistan:

- Carry out systematic human rights reforms with a view to bringing about concrete improvements.
- Immediately and unconditionally release all those who have been detained solely for peacefully exercising their rights to freedom of expression, association and assembly.
- Put an end to state persecution of human rights defenders, journalists, dissidents and other critical voices and allow them to carry out their activities without intimidation.
- Abolish the use of exit visas in practice and stop restricting the right of former political prisoners and other critical voices to travel abroad for urgent medical treatment and other reasons.
- Enable independent human rights NGOs to register through a simple and uncomplicated procedure and allow them to carry out their work without undue interference.
- Issue invitations to all the UN Special Rapporteurs who have asked for permission to visit the country and constructively cooperate with these experts on the implementation of visits and follow-up on their recommendations.

To Tajikistan:

- Take concrete and effective measures to implement the recommendations made by the UN Special Rapporteur on freedom of opinion and expression in his final report on his visit to Tajikistan.
- Ensure that media and journalists are not subjected to pressure and can carry out their work without fear and intimidation.
- Put an end to the pattern of arbitrary blocking of news, social media and other websites and refrain from conducting invasive surveillance of the internet use of residents in violation of international standards.
- Ensure that NGOs are not subjected to undue restrictions and interference in their work.
- Ensure that no lawyer is arrested, charged or imprisoned in retaliation for his or her work; promptly release those held on such grounds.

To Turkmenistan:

- Promote media pluralism and put an end to government censorship and interference into the editorial policies of media.
- Promote universal, affordable and unobstructed internet access and refrain from arbitrarily blocking access to websites.
- Stop forcibly dismantling satellite dishes and refrain from measures of intimidation against social media users, RFE/RL listeners and other individuals seeking to obtain information from alternative, foreign sources.
- Stop persecuting independent journalists, civil society activists and other critical voices; carry out thorough investigations into all reported cases of harassment of such individuals with a view to holding the perpetrators accountable; and

release all who have been detained on the grounds of exercising their fundamental rights.

- Put an end to the practice of forcibly mobilizing residents for participation in mass events.

### **Legal Resources Centre from Moldova (LRCM)**

To participating States:

- We call on the international community to disapprove all actions that undermine freedom of association and expression in the republic of Moldova. We also call on international community to encourage the Moldovan authorities to effectively uphold the international standards on freedom of association and take effective actions in developing a robust civil society in Moldova, rather than suppress it by direct and tacit actions.

### **Sea Jay Foundation**

To participating States:

- The Sea Jay Foundation recommends that the OSCE participating States investigate and determine who is responsible for organizing and funding this violence that is taking place across the land and put a stop to it.
- The Sea Jay Foundation also recommends that participating States grow some backbone in defending those who wish to exercise their Constitutional rights, but are being threatened and intimidated into silence!
- The Sea Jay Foundation calls for the restoration of the right to freedom of speech and assembly to which citizens of the OSCE area are absolutely entitled by defending the exercise of such rights from violent groups.

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

To Greece:

- To respect and implement the 2008 decisions of European Court of Human Rights (ECtHR) about the re-opening of “Xanthi Turkish Union”.
- To respect and promote the establishment of “The Cultural Association of the Turkish Women of the Region of Rhodopi” and “Evros Minority Youth Association” based on 2008 decision of ECtHR.
- To ensure that the right to freedom of peaceful assembly and association is enjoyed by the whole society, either individually or as 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.

### **Wiener Akademikerbund**

To participating States:

- That OSCE pS’ protect peaceful assemblies much more proactively.
- That authorities clearly identify the primary sources of violence.
- That extremist groups such as Antifa be investigated and dissolved under the law.

- And that the OSCE Guidelines be amended to remove the right of "counterdemonstrators" to be close to the demonstration they oppose.

### Recommendations to the OSCE Institutions

#### **Switzerland**

- Elle appelle en outre les institutions pertinentes et les Etats à soutenir une participation accrue de la société civile et des défenseurs des droits de l'homme dans les enceintes multilatérales, y compris à l'OSCE, et à s'abstenir de toutes représailles à leur encontre

#### **ENNHRI - European Network of National Human Rights Institutions**

To ODIHR:

- to further strengthen cooperation with and support provided to NHRIs in compliance with the Paris Principles and, to this end, make use of the coordinating and facilitating function of ENNHRI;
- to bolster support for NHRIs under threat, in cooperation with ENNHRI;
- to further facilitate the participation of NHRIs in compliance with the Paris Principles and of ENNHRI in OSCE Human Dimension Meetings;
- to further strengthen OSCE participating states' and other OSCE stakeholders' awareness of the standards set by the Paris Principles with regard to what constitutes an independent National Human Rights Institution.

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

To ODIHR:

- The ODIHR should restore its focal point for human rights defenders and establish an expert panel on the protection of human rights defenders.
- The ODIHR should study the implementation of the Guidelines on the protection of human rights defenders by participating States in cooperation with civil society, using reports and information from such organisations.

To OSCE:

- OSCE actors should more systematically work with other inter-governmental organisations on the protection of civil society space and the security of human rights defenders.
- OSCE cooperation programmes should feature human rights conditionality. The benchmarks used should include implementation of UN Human Rights Committee views and European Court of Human Rights judgments issued in cases of persecution of civil society activists and human rights defenders.

### Recommendations to the International Organizations

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

- Международным правозащитным организациям продолжить эффективный мониторинг положения правозащитников, обратив

внимание на Кыргызстан, где в последнее время усилилась дискредитация правозащитников и правозащитной деятельности. Среди отдельной части государственных служащих, политологов, экспертов и молодежи наблюдаются антизападные настроения и шпиономания. Применять в работе с чиновниками КР руководящие Принципы ОБСЕ по защите прав правозащитников.

- Разработать проекты по повышению осведомленности общественности о работе правозащитников, с целью создания системы, которая, в случае возникновения угрозы, помогли бы мобилизовать широкую поддержку и обеспечить защиту активистов. Для этой цели подключить квалифицированных журналистов правозащитников на местном уровне, СМИ и др. предусмотреть выпуск печатных материалов о деятельности правозащитников, листовок, буклетов, докладов в кампаниях, посвященных правозащитникам, особенно по поддержке женщин-правозащитников.
- Одним из важных каналов донесения информации до разных целевых аудиторий является Интернет. В этих целях предусмотреть создания в Кыргызстане специализированного сайта, посвященного защите правозащитников, для обмена опытом, информацией, рекомендации по защите правозащитников, рассчитанные на разные социальные и профессиональные группы – самих активистов, представителей СМИ, парламентариев, молодежи, граждан.
- Стратегия работы с зарубежными структурами в сфере защиты правозащитников должна учитывать усиливающийся антизападные настроения и шпиономанию, распространенную среди представителей российских властей. На наш взгляд в этих условиях акцент в публичной работе на международном уровне должен отдаваться межправительственным организациям (ООН, Совет Европы, ЕС), взаимодействие с миссиями отдельных зарубежных государств на наш взгляд должно носить менее публичный характер.

### **Political Movement "Group 24"**

- As an activist of Civil Societies of Tajikistan, I request from the international communities and democratic organizations to support and generate the civil society for implementing their responsibilities on protecting human rights in the country.

### **Rights and Freedoms of Turkmenistan's citizens**

- Международное сообщество должно принять меры и призвать Туркменистан разрешить независимым СМИ свободно работать в Туркменистане.



*Side Event: Tajikistan's Political Prisoners: Unfair Trials, Denial of Legal Rights, Torture, Harassment, Denial of Basic Prisoners' rights (Tuesday, 12 Sep, 13:15)*

**Recommendations to the OSCE Institutions**

**Islamic Renaissance Party**

- we hope that OSCE and other international organizations will decisively call on Tajik authorities to fully enforce law and to fulfill its OSCE and other international responsibilities. It is also essential that the organization like OSCE should urge all its member states to respect their obligations on human rights protection, political freedom, religious and cultural sovereignty

**Recommendations to the International Organizations**

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*Working session 3: Democratic institutions, including: – Democracy at the national, regional and local levels – Democratic elections*

**Recommendations to participating States**

**Estonia/European Union**

To participating States:

- Participating States shall take all appropriate measures to increase participation of persons belonging to under-represented groups in decision making and political life, in particular, a stronger emphasis should be placed on the involvement of women, youth, and persons belonging to marginalized groups such as national, ethnic, religious and linguistic minorities as well as persons with disabilities,
- We invite participating States to further enhance transparency, accountability and inclusiveness of elections, encourage political pluralism and to make sure that the voters are given a genuine democratic choice;
- Participating States shall ensure adequate conditions for the development of effective local democracy;
- Participating States shall further engage in promoting genuine dialogue with civil society and refrain from imposing unnecessary limitations on activities of

the civil society organizations. They shall also enhance efforts to protect human rights defenders from any persecution or infringements on their human rights;

- We encourage the Participating States to actively support freedom of the media, which constitute a prerequisite for credible, inclusive and transparent democratic processes;
- We advocate for a closer cooperation with ODIHR Election Observation Missions (EOMs), i.e. through extending early and unrestricted invitations, which enable ODIHR to conduct a Needs Assessment Mission in a timely manner, as well as through engaging on follow-up activities, especially by implementing ODIHR recommendations and submitting voluntary reports to the OSCE Human Dimension Committee;
- We call on participating States to make sure that ODIHR has sufficient resources to conduct its activities, as well as to continue seconding observers or contributing to the ODIHR's Observation Sustainability Fund;
- We also encourage the participating States to further develop cooperation with the OSCE Parliamentary Assembly in the overall OSCE's work in the field of election observation.

### **Czech Republic**

To participating States:

- We encourage participating States to increase their contributions to OSCE EOMs.

### **Election Monitoring and Democracy Studies Center (EMDS)**

To the Government of Azerbaijan:

- The government should demonstrate a political will to improve election legislation in an inclusive process involving discussions with all stakeholders, including civil society.
- In order to create an enabling political environment prior to the 2018 Presidential Elections, the government should lift legal and practical restrictions on fundamental freedoms of 56 The Election Code, Articles 45-47 16 expression, assembly and association, stop persecution of people with dissenting political views and release political prisoners.
- To restore confidence in electoral administration, the Parliament should ensure removal from their posts of members of election commissions, including the Central Election Commission who are linked to violations of election rights recognized in judgments of the European Court of Human Rights.

### **Fund for Development of Parliamentarism in Kazakhstan**

To Kazakhstan:

Рекомендации Казахстану по совершенствованию и либерализации законодательства о политических партиях:

- привести законодательство в соответствие с международными стандартами в части создания, регистрации, реорганизации, финансирования и осуществления деятельности политических партий;

- исключить финансирование политических партий юридическими лицами;
- внести в выборное законодательство нормы, регулирующие порядок голосования за политические партии только по открытым партийным спискам.
- Более того, Казахстану следует законодательное регулирование партийной системы обеспечить соответствующей правоприменительной практикой.

### **Human Rights Vision**

To Tajikistan:

- On behalf of Human Rights Vision Foundation we appeal to Tajikistan authorities to overturn the laws that contradict to democratic principles; to provide to representatives of civil society unimpeded access to propose own candidacy for election of all levels; to provide access to international organizations to independent monitoring of holding elections in order to provide to international community the impartial assessment of their legitimacy.

### **International Humanist and Ethical Union**

To participating States:

- In order for democracy to stand robust and flourish, OSCE participating states need to better engage with the fear and frustration of so many of their citizens; they need to do more to acknowledge and respond to the voters' feeling of dejection, being failed by the state and mainstream parties and better heed their concerns.

### **Latvian Human Rights Committee**

To Latvia:

- To grant all permanent residents – including non-citizens of Latvia, stateless people recognized under 1954 Convention, and citizens of all OSCE participating States - the right to vote in local elections;
- To grant citizenship, unconditionally and immediately, to all “non-citizens” under age of 18;
- To simplify and accelerate the naturalization procedure;
- To repeal the provisions for depriving local councillors and MPs of their mandates for allegedly insufficient command of Latvian language;
- To be represented in the OSCE Parliamentary Assembly by people committed to OSCE values and to condemn on the highest level the attacks by politicians on those values;
- To allow all political parties to submit their lists to parliamentary and European elections.
- To adopt without further delay a bill on local referendums, allowing all permanent residents to participate;
- To cancel the prohibition for former activists of legal opposition organisations to run for elections;

- To lower the threshold of signatures needed for popular legislative initiatives;
- To reject the bill No.901/Lp12.

### **Wiener Akademikerbund**

To participating States:

- Blasphemy laws and other meaningless regulations be abolished.
- Governments and relevant authorities counter the threat from those promoting Sharia.
- Sovereignty of the people over international conventions be reasserted.

### **Political Movement "Group 24"**

To participating States:

- Facilitate for civil human rights protectors and freedom fighters everywhere, those who want to establish a real democratic country and survive democratic idea in the mind of people in future.

### **Promo-LEX Association**

To participating States:

- To concede and support any legal request initiated within the country for the abolition of the mixed voting system and the return to a proportional voting system in Moldova;
- To monitor the implementation of the recommendations of the Venice Commission and OSCE/ODIHR produced in connection with the recently held elections and the amended electoral system in Moldova.

## **Recommendations to the OSCE Institutions**

### **Canada**

To ODIHR:

- That the OSCE and ODIHR continue to seek additional opportunities to support civic space and democratic institutions;
- That support for civic space and democratic institutions by the OSCE and ODIHR take into account new technological threats and seek out means to address these.

### **Russian Federation**

To ODIHR:

- БДИПЧ должно одинаково наблюдать за выборами во всех странах ОБСЕ.

## **Ukraine**

To ODIHR:

- On behalf of Ukrainian delegation I ask the ODIHR and other election observation missions and organizations to refrain from any observation activity in illegally occupied Crimea.

## **Europe in Law Association**

To ODIHR:

- It is of utmost importance to deepen cooperation between civil society and OSCE/ODIHR, as well as other international experts in view of the fact that this cooperation has made it possible to reflect a number of very serious concerns of domestic experts in OSCE/ODIHR reports.

## **Recommendations to the International Organizations**

### **Election Monitoring and Democracy Studies Center (EMDS)**

- The Secretary General, the Committee of Ministers and the Parliamentary Assembly of the Council of Europe should examine the implementation of joint recommendations of the Venice Commission and the OSCE/ODIHR on the Election Code of Azerbaijan and the judgments of the European Court of Human Rights, and should exert pressure on the Azerbaijani government to proceed with electoral reforms.
- The Ministerial Council, the Parliamentary Assembly and the Permanent Council of the OSCE should investigate the implementation status of recommendations of the OSCE/ODIHR election observation missions covering elections during 2003-2013 and should encourage Azerbaijani government to closer cooperation with the OSCE/ODIHR.
- The European Commission and the European Parliament should consider the implementation of the recommendations of the Venice Commission and the OSCE/ODIHR as a priority in bilateral discussions with Azerbaijani government.

**Wednesday, 13 September 2017**

***Working session 4: Specifically selected topic: Ensuring equal enjoyment of rights and equal participation in political and public life***

## **Recommendations to participating States**

### **Armenia**

To participating States:

- We recommend to all participating states to uphold their international obligations and commitments on promoting and respecting the equal rights and self-determination of peoples.

## **Estonia/European Union**

To participating States:

- Ensure equal enjoyment of rights and equal participation of women, persons belonging to marginalized groups or minorities, persons with disabilities and persons in vulnerable situations, including young persons, to participate in political and public life, including through identifying and eliminating discriminatory laws, policies and practices.
- Support policies, initiatives and effective measures that promote non-discrimination, inclusiveness and equal access to opportunities, including access to education and training.
- Strengthen regional coordination in efforts to implement the Women, Peace and Security resolutions, including by developing an OSCE- Wide Action Plan on the implementation of the Women, Peace and Security agenda.
- Enhance the OSCE's focus on supporting implementation of UNSCR 1325 and its follow-on resolutions, including through tailored assistance to participating states in development and implementation of national action plans on women, peace and security.
- Continue to implement the OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area as well as Ministerial Council Decisions 6/08 and 4/13, including by addressing practical obstacles to enhanced public and political participation of Roma and Sinti persons, paying particular attention to the effective and equal participation of Roma and Sinti women.
- Find proactive ways to enhance youth political participation and activism, including via new forms of on-line political participation, the inclusion of youth perspective into the political debate and a strengthened role of youth in the promotion of democracy, human rights and fundamental freedoms.

## **Ukraine**

To the Russian Federation:

- We demand from the Russian authorities to immediately halt persecution of the Ukrainians and their institutions, including state-owned, which promote Ukrainian culture in the territory of the Russian Federation. Such steps would signal willingness to comply with international obligations on human rights and the rights of persons belonging to national minorities, including their cultural, educational and linguistic rights.
- We encourage the OSCE and its institutions to give immediate attention to these worrying trends and assist the Russian Federation to fully comply with relevant OSCE commitments on national minorities.

## **Equal Rights Trust**

To participating States:

- to strengthen the promotion and protection of equality in respect to participation in political and public affairs, all OSCE States should adopt comprehensive equality legislation.

- each State, including those that already have otherwise well-developed equality legislation, should look seriously at the neglected issue of discrimination on the basis of political opinion
- participating States review their national legislation to assess its effectiveness in combating discrimination based on political opinion, and take steps to strengthen it.
- Participating States should consider creating new opportunities for debate on regulating online speech to ensure the enjoyment of Internet freedoms and balancing these with equality.
- States must collect and publicise information, including relevant statistical data, in order to identify inequalities, discriminatory practices and patterns of disadvantage, and to analyse the effectiveness of measures to promote equality
- OSCE participating States should ensure that the views of children and young people are given due consideration in public affairs through the adoption of child participation legislation, training of professionals, introducing curriculum reforms and awareness raising.
- States could and should do to enhance youth participation in classical formal elections, such as making it possible to vote online.

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

To Greece:

- We call upon the Greek State to take all necessary steps in line with the international standards in order to ensure the effective and full participation of the Turkish Minority of Western Thrace to the political life in Greece and to withdraw the 3% electoral threshold.

### **Wiener Akademikerbund**

To participating States:

- Religious organisations working against democracy be recategorized as political
- Efforts to replace constitutional law with Sharia be considered a punishable offense
- Foreign preachers advocating non-constitutional law shall not be granted religious status.

### **[Recommendations to the OSCE Institutions](#)**

#### **Crude Accountability**

To OSCE:

- We call on the OSCE to consider the focused attacks on environmental defenders as a concerted effort to stifle members of civil society and damage the ability of environmentalists to actively participate in public life and experience equal enjoyment of rights throughout the OSCE region, and to raise the visibility of environmental rights, including dedicating more space to these rights in future Human Dimension meetings and other activities.

## **International Platform Global Rights of Peaceful People**

To OSCE:

- Наша международная платформа «Глобальные Права Мирных Людей» требует у ОБСЕ провести специальное расследование, чтобы прекратить геноцид Левых Сил, обеспечить равное осуществление прав и участие в политической жизни всех партий и общественных организаций на Украине

## **Recommendations to the International Organizations**

### **Eurasian Dialogue**

- The time has come for the UN, the OSCE and the guarantor states of the Tajik Peace Agreements to assist the Tajik government and moderate political opposition in seeking peaceful coexistence;
- To allow international observers and lawyers to provide legal assistance to detainees and convicts of representatives of the Islamic Renaissance Party of Tajikistan and their lawyers in reviewing their cases;
- We urge the Office of the High Commissioner for Refugees of the United Nations draw attention to the situation of the supporters of former United Tajik Opposition, the Islamic Renaissance Party of Tajikistan and other opposition parties and movements.

## ***Working session 5: Specifically selected topic: Ensuring equal enjoyment of rights and equal participation in political and public life (continued)***

## **Recommendations to participating States**

### **Russian Federation**

To Latvia and Estonia:

- Призываем упомянутые нами страны, а также Международный паралимпийский комитет принять меры по устранению препятствий на пути равного участия всех граждан в политической и общественной жизни.

### **Holy See**

To participating States:

- that participating States continue their implementation of the Ministerial Council Decision 3/13 on Freedom of thought, conscience, religion or belief;



## **Ukraine**

To the Russian Federation:

- We urge Russia, as an occupying power, to take responsibility for stopping all human rights violations on the peninsula and to facilitate free and unconditional access of the international monitors to Crimea. We urge Russia to reverse the illegal occupation of the Autonomous Republic of Crimea and the city of Sevastopol which are an integral part of the sovereign territory of Ukraine.

## **Recommendations to the OSCE Institutions**

### **Holy See**

To ODIHR:

- that ODIHR consider elaborating a compendium of States' best practices on engaging with religions in public debate.

### **Ukraine**

- we call on the OSCE Chairmanship and the OSCE Institutions – HCNM, ODIHR and RFoM - to use all assets at their disposal for distant monitoring, documentation and reaction to human rights situation in the illegally occupied Crimea.

## **Recommendations to participating States and International Organizations**

### **Russian Federation**

To the International Paralympic committee:

- Призываем упомянутые нами страны, а также Международный паралимпийский комитет принять меры по устранению препятствий на пути равного участия всех граждан в политической и общественной жизни.

## **Side Event: Gender: Law and practices in daily life and media representation under State of Emergency in Turkey (Monday, 18 Sep, 8:15)**

## **Recommendations to participating States**

### **HUN Consultancy**

To Turkey:

- Ensure the effective realization of protections against violence against women and all forms of sexual harassment as guaranteed under CEDAW, the Istanbul convention and code no. 6284 Protecting Woman and Family against violence.

- Security forces, prosecutors, and judges should be provided training to ensure the effective mainstreaming of women’s rights across all government institutions.
- Hate crimes towards LGBTI women and sex workers should be thoroughly investigated.
- The right to education, employment and political representation for women should be mainstreamed throughout all levels of government policy.
- Political leaders and figures should refrain from making hostile and discriminatory public statements against women’s rights.

*Thursday, 14 September 2017*

*Working session 6: Fundamental freedoms II, including freedom of thought, conscience, religion, or belief*

Recommendations to participating States

**Armenia**

to all participating states:

To implement the Kiev Ministerial Council decision 3/13 in good faith and engage in dialogue with all relevant stakeholders to this end.

**Canada**

We would like to propose the following four recommendations:

- That participating States ensure that legislation pertaining to the registration of religious organizations embraces the principles of Article 18 of the ICCPR; and that legislation is not used to obstruct and curtail activities of religious communities, as seen recently in the case of Jehovah’s Witnesses in certain countries;
- That participating States respect the right of those individuals who wish to change their religion or belief, hold no belief, or ascribe to what some states consider “non-traditional” religions;
- That participating States ensure that religious communities are able to peacefully practice their religion without the threat of intimidation, violence, or persecution, and that any such threats or attacks are fully investigated and the perpetrators brought to justice;
- That participating States 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.

## **Estonia/European Union**

Our recommendations are:

- Participating States should fulfil their commitments by facilitating groups, associations and communities built upon religious and/or non-religious beliefs to peacefully operate and publicly manifest their beliefs, and respecting their autonomy. We underline the importance of establishing fair and clear rules and procedures which do not infringe upon OSCE commitments and international human rights standards, as outlined in the OSCE/ODIHR “Guidelines on the legal personality of religious or belief communities”.
- States have an obligation to guarantee human rights protection, and to exercise due diligence to prevent, investigate and punish acts of violence against persons based on their religion or belief. Violence or the threat thereof – such as killing, execution, disappearance, torture, sexual violence, abduction and inhuman or degrading treatment – are widespread phenomena that have to be addressed.
- We assert that violence against persons, groups or communities, against their right to freedom of thought, conscience, religion or belief, is unacceptable under any circumstances, and strongly encourage state and other influential actors in a society, whether religious or not, to speak out against acts of violence and to publicly denounce such acts at the highest level.
- The promotion of religious tolerance, respect for diversity and mutual understanding are of utmost importance with a view to creating an environment conducive to the full enjoyment by all persons of freedom of religion or belief. The EU calls on states to promote, through the educational system and other means, respect for diversity and mutual understanding by encouraging a wider knowledge of the diversity of religions and beliefs within their jurisdiction.
- States have a duty to protect all persons within their jurisdiction from direct and indirect discrimination on grounds of religion or belief, whatever the reasons advanced for such discrimination. This includes the duty to rescind discriminatory legislation, implement legislation that protects freedom of religion or belief, and halt official practices that cause discrimination, as well as to protect people from discrimination by state and other influential actors, whether religious or non-religious.
- States must fight against violations of freedom of religion or belief in an inclusive manner, whereby avoiding any discrimination in favour of the detriment of a particular religion or belief.
- Freedom of religion or belief and the freedom of expression are interdependent, interrelated and mutually reinforcing rights. Taken together, freedom of religion or belief and freedom of expression play an important role in the fight against all forms of intolerance and discrimination based on religion or belief. 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, as well as civil society and religious leaders, in denouncing in a clear and timely manner public manifestations of intolerance on religion or belief.

- Freedom of religion or belief is also an essential pillar of safe and peaceful societies. It is linked to freedom of opinion and expression, to freedom of association and assembly, without which there can be no freedom of religion or belief, as well as other human rights, and fundamental freedoms, all of which contribute to the establishment of pluralistic, tolerant and democratic societies. Conversely, violations of freedom of religion or belief are often early warnings of potential tensions or conflicts.
- We are concerned about the persistence of cases of violations of freedom of religion or belief in the OSCE area. These violations, whether committed by state or non-state actors, may take various forms: acts of discrimination or violence on the basis of religion or belief or committed in the name of religion, undue restrictions on freedom of religion or belief, in particular in the case of non-traditional or minority religions. Restrictions often imposed by States include the denial of legal personality to religious or belief communities, denial of access to places of worship, assembly and burial, repression of unregistered religious activities, the outright banning of a religion on the pretext of the fight against terrorism or extremism.
- We encourage the OSCE countries to invite UN Human Rights Special Procedures, particularly the Special Rapporteur on Freedom of Religion or Belief, and to accept and implement UN recommendations, including from treaty monitoring bodies and the Universal Periodic Review.
- We support the promotion of opportunities for an open dialogue among representatives of religious and non-religious groups and policy makers on all relevant issues.

### **Holy See**

- that the OSCE participating States, adhering to their consensually agreed decision of 2014, elaborate Ministerial Council Declarations on intolerance and discrimination on religious grounds;
- that the OSCE participating States devote one meeting of the Human Dimension Committee in 2018 to the concept and understanding of the freedom of religion or belief, in line with OSCE commitments (Cfr. Statement PC.SHDM.DEL/5/17, 23 June 2017)

### **ACT for America - Minneapolis**

recommends:

- That OSCE Participating States take action against individuals and organizations practicing law incompatible with human rights
- That OSCE Participating States call upon religious representatives to accept publicly that the law of the land is superior to religious dictates
- That OSCE Participating States take action to reclassify organizations practicing law incompatible with human rights as political organizations rather than religious one.

## **All Faiths Network**

To Russia:

- We urge the Russian authorities to lift the ban on Jehovah's Witnesses' activities in Russia, to reverse the closing of the Jehovah's Witnesses Administrative Center, to refrain from liquidating the Moscow Scientology Church and to release Dennis Christensen, the five Scientologists and any other members of religious minorities that continue to be unjustly detained for so-called "extremist" activities.
- We further urge Russia to respect the right of all to exercise the freedom of thought, conscience, religion or belief. All religious minorities should be able to enjoy freedom of religion and assembly without interference, as guaranteed by the Russian Federation's Constitution.

## **Barnabas Fund**

Consequently Barnabas Fund requests OSCE countries to:

- Carry out a needs assessment of the specific issues faced by religious minorities such as Christians and Yazidis within refugee populations in order to ensure that it adequately meets its "duty to protect".
- Develop a specific strategy to protect religious minorities who are refugees in their country from religiously motivated violence from other refugees.

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

To Austria:

BPE ruft die österreichische Regierung auf, die Politik der Desinformation einzustellen und das Islamgesetz einer sofortigen Revision zu unterziehen, mit der die europäischen Werte der Nichtdiskriminierung und der Rechtsstaatlichkeit wiederhergestellt und die grundrechtswidrige und asymmetrische religionsrechtliche Privilegierung des Islam beendet wird.

## **Church of Scientology, Human Rights Office**

To Russia:

Russia should really separate Church and State, should stop hypocrisy, and should stop any biased and corrupt application of law that is meant to protect people and give security, but that instead is being mainly used as a witch hunt not only against Scientologists, but against Jehovah Witnesses, against Mormons, Presbyterians and many other minority Christians and others.

We demand you to come back to your senses and start to rightfully apply your own violated constitution as well as European, OSCE and international religious freedom standards.

## **Equal Rights Trust**

calls on participating states to:

- Reiterate their commitments, made in Vienna in 1989, and Copenhagen in 1990, to ensure the freedom of thought, conscience and religion, including the right to manifest one's religion or belief.

- Condemn the adoption of legislation or the implementation of measures which restrict or limit the freedom of thought, conscience and religion.
- Repeal or amend regulations on the establishment of religious associations which have the effect of limiting or denying religious freedom, and discriminating directly and indirectly against members of religious minorities and non-orthodox religions.
- Refrain from applying anti-extremism laws in ways which persecute religious groups and individuals on the ground of national security.
- Provide adequate legal protection from discrimination on the basis of religion, and ensure that both state and non-state actors refrain from discriminating against individuals and groups on the basis of religion.

### **Eurasian Dialogue**

To Tajikistan:

I call on our friendly countries and international organizations to urge the government of Emomali Rahmon not to intervene in private lives of the people. And it should do its own duty; provide freedom, jobs, electricity and reform.

### **European Federation for Freedom of Belief (FOB)**

We want then to recall the OSCE Decision MC.DEC/3/13 on Freedom of Thought, Conscience, Religion or Belief that, after recalling a number of obligations on States contained in the international human rights instruments and emphasising the importance of such freedoms for the individuals and the groups, it calls on member States – to mention a few of them – to prevent intolerance, violence and discrimination based on religion or belief; to promote the dialogue; to refrain from imposing restrictions that are inconsistent with the State international obligations; to take effective measures to prevent and eliminate discrimination against individuals and religious groups; to adopt policies to promote the respect of worship places and other religious sites; and then very simply to fully implement their international commitments to ensure the right of all individuals to profess and practice religion or belief, either alone or in community with others, and in public or private, and to manifest their religion or belief through teaching, practice, worship and observance, including through transparent and non-discriminatory laws, regulations, practices and policies

### **Federation Europeene des Centres de Recherche et d'Information sur le Sectarisme (FECRIS)**

To Italy:

We furthermore, call on the Italian government to comply with European directives, respond to parliamentary questions submitted regarding the protection of individuals against sect abuse, and, lastly, not to be misled by impostors.

### **Forum 18 News Service**

to address the causes of insecurity, **participating States**, OSCE institutions and field operations, and civil society could:

- understand in concrete terms the serious violations of the freedom of religion or belief and interlinked freedoms of expression, assembly and association taking place in the OSCE region – including the targetting by some participating States of women exercising these freedoms;
- mainstream freedom of religion or belief work within an all human rights for all perspective, stressing implementation of all fundamental freedoms, including to be free from torture;
- insist in line with human dimension commitments that the non-negotiable most effective step to ensure security is to fully implement fundamental freedoms commitments;
- challenge the misuse of concepts such as “anti-terrorism”, “extremism”, “religious tolerance”, and “dialogue” to disguise human dimension commitment violations;
- use tools such as the EU Guidelines on the promotion and protection of freedom of religion or belief, the OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and on Freedom of Association, the OSCE Guidelines on Freedom of Peaceful Assembly, and on the Protection of Human Rights Defenders

### **Freedom Now**

To Azerbaijan:

We urge the Government of Azerbaijan to amend its religious law to abide by international standards and to immediately and unconditionally release all prisoners of conscience.

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

Participating States are urged to:

- benefit from the Guidelines on the Legal Personality of Religious or Belief Communities in drafting and reviewing legislation pertaining to registration of religious communities.
- respect the autonomy of religious or belief communities, by ensuring that national law leaves it to the religious or belief community itself to decide on its leadership, its internal rules, the substantive content of its beliefs, the structure of the community and methods of appointment of the clergy.
- engage in consultations with religious communities in order to adopt anti-discrimination laws which do not violate the autonomy and self-organization of the religious communities.
- foster the participation of religious communities in public life and welcome the interventions in the public debate of the religious leaders.
- promote a dialogue between the representatives of the religious communities that are building a new place of worship and the religious communities historically present in the places in order to foster a climate of mutual tolerance and respect between believers of different communities.

- return to religious communities the place of worship which were confiscated by public authorities, returning them to the original owner instead allocating to other religious communities.
- adopt legislation and zoning laws which prohibits zoning of place of worship for different use than the original.
- guarantee the right to wear religious symbols and attire in public spaces.
- guarantee the conscientious objection not only to the compulsory military service but also in relation to all morally sensitive questions.
- not force children to a compulsory religious or ethical teaching which may be not consistent with the convictions of the children's parents, providing for this case non-discriminatory opt-out possibilities.
- request the assistance of the OSCE/ODIHR in reviewing or drafting legislation pertaining freedom of religion or belief.
- mainstream freedom of religion or belief in their foreign policies.

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

To Kyrgyzstan:

- привести в действие статью 13 Закона «О противодействии экстремистской деятельности» где предусмотрено, что наличия в информационных материалах экстремистских признаков, осуществляется судом;
- пересмотреть статью 299-2, УК Кыргызской Республики (приобретение, изготовление, хранение, распространение, перевозка и пересылка экстремистских материалов, а также умышленное использование символики или атрибутики экстремистских организаций) на соответствие его международным договором и обязательствам Кыргызской Республики в области прав человека;
- в соответствии со статьей 4 Закона «О противодействии экстремистской деятельности» создать координационный экспертный комитет для проведения экспертизы на предмет выявления экстремистского содержания в тех или иных информационных материалах и устных высказываниях.
- Разработать положение и утвердить Правительством его состав, в связи, с чем дальнейшее проведение религиозоведческой и теологической экспертизы проводить координационным экспертным комитетом;
- разработать квалификационные требования, предъявляемые для экспертов по религиозоведческой и теологической экспертизе. Должности судебного эксперта внести в Реестр государственных должностей Кыргызской Республики утвержденного Указом Президента Кыргызской Республики от 26 марта 2013г. №145
- рекомендовать Пленуму Верховного суда Кыргызской Республики обобщить судебную практику по вынесению приговоров связанных с экстремистской деятельностью.



## **Human Rights Without Frontiers**

To Russia:

Recommendations Human Rights Without Frontiers Int'l (HRWF) and Forum for Religious Freedom/ Europe (FOREF) urge the authorities of the Russian Federation:

- To lift the ban of Jehovah's Witnesses and to restore the full religious freedom of the 175,000 members of their movement
- To release Dennis Christensen, a Danish Jehovah's Witness detained since April 2017 for attending a religious meeting in Oryol.

## **Kerk van de Almachtige God (Nederland) (the Church of Almighty God)**

To the Netherlands:

We hope the Dutch Immigration Service not to deport these members of the church of Almighty God but to grant them political asylum. None of them has committed any illegal activity in the Netherlands.

## **KrymSOS**

To Russia:

Призываем Россию, осуществляющую эффективный контроль над аннексированным Крымом, дать ответ где находится Ренат Параламов и прекратить практики насильственных похищений, обысков и политически мотивированных уголовных преследований в Крыму.

## **Netzwerk Muslimische Zivilgesellschaft (NMZ)**

To participating States

- We recommend every OSCE country to conduct a self-evaluation report in order to see if the OSCE countries observe the commitments they agreed upon. These analyses should be in close cooperation with civil organizations and NGO's, similar to the self-evaluation report that countries which have had the chairmanship conducted.
- Furthermore, we recommend every state to configure an institution, which is legally obligated to check if there are unconstitutional legal situations and if they cause unequal rights because of ethnicity, gender or religious beliefs.
- We recommend that the government take the lead in fighting the existing discrimination against minorities on the labor market by creating a quota system for minorities within government employment, which will lead to religious minorities having more trust in the state institutions.

## **Order of St. Andrew**

To Turkey:

The Order, therefore, recommends the following

- Officially recognize that the Ecumenical Patriarchate and its institutions have legal personality and standing, with rights to acquire, own, build and repair property. If necessary, the laws related to minority foundations should be amended.
- Officially recognize the "Ecumenical" status of the Patriarch and Patriarchate.

- Fairly and expeditiously implement the August 2011 decree allowing for the return of all confiscated property.
- Allow the Ecumenical Patriarchate to reopen the Theological School of Halki.
- Abstain completely from any national or local government interference related to the internal governance of the Ecumenical Patriarchate.
- Fully implement the 1948 Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which Turkey has subscribed, and provide equal rights to all religious minority communities.

### **Set My People Free**

As nongovernmental organizations promoting the freedom of religion, we are proposing an international dialogue among **nations** and United Nations experts that could show the way toward the abolishment of apostasy and blasphemy laws. We seek your ideas and your support

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

Мы призываем российские власти:

- Отменить дискриминационное решение о запрете Свидетелей Иеговы, пересмотреть решения о запрете ряда мусульманских организаций.
- Отменить «антимиссионерские» поправки из «пакета Яровой», ограничивающие конституционное право на распространение религиозных убеждений.
- Пересмотреть в целом политику в отношении протестантских организаций и НРД (полностью), поскольку наблюдаемая легитимация «антисектантских» настроений не только противоречит принципу свободы совести, но и угрожает безопасности общества.
- Исключить из Уголовного кодекса норму об оскорблении религиозных чувств как избыточную и неуместную в условиях светского государства.

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

To Greece:

- To guarantee freedom of religion to Turkish Minority including the election of Muftis and the WAQF boards
- To abolish the Law no 4115/2013 known as “240 Imam Law” that is against the religious autonomy of Turkish Minority

### **[Recommendations to the OSCE Institutions](#)**

#### **Estonia/European Union**

To ODIHR:

- We encourage the ODIHR to address the connection between freedom of religion or belief and tolerance and non-discrimination issues, and we recommend this to be reflected to all relevant OSCE events and activities.
- We express our full support for the work of the ODIHR and its Advisory Panel on Freedom of Religion or Belief, which provides legal support to participating

States in the implementation of their OSCE commitments. We also encourage cooperation between the OSCE, the Venice Commission, the Council of Europe and the United Nations Special Rapporteur on freedom of religion or belief.

### **Holy See**

To ODIHR:

that ODIHR continue its analysis and thinking concerning interreligious dialogue and dialogue between religious communities and governmental bodies, keeping in mind the differences between these two forms of dialogue

### **ACT for America - Minneapolis**

recommends that OSCE establishes a working group to propose measures against law that violates human rights, with a particular emphasis on Sharia.

### **Americans for America**

recommends that the word “discrimination” be omitted from official OSCE documents.

### **Center for Security Policy**

I recommend for the ODIHR 2017: Let us leave here today, renewed & inspired to reject liberty-crushing concepts like 'hate speech' & death penalties for religious beliefs or rejection of belief & instead committed to defend freedoms of belief, conscience & speech & all the principles of liberty we hold so dear.

### **Constantinopolitan Society**

Due to systematic and ongoing violations of religious freedom, OSCE / **ODHIR** 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 / ODHIR 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.
- 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.
- Terminate any move towards conversion of Hagia Sophia Museum into a mosque. 1/2
- 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.
- 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.

### **Forum 18 News Service**

to address the causes of insecurity, participating States, **OSCE institutions** and field operations, and civil society could:

- understand in concrete terms the serious violations of the freedom of religion or belief and interlinked freedoms of expression, assembly and association taking place in the OSCE region – including the targeting by some participating States of women exercising these freedoms;
- mainstream freedom of religion or belief work within an all human rights for all perspective, stressing implementation of all fundamental freedoms, including to be free from torture;
- insist in line with human dimension commitments that the non-negotiable most effective step to ensure security is to fully implement fundamental freedoms commitments;
- challenge the misuse of concepts such as “anti-terrorism”, “extremism”, “religious tolerance”, and “dialogue” to disguise human dimension commitment violations;
- use tools such as the EU Guidelines on the promotion and protection of freedom of religion or belief, the OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and on Freedom of Association, the OSCE Guidelines on Freedom of Peaceful Assembly, and on the Protection of Human Rights Defenders

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

The OSCE/ODIHR is called upon to:

- raise awareness on the positive contribution of the religions to the building and the well-being of our democratic societies.
- assist – in cooperation with the Advisory Panel of Experts on Freedom of Religion or Belief – the participating States in reviewing or drafting legislation pertaining freedom of religion or belief in order to guarantee (a) that the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions is fully respected and (b) that the participating States provide non-discriminatory opt-out possibilities that would accommodate the wishes of parents.
- assist – in cooperation with the Advisory Panel of Experts on Freedom of Religion or Belief – the participating States in reviewing or drafting legislation pertaining freedom of religion or belief in order to guarantee the right to conscientious objection in all morally sensitive questions, providing that the

rights of others to be free from discrimination are respected and that the access to lawful services is guaranteed.

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

- provide – in close cooperation with the OSCE-ODIHR and the Advisory Panel of Experts on Freedom of Religion or Belief – guidelines for voluntary professional standards and selfregulation of the media aimed to (i) promote knowledge and understanding of religions, (ii) give a fair and accurate account of religious beliefs, and (iii) ensure that members of religious communities are given the chance to express their own views on the media.

### **Human Rights Vision**

We appeal to all international organizations on human rights protection, **OSCE**, Committee of United Nations on human rights to pay close attention and to enhance monitoring on fulfillment by Tajikistan of their obligations according to International Covenant on civil and political rights.

### **Islamic Renaissance Party**

мы призываем международное сообщество, организаций по защите прав человека и в особенности ОБСЕ, оказать давления на таджикских властей с целью:

- Устранить все ограничения свободы граждан;
- Освободить всех политзаключенных, либо организовать справедливое судебное разбирательство с участием международных наблюдателей.
- Устранить все ограничения деятельности партий, в том числе ПИВТ, чтобы они могли заниматься политической деятельностью внутри страны.

### **Netzwerk Muslimische Zivilgesellschaft (NMZ)**

we recommend that there should be OSCE representatives who observe the situation of human rights in the respective countries.

### **[Recommendations to the OSCE Field Missions](#)**

#### **Forum 18 News Service**

to address the causes of insecurity, participating States, **OSCE** institutions and **field operations**, and civil society could:

- understand in concrete terms the serious violations of the freedom of religion or belief and interlinked freedoms of expression, assembly and association taking place in the OSCE region – including the targetting by some participating States of women exercising these freedoms;
- mainstream freedom of religion or belief work within an all human rights for all perspective, stressing implementation of all fundamental freedoms, including to be free from torture;

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

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

The OSCE Field Mission are urged to:

- mainstream freedom of religion or belief in their programs and activities.

### **Recommendations to the International Organizations**

#### **Eurasian Dialogue**

I call on our friendly countries and international organizations to urge the government of Emomali Rahmon not to intervene in private lives of the people. And it should do its own duty; provide freedom, jobs, electricity and reform.

#### **Federation Europeene des Centres de Recherche et d'Information sur le Sectarisme (FECRIS)**

We recommend that European and other inter-governmental forums exercise the necessary vigilance to monitor those who act as «transmitters of values» of our open societies and unmask those who pretend to carry these values to better disregard them.

#### **Human Rights Vision**

We appeal to all international organizations on human rights protection, OSCE, Committee of United Nations on human rights to pay close attention and to enhance monitoring on fulfillment by Tajikistan of their obligations according to International Covenant on civil and political rights.

#### **Islamic Renaissance Party**

мы призываем международное сообщество, организаций по защите прав человека и в особенности ОБСЕ, оказать давления на таджикских властей с целью:

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- Освободить всех политзаключенных, либо организовать справедливое судебное разбирательство с участием международных наблюдателей.
- Устранить все ограничения деятельности партий, в том числе ПИВТ, чтобы они могли заниматься политической деятельностью внутри страны.

## **Set My People Free**

As nongovernmental organizations promoting the freedom of religion, we are proposing an international dialogue among nations and **United Nations** experts that could show the way toward the abolishment of apostasy and blasphemy laws. We seek your ideas and your support

*Thursday, 14 September 2017*

## ***Side Event: Tajikistan: Preventing the Radicalization of Youth by Fighting the Root Causes***

### **Recommendations to participating States**

#### **Islamic Renaissance Party**

**Countries** and organizations which care about sustainable stability and development of nations, especially in vulnerable regions, should review their strategies on fighting terrorism and de-radicalization. Along with increasing pressures on authoritarian and unjust regimes and paying more attention to human rights issues, political and religious freedoms and respect to laws, attentions must be drawn to intellectual and cultural issues in this regard too. Especially, close cooperation with the effective forces and figures who have vision and moderate strategies and at the same time they have influence in vulnerable groups in radicalization case, must be figured out.

### **Recommendations to the International Organizations**

#### **Islamic Renaissance Party**

Countries and **organizations** which care about sustainable stability and development of nations, especially in vulnerable regions, should review their strategies on fighting terrorism and de-radicalization. Along with increasing pressures on authoritarian and unjust regimes and paying more attention to human rights issues, political and religious freedoms and respect to laws, attentions must be drawn to intellectual and cultural issues in this regard too. Especially, close cooperation with the effective forces and figures who have vision and moderate strategies and at the same time they have influence in vulnerable groups in radicalization case, must be figured out.

*Thursday, 14 September 2017*

***Working session 7: Tolerance and non-discrimination I, including: combating racism, xenophobia, and discrimination; combating anti-Semitism and intolerance and discrimination against Christians, Muslims and members of other religions; prevention and responses to hate crimes in the OSCE area***

**Recommendations to participating States**

**Canada**

offers the following three recommendations:

- That OSCE participating States pursue policies and programs that promote inclusion in order to derive the economic, social, cultural, civil, and political benefits of diversity;
- That OSCE participating States strengthen, or introduce where it does not exist, legislation that outlaws damaging acts of hate, discrimination, and intolerance and ensures their perpetrators are brought to justice.
- That the OSCE and ODIHR continue to raise awareness about discrimination, hate crimes, anti-Semitism, and other forms of intolerance, including against Muslims, Christians, other religious groups, women and girls, and against sexual minorities, including LGBTI persons.

**Estonia / European Union**

Pour les Etats participants :

- Veiller à ce que chaque individu puisse jouir, sans distinction, des droits de l'Homme et des libertés fondamentales et dispose de moyens de recours effectif en cas de discrimination ou autre violation de ses droits et libertés ;
- Favoriser l'apprentissage de la diversité, du dialogue et de la tolérance et déconstruire les préjugés en promouvant les droits de l'Homme ainsi que des sociétés inclusives et solidaires ;
- Condamner de façon systématique les appels à la haine, quels qu'en soient les auteurs, les motifs ou les individus visés ; encourager à ce que les crimes de haine soient rapportés ;
- Coopérer activement avec le BIDDH pour prévenir et combattre toutes les formes d'intolérance, notamment en contribuant à ses statistiques sur les crimes de haine.
- Maintenir une approche inclusive de la lutte contre l'intolérance et les discriminations, basée sur l'universalité des droits de l'Homme et la lutte contre toutes les formes de discriminations sans distinction ;
- S'assurer que les activités de l'OSCE en matière de lutte contre l'intolérance et les discriminations réaffirment notre cohésion sur la base de principes communs, dont la lutte contre toutes les formes d'intolérance et l'égalité de dignité de tous les êtres humains sans exception ;



- Mieux prendre en compte les multiples formes de discrimination dans la lutte contre l'intolérance ;
- Encourager une meilleure articulation des travaux des représentants personnels de la présidence entre eux ainsi qu'avec le BIDDH dans le cadre d'une approche inclusive pour permettre une meilleure cohérence et efficacité de la lutte contre l'intolérance dans le contexte OSCE

### **Holy See**

that the OSCE participating States, in their implementation of commitments related to tolerance and non-discrimination, carefully safeguard all universal human rights and fundamental freedoms, as they are understood in OSCE consensually agreed decisions

### **Switzerland**

Par conséquent, la Suisse réitère son appel à tous les Etats participants à surmonter leurs différences et à promouvoir ensemble la tolérance et la non-discrimination, y compris à l'égard des différentes communautés religieuses

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

- recording anti-Muslim/Islamophobic crimes as a category of hate crime by the police
- protecting free speech while developing good guidelines to tackle online hate speech and considering primary legislation to deal with social media offences and online hate speech
- developing teaching materials to educate young people on anti-Muslim hatred and discrimination and prioritising religious education in the national curriculum to prepare young people for life in a religiously plural society
- tackling religious discrimination in the workplace and address the low level of economic activity among Muslims through targeted interventions at stages of recruitment, retention and promotion; improving access to employment for Muslim women. (particularly after the ECJ decision which almost legitimises discrimination against Muslim women)
- preserving the Human Rights Act and the protection of minority rights including religious slaughter (on the contrary there are more and more bans on religious slaughter now), circumcision and the wearing of religious dress or symbols
- curbing the encroachment of counter-terrorism policies on civil liberties by working with Muslim communities, not against them, in the so-called "de-radicalisation" programmes
- committing to democracy and human rights promotion abroad, including the rights of religious minorities

### **Association of Religious Organizations of Kazakhstan (AROK)**

To Kazakhstan:

Рекомендуем правительству Казахстана, в Министерстве по делам религий и гражданского общества создать специальный департамент по

свободе вероисповедания и недопущения дискриминации. Работа в этом направлении на системном уровне, помогло бы решить целый ряд серьезных вопросов, в том числе и на законодательном уровне.

В случае создания такого департамента для его сотрудников, БДИПЧ мог бы провести обучение, по вопросам связанным с безопасностью и обеспечению прав человека и противодействию дискриминации.

#### **ACT for America – Minneapolis**

- Recommends that ODIHR and participating states consider carefully the ramifications of criminalizing any free speech; and
- Urges the Canadian people and its representatives in parliament to hold fast to the principles enshrined in its Constitution and reject all efforts to silence the free speech of a free people.

#### **B'nai B'rith International**

- We must continue to affirm commitments made at the landmark 2004 conference and reiterated at subsequent conferences and assess the implementation of those commitments.
- We must enhance funding for ODIHR's Tolerance and Non-Discrimination unit, which has now become a fixed and integral part of the OSCE's work. We must enable the TND unit to sustain and expand its critical activities, which include educational programs on anti-Semitism in more than a dozen countries.
- We must extend, for the foreseeable future, the terms of the three personal representatives on intolerance.
- 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 (Citizens' Movement) PAX EUROPA e.V.**

- Participating States should reiterate their commitment in the Copenhagen Document to the ideals of democracy and political pluralism as well as their common determination to build democratic societies based on free elections and the rule of law.
- Participating States should renew their commitment to the Copenhagen Document's commitment to freedom of expression, which is being systematically impeded by Participating States in an effort to stifle criticism of Islam.
- Participating States should reiterate the Copenhagen Document's commitment against totalitarianism, anti-Semitism, and persecution on religious grounds, noting that the Islamic law known as Sharia mandates and results in all three.

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

To France:

CAP Liberté de Conscience demande également à la France de prendre clairement

position en faveur de la liberté de toutes les religions en Europe en actant cette prise de position par l'arrêt du financement de la FECRIS par le gouvernement français.

## **Center for Security Policy**

- Participating States should echo ECHR in affirming Sharia is incompatible with a democratic society.
- Participating States should expand existing bans on neo-Nazi and Communist ideologies to include Sharia
- Participating States should evaluate the degree to which citizens and immigrants embrace Sharia in determining migration and security policy in order to prevent future support for totalitarianism, religious discrimination, and anti-Semitism

## **Christian Evangelical Church, Temirtau**

To Kazakhstan:

- Соразмерить уровень наказания за подобные виды нарушений с нарушениями сделанными в нерелигиозном контексте.
- Привести законодательство РК в сфере свободы совести в соответствии с международными стандартами права.

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

Рекомендации для Казахстана:

Пересмотреть предлагаемые поправки в закон о религиозной деятельности, и привести предлагаемые нормы в соответствии с взятыми на себя международными обязательствами по недискриминации и права на религиозную свободу.

## **Constantinopolitan Society**

To Turkey:

Overall, Turkey is called upon to take seriously into consideration the recommendations by EU and international organizations pertaining to human rights and act upon them and make more strenuous efforts to prevent discrimination and intolerance.

## **Eurasia Partnership Foundation**

Recommendations to the Government of Armenia:

Legislation and policies relating to freedom of thought, conscience, religion or belief.

General recommendation

- revise the Draft law on "Making Amendments to the Law of the Republic of Armenia on the Freedom of Conscience and on Religious Organisations" and amendments and/or supplements to adjacent laws bringing it into full

compliance with the principles and norms of international law, excluding any provisions that would result in discriminatory approach towards religious organisations.

#### Specific recommendations

- to avoid misinterpretation of the Draft as well as based on Constitution of Armenia, which guarantees prohibition of discrimination on the grounds of religion, the Draft should equally cover the relations pertaining to the activities of AAC and stipulate its legal status as a “religious organization”
- Replace the ground of “state security” for limiting the freedom of religion, introduced in the Draft, with “public safety”, in conformity with paragraph 2 of Article 9 of the ECHR. At the same time, the standard of “necessary in democratic society” shall be added in the same clause in compliance with paragraph 2 of Article 9 of the ECHR.
- amend the Draft, making restrictions on barring out religious preaching in educational institutions equally applicable to the activities of AAC.
- Remove the reference to the RA Law “On non-governmental organisations”, which in fact confuses religious organisations with non-governmental organisations from the Draft and introduce a new provision envisaging the procedure of establishment of religious organisations.
- remove a blanket prohibition on foreign financing of religious organisations bearing in mind the OSCE/ODIHR-Venice Commission Joint Opinion for Armenia, which considers the blanket prohibition on foreign financing of religious communities to be unreasonable and emphasises the incompatibility of such prohibition with the requirements of Article 9 of the ECHR, i.e. absence of the “necessary in democratic society” standard.
- replace the term “member” of the religious organisation be replaced by “follower” and “servant” concepts and remove the requirement of record-keeping of the members of the organization. Further, clearly provide an exhaustive list of documents on activities of the religious organization to be requested by the Authorised Body (which carries out supervision over activities of religious organization) in case such necessity arises.
- include a provision in the Draft law removing the prohibition of law enforcement servants’ membership to religious association and/or religious organisations.

#### Freedom of thought, conscience, religion or belief and the right to education.

- based on the recommendations of the UN Committee on the Rights of the Child, 2013 and the recommendations addressed to Armenia during the Universal Periodic Review in 2015 and bearing in mind the secular nature of education in Armenia stipulated by national legislation, revise the content of the “History of the Armenian Church” subject reflecting the coverage of historical events and excluding religious preaching.
- eliminate the instances of religious preaching at school by AAC as well as anti-preaching against other religions and beliefs, which lead to intolerant and discriminatory practices, through intervention of authorised bodies (where necessary) guaranteeing the the education on religion is provided in line with the objective, impartial and democratic principles of pluralism.

- eliminate prayer, crossing oneself and other religious ceremonies while teaching the “History of the Armenian Church” at schools.
- opt-out the “History of the Armenian Church” compulsory school subject, in parallel to it or as an option, introduce the subject of “World Religions” and/or “History of Culture” in the line with recommendations of the UN Committee on the Rights of the Child, UN Committee on Racial Discrimination, European Commission of Racism and Intolerance (ECRI) and OSCE Toledo Guiding Principles on Teaching About Religions and Beliefs in Public Schools. The teaching process should be exclusively secular avoiding elements of religious indoctrination, usage of religious symbols or rituals in public school which is in line with Armenia’s Constitution and Law on Education

### **European Association of Jehovah's Christian Witnesses**

#### **REQUEST THAT THE GOVERNMENT OF BULGARIA:**

- Ensure that law-enforcement authorities provide appropriate protection against physical assaults on Jehovah’s Witnesses and acknowledge acts of religious hatred
- Prosecute vandals and hooligans who attack houses of worship and who harass and harm worshippers
- Protect the right to manifest one’s religious beliefs individually and jointly with others
- Strike down discriminatory municipal ordinances that restrict peaceful religious expression
- Hold responsible those who slander others in the public media and incite religious hatred

#### **REQUEST THE GOVERNMENT OF AZERBAIJAN TO:**

- Grant full registration to Jehovah’s Witnesses in Baku and in other parts of the country
- Stop interfering with their worship and manifestation of belief
- Recognize the right to conscientious objection and provide an alternative civilian service programme conforming to international standards
- Allow Jehovah’s Witnesses the unhindered use of their religious literature

#### **REQUEST THAT THE GOVERNMENT OF BELARUS:**

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

#### **REQUEST THE GOVERNMENT OF KAZAKHSTAN TO:**

- Release Teymur Akhmedov from prison
- End the arrest, prosecution, and harassment of Jehovah’s Witnesses for so-called unregistered missionary activity
- Lift imposed bans on religious publications of Jehovah’s Witnesses and restrictions on distribution

- Fulfil its obligations under international law to guarantee freedom of religion, expression, assembly, and association for all citizens, including Jehovah's Witnesses
- Prosecute vandals and hooligans who attack houses of worship of Jehovah's Witnesses and who harass and harm their adherents
- Enforce media standards prohibiting libel and slander

REQUEST THE GOVERNMENT OF KYRGYZSTAN TO:

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

REQUEST THE RUSSIAN FEDERATION TO:

- Respect the fundamental freedoms of Jehovah's Witnesses
- Reverse the Supreme Court decision of 17 July 2017 that implements the repression of Jehovah's Witnesses in Russia
- Abide by the Constitution of the Russian Federation and the international law to which Russia has obligated itself, including the judgments of the European Court of Human Rights
- Release Dennis Christensen and stop persecuting Jehovah's Witnesses for the peaceful practice of their religious beliefs
- Remove the religious literature of Jehovah's Witnesses from the Federal List of Extremist Materials
- Void the 17 August 2017 ruling of the Vyborg City Court, which declared that the New World Translation of the Holy Scriptures is not a Bible and is "extremist material"

REQUEST THE GOVERNMENT OF TAJIKISTAN TO:

- Release Daniil Islamov from the military training camp and stop his criminal prosecution
- Recognize the right to conscientious objection to military service and provide for alternative civilian service
- Allow Jehovah's Witnesses to register their local religious organisation
- Allow Jehovah's Witnesses legally to import and use their religious literature
- Allow Jehovah's Witnesses peacefully to practice their religious beliefs and to share them with their neighbours

REQUEST THE GOVERNMENT OF TURKEY TO:

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

REQUEST THE GOVERNMENT OF UKRAINE TO:

- Investigate, prosecute, and appropriately punish vandals and hooligans who attack their houses of worship and harass and harm our members during their religious activity
- Eliminate the interference with constructing and occupying houses of worship, as has come from State Architect Building Inspection/Council Departments.

REQUEST THE AUTHORITIES IN THE DONETSK AND LUHANSK REGIONS OF UKRAINE TO:

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

REQUEST THE GOVERNMENT OF UZBEKISTAN TO:

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

### **Ev. Freikirche "Mittelpunkt" Braunschweig e.V**

To Kazakhstan:

мы призываем Казахстан пересмотреть свою репрессивную политику направленную на все более жесткий контроль религиозных общин, которые не представляют никакой угрозы государству.

### **Forum 18 News Service**

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

- understand in concrete terms the serious violations of the freedom of religion or belief and interlinked freedoms of expression, assembly and association taking place in the OSCE region – including the targetting by some participating States of women exercising these freedoms;
- mainstream freedom of religion or belief work within an all human rights for all perspective, stressing implementation of all fundamental freedoms, including to be free from torture;
- insist in line with human dimension commitments that the non-negotiable most effective step to ensure security is to fully implement fundamental freedoms commitments;
- challenge the misuse of concepts such as “anti-terrorism”, “extremism”, “religious tolerance”, and “dialogue” to disguise human dimension commitment violations;
- use tools such as the EU Guidelines on the promotion and protection of freedom of religion or belief, the OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and on Freedom of Association, the OSCE Guidelines on Freedom of Peaceful Assembly, and on the Protection of Human Rights Defenders.

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

Participating States are urged to:

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

## **Netzwerk Muslimische Zivilgesellschaft (NMZ)**

We should break down stereotypes that have been perpetuated through negative and islamophobic media coverage. For this, we recommend mandatory education and awareness-raising to prevent intolerance and discrimination especially among police, public officers and teachers. We advocate educational work in cooperation with different Muslim associations in the respective cities and countries.

## **Observatory on Intolerance and Discrimination Against Christians in Europe**

Recommendations to Participating States:

- Train and educate police, social welfare office staff, and accommodation security on the topic of religiously-motivated conflict.
- Educate and inform civil servants about what the Christian faith is, what it means to convert and what kind of consequences this can bring about, both in the event of a return to the home country, but also in Europe.
- Improve the balance in ethnic/religious composition of refugees, as well as staff, security, and translators in asylum centres, and remove offending staff in incidents of religiously-motivated bias or violence.
- Provide refugees and asylum seekers more information about religious freedom and freedom of speech, what these rights mean in practice, as well as information on how to report incidents to the police.
- Permit anonymous reporting of religiously-motivated incidents, protect whistle-blowers, remove perpetrators from accommodations, and deport violent offenders.
- Move Christians to safe homes as quickly as possible.
- Support private accommodations for Christians. As a last resort or temporary measure, in the absence of the above-mentioned protections, establish separate accommodations for Christian refugees.



## **Order of St. Andrew**

To Turkey:

- First, the Government of Turkey should reopen and extend the August 27, 2012 Decree deadline for the submission of applications to recover seized property, which did not give applicants sufficient time to respond. The Decree should be expanded to include all seized properties that were excluded. The Government should also revamp the manner by which the Decree is implemented. A Public Advocate, who is not a Government bureaucrat, should be employed to ensure that the Decree is implemented in a fair and expeditious manner.
- Second, the Government of Turkey should adopt a policy which enables election of Orthodox Christians to be board members of minority foundations, in a manner which assures that all the minority foundations will be able to manage returned property effectively.
- Third, 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.
- Fourth, 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.
- Fifth, the Government of Turkey should desist from its recent policy of converting museums which were historic Christian sites into mosques, especially when there is no overriding need for additional mosques in such locations. This policy is an impediment to harmony among religious groups.

## **Organisation Franco-Egyptienne pour les Droits de l'Homme**

We are recommending that the OSCE States:

- End the use of the term Islamophobia in all official documents and speeches and if necessary use the term Blasphemy, in case there is a need.
- Send an official call to the Egyptian president for the release of all those who have been convicted by the courts on account of their accusation of blasphemy of religion and mainly Imam Mohamed Abdallah Nasr, a real victim of the Islamists Extremists.

## **Representation of the Ukrainian Orthodox Church to the International Organizations**

To Ukraine:

- Recommends to the State of Ukraine, by virtue of statements of its civil servants, to publicly condemn actions of radical organizations and offenders who commit overt crimes against religious organizations and believers of our confession.

To participating States:

- Recommends that the OSCE participating States make recommendations to the State of Ukraine in the UN Universal Periodic Review of the 28th session of the Human Rights Council, which in November 2017 will consider the fulfillment of our country's obligations to provide for human rights. Supplying such

recommendations on the above problems will undoubtedly contribute to the protection of human rights and ensure de facto freedom of religion in our country.

- Calls upon the OSCE, the participating States of this meeting: via counseling and other means of communication, to facilitate the removal of discriminatory bills Nos. 4128, 4511, 5309 from the agenda of the Verkhovna Rada of Ukraine, and to assist in the cessation of offenses against the Ukrainian Orthodox Church.

### **Soteria International**

Soteria international recommends that authorities engage to combat hate crimes and other manifestations of intolerance and discrimination by creating educational programs, including raising awareness with regards to the direct correlation between the Freedom of Religion and Belief and the Freedom of Expression. Soteria international considers the role of education in raising awareness on the correlation between freedom of expression and the freedom of conscience, thought, and belief while ensuring the respect of one another's dignity and beliefs to be very important.

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

For the OSCE Participating States:

- Change the hate crime reporting system so that suspected hate motive could be recorded at any stage, including the earliest one. Specialized police units are more effective in investigating hate crimes, but regular police should conduct such investigations as well.
- Publish hate crime statistics, highlighting the different types, regions, and number of victims. Official statistics should be based both on court decisions (for both proven and unproven cases), and on the number of opened criminal cases.
- More actively use the information collected by non-governmental organizations that perform systematic monitoring of racist groups, and consult NGOs on law enforcement issues. Despite methodological, and even political, differences, such cooperation can be very productive.
- Take statements from victims of suspected hate crimes also at mediation with such NGOs and specialized public authorities, dealing with discrimination problems.
- Adjust the legislative framework covering hate crimes and related activities, including public incitement, organizing, financing, etc. Legislation should focus law enforcement efforts, first and foremost, on prosecuting the most dangerous crimes against the person. The internal policies and regulations of law enforcement agencies should reflect the same priorities.
- To give an evaluation to the national laws on incitement to hatred and their implementation, with reference to the Rabat Action Plan, adopted by UN Human Rights Council in 2013.
- There is a need to adopt and develop comprehensive anti-discrimination legislation or a series of individual acts containing effective rules and procedures of proving discrimination

- Public officials should have no right to express publicly their intolerance or even disrespect to any minorities. Civil service legislation should include effective sanctions against such actions. These penalties also need be made public.

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

To Greece:

we recommend Greece to recognize the existence of the historical Turkish Minority in the Greek territory that has been living in Western Thrace before the region of Western Thrace became a Greek territory and before the Peace Treaty of Lausanne.

### **Recommendations to the OSCE Institutions**

#### **Canada**

offers the following recommendation:

- That the OSCE and ODIHR continue to raise awareness about discrimination, hate crimes, anti-Semitism, and other forms of intolerance, including against Muslims, Christians, other religious groups, women and girls, and against sexual minorities, including LGBTI persons.

#### **Estonia / European Union**

Pour les structures exécutives de l'OSCE et la société civile

- Maintenir une approche inclusive de la lutte contre l'intolérance et les discriminations, basée sur l'universalité des droits de l'Homme et la lutte contre toutes les formes de discriminations sans distinction ;
- S'assurer que les activités de l'OSCE en matière de lutte contre l'intolérance et les discriminations réaffirment notre cohésion sur la base de principes communs, dont la lutte contre toutes les formes d'intolérance et l'égalité de tous les êtres humains sans exception ;
- Mieux prendre en compte les multiples formes de discrimination dans la lutte contre l'intolérance ;
- Encourager une meilleure articulation des travaux des représentants personnels de la présidence entre eux ainsi qu'avec le BIDDH dans le cadre d'une approche inclusive pour permettre une meilleure cohérence et efficacité de la lutte contre l'intolérance dans le contexte OSCE

#### **Holy See**

that ODIHR evaluate its tolerance and non-discrimination work in light of universal human rights and fundamental freedoms, assuring that these rights and freedoms are not made competitors with one another.

#### **ACT for America – Minneapolis**

Recommends that ODIHR and participating states consider carefully the ramifications of criminalizing any free speech; and

### **Americans for America**

recommends that OSCE align itself forthrightly and firmly against any legislation that would criminalize words, thoughts, and feelings under the color of so-called “hate speech” laws.

### **Center for Security Policy**

- The OSCE HDIM 2017 should reiterate the commitment expressed by all Participating States in the Copenhagen Document to the ideals of democracy and political pluralism as well as their common determination to build democratic societies based on free elections and the rule of law.
- The OSCE HDIM 2017 should echo ECHR in affirming that the institution of Sharia law is incompatible with the requirements of a democratic society.
- The OSCE HDIM 2017 should restate its commitment to Copenhagen Document’s commitment to fundamental freedoms, including freedom of expression, which is being systematically impeded by Participating States in an effort to stifle criticism of Islam.
- The OSCE HDIM 2017 should express concern over various Islamic scholars’ assertions that: a. Islam is a militant ideology and program which seeks to alter the social order of the whole world and rebuild it in conformity with its own Islamic tenets and ideals; b. Islamic Jihad would necessarily destroy non-Islamic systems and would bring about a universal revolution; and c. Non-Muslims could be tolerated but apostates could not on pain of death.
- The OSCE HDIM 2017 should express serious concern that while Adolph Hitler devoted only 7% of Mein Kampf to “anti-Jew text,” fully 9.3% of the Islamic trilogy of the Koran, Sirah and Hadith falls into the same category, according to a recent study.
- The OSCE HDIM 2017 should express concern that according to another recent study: a. Religious persecution is very much worse in Muslim-majority countries b. 62% of Muslim-majority countries have moderate to high levels of persecution c. Persecution of more than one thousand persons is present in 45 percent of Muslim majority countries, compared to 11 percent of Christian-majority countries and 8 percent of countries where no single religion holds a majority d. Thirteen of the fourteen countries in the worst group with respect to religious persecution are predominantly Muslim; and that e. The cause of this religious persecution is not ethnic or wealth-related but stems from Muslim teachings and internal movements towards stricter Islam.
- The OSCE HDIM 2017 should express concern that according to another recent study, the traditional sources of the Islamic faith provide justification for the entire program of militancy experienced by Participating States today.
- The OSCE HDIM 2017 should reiterate the Copenhagen Document’s commitment against totalitarianism, anti-Semitism, and persecution on religious grounds, noting that the Islamic law known as Sharia mandates all three

## **Constantinopolitan Society**

Due to significant restrictions and serious limitations on human rights which are threatening the sustainable vitality, survival and vibrant future of the Greek Minority in Turkey, OSCE / **ODHIR** are called upon to urge Turkey -as OSCE participating State- to:

### Property rights

- Issue immediately new regulations for the arbitrarily suspended elections within the minority foundations and permit conduct of elections of board members in all foundations.
- Put an end to the fragmentation of minority Foundations (70 in number), thus allowing for the unification of the various minority Foundations by establishing a Body of Coordination of minority Foundations, as a key to their survival, efficiency and cost - effective functioning.
- Solve the question of property that was seized and sold to third parties.
- Return the archives and the library of 50,000 valuable volumes of the Hellenic Literary Society of Constantinople- 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 return to Turkey.
- Ensure that Greek citizens are able to fully enjoy their rights over inherited patrimonial property.
- 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.

## **Forum 18 News Service**

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

- understand in concrete terms the serious violations of the freedom of religion or belief and interlinked freedoms of expression, assembly and association taking place in the OSCE region – including the targeting by some participating States of women exercising these freedoms;
- mainstream freedom of religion or belief work within an all human rights for all perspective, stressing implementation of all fundamental freedoms, including to be free from torture;
- insist in line with human dimension commitments that the non-negotiable most effective step to ensure security is to fully implement fundamental freedoms commitments;
- challenge the misuse of concepts such as “anti-terrorism”, “extremism”, “religious tolerance”, and “dialogue” to disguise human dimension commitment violations;
- use tools such as the EU Guidelines on the promotion and protection of freedom of religion or belief, the OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and on Freedom of Association, the OSCE Guidelines on Freedom of Peaceful Assembly, and on the Protection of Human Rights Defenders.

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

The OSCE/ODIHR is called upon to:

- develop and strengthen capacity building activities with regard to the protection of religious properties, including the Christian ones.
- train law enforcement agencies, media and civil society to consider carefully also the hate crimes perpetrated against majority groups.
- develop Guidelines for educators on countering intolerance and discrimination against Christians.
- enhance the cooperation among its departments in order to guarantee a comprehensive and coherent approach in protecting freedom of religion or belief and combating religious intolerance and discrimination

The Chairmanship-in-Office is urged to:

- 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.

The Personal Representatives of the Chairmanship-in-Office are called upon to:

- 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.

### **Netzwerk Muslimische Zivilgesellschaft (NMZ)**

we would highly recommend ODIHR to recognize the term Islamophobia. We need to address and prevent hate-crimes, hate-incidents and discrimination towards Muslims.

### **Observatory on Intolerance and Discrimination Against Christians in Europe**

Recommendations to OSCE and ODIHR

- Make the situation for Christians in refugee accommodations a priority; conduct research and surveys.
- Prepare educational materials specifically addressing this problem.
- Work with NGOs to address this problem.

### **Representation of the Ukrainian Orthodox Church to the International Organizations**

Calls upon the OSCE, the participating States of this meeting: via counseling and other means of communication, to facilitate the removal of discriminatory bills Nos. 4128, 4511, 5309 from the agenda of the Verkhovna Rada of Ukraine, and to assist in the cessation of offenses against the Ukrainian Orthodox Church.

### **Soteria International**

Soteria International recommends that the OSCE and all forums of concern create educational programs explaining that the fundamental rights and freedoms we have are composed of both rights and responsibilities which are our obligation to uphold, promote, and encourage at all times. They should also teach that it is the responsibility of individuals, groups, and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels.

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

For the OSCE

- Compile and distribute experience gained from comprehensive efforts against groups that practice racist violence, including specific criminal investigations, detection and destruction of the groups' infrastructure, isolation of their funding sources, identifying organizers and coordinators of violent actions, etc. Hold an international expert workshop on this topic, if needed.
- Organize a series of seminars for law enforcement officials from different countries, presenting a summary of successful practices for collecting information and recording hate crimes statistic
- Conduct a comparative analysis of a wider range of national laws in the area of combating intolerance, as they pertain to incitement to hatred, discrimination, or activity of relevant groups, based on the existing experience of comparative analysis of the Participating States' hate crimes legislation.
- Supplement the comparative analysis of legislation with an additional comparative analysis of law enforcement in OSCE countries, primarily focusing on combating hate crimes and incitement of hatred.

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

calls upon the **OSCE** and other International Communities:

- To urge Greece to end discriminative implementations targeting the Turkish Minority immediately,
- To monitor the legislation process in Greece,

### **Recommendations to the OSCE Field Missions**

#### **Forum 18 News Service**

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

- understand in concrete terms the serious violations of the freedom of religion or belief and interlinked freedoms of expression, assembly and association taking place in the OSCE region – including the targeting by some participating States of women exercising these freedoms;
- mainstream freedom of religion or belief work within an all human rights for all perspective, stressing implementation of all fundamental freedoms, including to be free from torture;
- insist in line with human dimension commitments that the non-negotiable most effective step to ensure security is to fully implement fundamental freedoms commitments;
- challenge the misuse of concepts such as “anti-terrorism”, “extremism”, “religious tolerance”, and “dialogue” to disguise human dimension commitment violations;
- use tools such as the EU Guidelines on the promotion and protection of freedom of religion or belief, the OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and on Freedom of Association, the OSCE Guidelines on Freedom of Peaceful Assembly, and on the Protection of Human Rights Defenders.

### **Recommendations to the International Organizations**

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

calls upon the OSCE and other **International Communities**:

- To urge Greece to end discriminative implementations targeting the Turkish Minority immediately,
- To monitor the legislation process in Greece,



*Thursday, 14 September 2017*

## ***Side Event: Xenophobia and Radicalism in Russia***

### **Recommendations to participating States**

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

To Russia:

- Russia should refine anti-discrimination legislation in details
- Russia should prohibit the participation of activists of banned radical organizations and journalists of xenophobic mass media in political activities
- Anti-extremist legislation should not provide for a double interpretation.
- The creation of a licensing institute for forensic experts with stringent requirements for their educational level.
- The implementation of special programs for the education of tolerance, especially among young people, teachers, representatives of minorities.

*Friday, 15 September 2017*

## ***Working session 8 (specifically selected topic): Tolerance and non-discrimination***

### **Recommendations to participating States**

#### **Estonia / European Union**

Les recommandations de l'Union européenne en matière de lutte contre les crimes de haine sont les suivantes:

- Coopérer activement avec le Bureau des institutions démocratiques et des droits de l'Homme (BIDDH) et soutenir pleinement ses activités dans la prévention des crimes de haine. A cet égard, nous encourageons vivement tous les Etats participants à communiquer au BIDDH toutes les données pertinentes sur les crimes de haine pour alimenter son rapport annuel sur les crimes de haine dans l'espace OSCE, en lien avec les engagements pris dans la décision d'Athènes de 2009 sur la lutte contre les crimes de haine ;
- Soutenir et renforcer l'action de la société civile et sa contribution à la prévention et à la lutte contre les crimes de haine ; renforcer en particulier la coopération et la confiance entre la police, les autres autorités compétentes et les ONG concernées, notamment en échangeant des données pertinentes ; instaurer des mécanismes de signalement par de tiers ; former la police et les juristes à la reconnaissance des crimes de haine
- Prendre toutes les mesures appropriées pour améliorer la collecte statistique sur les crimes de haine, à savoir leur signalement et leur enregistrement, dans le

but de garantir l'accès de toutes les victimes à la justice, et ce faisant d'améliorer les performances de la police et du corps judiciaire dans la lutte contre les crimes de haine ;

- Renforcer la lutte contre les crimes de haine commis sur internet dans le plein respect de la liberté d'expression ;
- Prévenir et combattre les discours et crimes de haine par l'éducation aux droits de l'Homme et la promotion des vertus de la diversité, de l'égalité et de l'inclusion ;
- Mobiliser les jeunes dans les causes de la paix, de la diversité et du respect mutuel, pour qu'ils contribuent à la lutte contre l'intolérance.

### **Holy See**

wishes to make the following recommendation:

that participating States and the ODIHR should advance efforts to ensure training for law enforcement and the judiciary about OSCE commitments on hate crime.

### **Ukraine**

To Russia:

We call on Russia and its proxies for these people and all other Ukrainian detainees and political prisoners to be released.

### **Barnabas Fund**

To Kazakhstan, Kyrgyzstan, Turkmenistan:

requests that Kazakhstan, Kyrgyzstan and Turkmenistan review their performance in the area of religious freedom to respect their constitutional provisions, and their obligations under the ICCPR.

### **Christian Evangelical Church, Temirtau**

To Kazakhstan:

- Сопоставить уровень наказания за подобные виды нарушений с нарушениями сделанными в нерелигиозном контексте.
- Привести законодательство РК в сфере свободы совести в соответствии с международными стандартами права.

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

Рекомендации для Казахстана:

Пересмотреть предлагаемые поправки в закон о религиозной деятельности, и привести предлагаемые нормы в соответствии с взятыми на себя международными обязательствами по недискриминации и права на религиозную свободу

### **Eurasia Partnership Foundation**

Recommendations to the Government of Armenia:

The lack of an anti-discrimination legislation.

- With the engagement of civil society, ensure the adoption of the Law of the Republic of Armenia “On Equality” guaranteeing the protection and promotion of equal rights and freedoms and equal opportunities for every person and citizen. The anti-discrimination law should, inter alia, prescribe:
- the definitions of key concepts and forms of discrimination
- a wider scope protected attributes directly mentioning sexual orientation and gender identity among them, which is due to the necessity of setting forth additional safeguards against discrimination for the most vulnerable groups of society.
- a separate chapter on the mechanisms for prevention and countering of discrimination, which defines in detail the obligations and rights of the National Assembly, the Human Rights Defender, Government, State and local self-government bodies, non-governmental organisations, natural and legal persons.
- the formation of the Equality Council as a collegial body adjunct to the Defender with minimum interference by the Defender in its activities (particularly within the context of its functions, election of its members, termination of powers, approving its Rules of Procedure and the Code of Conduct for its members) for the purpose of providing the objectivity, impartiality and independence of the Equality Council.
- the competence of the Equality Council, non-governmental organisations and other associations carrying out activities prescribed by law to bring an actio popularis claim before the court in discrimination cases, taking into account decision No. 906 of the Constitutional Court of the Republic of Armenia dated September 7, 2010 explicitly acknowledging the right of the aforementioned organisations whose statutory purposes cover protection from discrimination to bring an actio popularis claim before the court.
- a provision regarding the burden of proof in compliance with European Union Council Directive 2000/43

#### Hate speech and hate crime.

- introduce the definition of “hate speech’ and define liability for hate speech against persons with protected features, including on the ground of sexual orientation and gender identity.
- amend the existing criminal legislation on hate crimes to consider committal of a crime on the basis of sexual orientation and/or gender identity of a person as a circumstance aggravating the guilt.

#### Tolerance and education.

- the school textbooks before being officially approved shall undergo scrutiny by human rights experts in order to exclude presence of elements leading to intolerance or discrimination.
- study the perceptions of some or all school textbooks by schoolchildren to be able to identify the impact of apparently intolerant approaches the textbooks contain on schoolchildren.
- eliminate subjective interpretation of literary pieces by the authors of the textbooks, particularly, on Armenian literature, to enable children to form and express their own views regarding Armenian literature and develop critical thinking skills.

- revise the content of the “History of the Armenian Church” subject, reflecting the coverage of historical events and excluding religious preaching.
- eliminate the instances of religious preaching at schools by AAC as well as anti-preaching against other religions and beliefs, which lead to intolerant and discriminatory practices, through intervention of authorised bodies (where necessary) guaranteeing that the education on religion is provided in line with the objective, impartial and democratic principles of pluralism.
- eliminate prayer, crossing oneself and other religious ceremonies while teaching the “History of the Armenian Church” at schools.

The lack of an anti-discrimination legislation.

- accompany the process of the adoption of the anti-discrimination law with a coherent, meaningful, carefully crafted and well-coordinated public campaign, which should be done in a manner of delivering pro-active messages to society before conservative, religious and marginal organisations start aggressive campaigning against the anti-discrimination legislation. It shall be borne in mind that the majority of governmental offices, MPs and other decision makers are oftentimes ignorant of what discrimination is, hence they should be well prepared through informal explanatory discussions facilitated by MoJ before the draft law reaches them for consideration.
- the nation-wide media, having a strong influence on the public, communities, community-based CSOs and local authorities should also be the targets of the campaign.
- undertake special trainings and other capacity building measures for judges and lawyers following or in parallel with the adoption of the anti-discrimination legislation; conduct intensive work with CSOs, educational institutions and society in general.

### **Ev. Freikirche "Mittelpunkt" Braunschweig e.V**

To Kazakhstan:

Мы призываем Казахстан пересмотреть свою репрессивную политику направленную на все более жесткий контроль религиозных общин, которые не представляют никакой угрозы государству.

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

L’ECLJ appelle donc les Etats participants à tenir compte, dans leur législation, de la liberté d’expression et du fait qu’ils ont déclaré dans l’acte final de la conférence d’Helsinki (1975) reconnaître et respecter la liberté de l’individu d’agir « selon les impératifs de sa propre conscience » (Principe VII).

### **Human Rights Without Frontiers**

recommends that the Kazakh authorities:

- Grant full religious freedom to Kazakh citizens adhering to the teachings of peaceful religious movements of foreign origin: freedom of association, freedom of worship and assembly, freedom to share their beliefs;
- Allow non-Kazakh citizens to fully enjoy their religious freedom during their stay in the country and to not deport them;

- Cease the prosecution of believers who peacefully share their beliefs with others under the charge of “Incitement of social, national, clan, racial, or religious discord” (Criminal Code Article 174, Part 2)
- Release all religious prisoners of conscience sentenced on the basis of this Criminal Code Article;
- Lift the ban on the peaceful Tablighi Jamaat movement

### **Netzwerk Muslimische Zivilgesellschaft (NMZ)**

To Austria:

But it's very important and for this, I recommend and ask my country to adopt these points I mentioned as hate-crimes into the Austrian penal code, because these cases occur more and more often and we definitely need to prevent this. This is the best way my state can build trusting relationships to its Muslim citizens again, as well as to all other minorities struggling with racism. Because these hate-motivated attacks must be reported officially.

### **NGO Public Advocacy**

To Ukraine:

рекомендуем государству Украина принять меры для восстановления нарушенных прав и охраняемых законом интересов верующих УПЦ.

### **The Path of Guru Jara**

To Czech Republic:

- We are calling for independent and proper investigation of various hate crimes committed since 2010 on members of the religious minority, Path of Guru Jara, and that those convicted of hate crimes are acknowledged and publicly condemned by the relevant authorities and by the political leadership (according to point 6 of OSCE Ministerial council decision from 2009).
- We are calling for a remedy to our serious situation in the Czech Republic, a situation that has been officially and publically acknowledged by experts of national and international law, by domestic and international human rights organizations, such as Soteria International from Denmark, Human Rights Without Frontiers (HRWF) from Belgium, Coordination for Freedom of Conscience (CAP) from France, Forum for religious freedom Europe (FOREF) from Austria, the Helsinki Committee in Czech Republic (CHC), and Office of International Religious Freedom (IRF) USA in 2015 and 2016.
- We kindly ask also for reconsideration of all recommendations raised in OSCE HDIM conferences from Soteria International in 2015, Human Rights Without Frontiers in 2016 and 2017 in our case.
- We would like to ask for a re-examination of our appeal for registration as a religious society which has been pending at Ministry of Culture of the Czech Republic. The appellation process seems to be dubious and in serious contradiction with the Joint Guidelines on the Legal Personality of Religious or Belief Communities of Venice Commission and OSCE/ODIHR. In the USA and in the Philippines, the registration process of our religious society, as a legal subject, has been successful, without any delay.

- We are calling again for establishing a dialog between representatives of state and civil societies in Czech Republic. In our case, despite enormous effort, no effective dialogue with state representatives has been initiated (despite conciliatory declaration of the Czech Republic delegation in OSCE HDIM 2016). As an effective and extremely helpful solution for vulnerable discriminated religious minorities, we should see the allowing of mutual dialogue between religious minorities and state representatives.

### **Social Action Centre**

#### To Ukraine

- To ensure implementation of the Action Plan for implementation of the National Human Rights Strategy 2020, namely introducing amendments to the Criminal Code to include characteristics sexual orientation and gender identity among others.
- To ensure a comprehensive and coordinated approach towards promoting tolerance and non-discrimination principles, including effective implementation of components related to preventing and combating discrimination of the Action Plan for implementation of the National Human Rights Strategy 2020.
- To ensure coherence between the Protocol on receiving a crime report of the National Police and the Unified registry of pre-trial investigations, as well as establish a mechanism for publishing the results of investigation in these cases.
- To improve cooperation with civil society organizations in relation to reporting, investigation and prevention of hate crimes., provide victims with effective access to justice and to encourage them to report hate crimes.
- To develop and ensure effective conduct of comprehensive professional training for law-enforcement, prosecution and judicial officials dealing with hate crimes.
- Promptly investigate hate crimes and ensure that the motives of those convicted of hate crimes are acknowledged and publicly condemned by the relevant authorities and by the political leadership of Ukraine.
- To ensure that all manifestations of hate crime are recognized and condemned by the state authorities, to prevent any displays of intolerance by the law enforcement bodies.

#### To participating States:

urges member-states to continue monitoring Ukraine's progress in implementation.

### **STOP Extremism**

#### The declaration calls upon the OSCE states:

- To further increase their efforts to prevent and counter violent extremism and radicalization that lead to terrorism in their countries, following a multi-dimensional approach, and in this regard to make use, as appropriate and where necessary, of the OSCE executive structures, including field operations within their respective mandates
- To strengthen their efforts to counter and suppress the financing of terrorism

- To consider, as appropriate, developing and updating national counter-terrorism strategies and action plans, including specific policies and measures to prevent and counter violent extremism and radicalization that lead to terrorism
  - To foster a comprehensive approach at all levels in preventing and countering violent extremism and radicalization that lead to terrorism, including co-ordination among national authorities, co-operation among participating States, and co-operation with relevant international and regional organizations
  - To encourage political leaders and public figures, including civil society and religious leaders to contribute to preventing and countering violent extremism and radicalization that lead to terrorism, by speaking out strongly and promptly against violent extremism and radicalization that lead to terrorism
  - To further promote public-private partnerships in countering terrorism, where appropriate, among public authorities, the private sector, civil society, members of, or representatives of religious communities, and the media.
  - To invite the OSCE Partners for Co-operation to actively engage with us to strengthen our dialogue and co-operation in preventing and countering violent extremism and radicalization that lead to terrorism, respecting and protecting human rights and fundamental freedoms in this context, preventing and countering manifestations of intolerance and discrimination, including on the basis of religion or belief, xenophobia, violence
  - To develop, where appropriate, national counter-terrorism strategies and action plans, including policies and measures to counter violent extremism and radicalization that lead to terrorism
  - To assist participating States in developing practical activities, in partnership with civil society and the private sector as appropriate, to support the elaboration of policies, approaches, and strategies to prevent and counter violent extremism and radicalization that lead to terrorism
10. To address negative socio-economic factors in the context of preventing terrorism and countering violent extremism and radicalization

### **Wiener Akademikerbund**

recommends that OSCE participating States fully repeal all laws against blasphemy

### **[Recommendations to the OSCE Institutions](#)**

#### **Holy See**

wishes to make the following recommendation:

that participating States and the ODIHR should advance efforts to ensure training for law enforcement and the judiciary about OSCE commitments on hate crime.

## **Ukraine**

We encourage the OSCE and its Institutions to be more persistent in their efforts to ensure monitoring of human rights situation in the temporarily occupied territories of Ukraine.

## **ABTTF - Federation of Western Thracian Turks in Europe**

ODIHR should pay more and continuing attention to hate-motivated incidents and crimes against Muslims in the OSCE area and establish a more concrete cooperation mechanism with NGOs in reporting racism and racist hate crimes they face in countries which they live, which indeed needs organization of an OSCE High Level Conference on Intolerance against Muslims.

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

recommends to the OSCE that the terms 'tolerant' and 'intolerant' get precise legal definitions that do not in any way infringe on our fundamental freedoms.

## **Human Rights Educational Centre**

Просим ОБСЕ, БДИПЧ продолжать поддержку образования по Правам Человека.

## **Moscow Patriarchate**

Мы рекомендуем ОБСЕ расследовать множественные факты дискриминации наших собратьев на Украине и воспрепятствовать принятию дискриминационных законопроектов.

## **The Path of Guru Jara**

To ODIHR:

- Please help us and provide assistance to the Czech Republic to fulfill its commitments from Ministerial Council Decision of 2009, as well Basil Declaration from 2014, mainly in reference to hate crimes towards religious minorities. If these OSCE commitments had been properly implemented, no long-term persecution in our case would have ever happened.
- Also another OSCE document that wasn't properly implemented is Venice commission Guidelines on the Legal Personality of Religious or Belief Communities from 2015. Non-recognition of recommendation of this document has stopped our right to be registered as a legal institution in the Czech Republic, and therefore our ability to protect our human rights in a more effective way

## **ThinkOut**

asks OSCE to accept the crime of islamophobia. As long as the hate crimes against Muslims are not recognized as islamophobic attacks, the perpetrators will never get punished.

## **Western Thracian Minority University Graduates Association**

calls upon the OSCE and other International Communities to monitor the legislation process in Greece since the current legislation is far from protecting the Turkish Minority from hate-based attacks.



## Recommendations to the International Organizations

### **Eurasia Partnership Foundation**

Recommendations to international community:

The lack of an anti-discrimination legislation.

- accompany the process of the adoption of the anti-discrimination law with a coherent, meaningful, carefully crafted and well-coordinated public campaign, which should be done in a manner of delivering pro-active messages to society before conservative, religious and marginal organisations start aggressive campaigning against the anti-discrimination legislation. It shall be borne in mind that the majority of governmental offices, MPs and other decision makers are oftentimes ignorant of what discrimination is, hence they should be well prepared through informal explanatory discussions facilitated by MoJ before the draft law reaches them for consideration.
- the nation-wide media, having a strong influence on the public, communities, community-based CSOs and local authorities should also be the targets of the campaign.
- undertake special trainings and other capacity building measures for judges and lawyers following or in parallel with the adoption of the anti-discrimination legislation; conduct intensive work with CSOs, educational institutions and society in general.

### **Political Movement "Group 24"**

просит мировое сообщество и международные организации по защите прав человека обратить особое внимание на факты ущемления прав человека в Таджикистане и принять необходимые меры в отношении правительства Республики Таджикистан.

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

calls upon the OSCE and other International Communities to monitor the legislation process in Greece since the current legislation is far from protecting the Turkish Minority from hate-based attacks

*Friday, 15 September 2017*

## ***Side Event: Reform of the INTERPOL, don't let it be stopped halfway***

### **The Open Dialog Foundation**

hopes that Interpol will consider the following recommendations.

Regarding the policy of the protection of refugees:

- The legislation of Interpol should include a norm on the protection of persons with refugee status. Interpol must immediately remove the request for an

international alert, issued by the State, if the wanted person has refugee status with regard to this very State.

- A person must be removed from the wanted list after the court has issued a decision banning the extradition of the person due to political underpinnings of the case, a lack of guarantees of a fair trial or a threat of torture.
- If a person has been removed from Interpol's wanted list due to the granting of refugee status or handing down a court decision banning his or her extradition, the State should not be able to file the second request for an international alert.
- If rules on the protection of refugees are included in the rules of Interpol, a mechanism for preventive notification of the General Secretariat about possible prosecution of a refugee (or a person whose persecution has been confirmed as politically motivated by human rights and intergovernmental organisations) should be developed. If a refugee or a victim of political persecution is faced with criminal prosecution and may be wanted, this person should be able to notify Interpol of his or her status and provide supporting documents. A special database for such persons should be created.
- Based on the fact that Interpol is working on joint projects with various UN bodies, it is recommended to initiate a more detailed project with the Office of the United Nations High Commissioner for Refugees. The aim of the project could be to protect the rights of persons who have been granted refugee status, but continue to be in Interpol's wanted lists.
- A mechanism should be developed to allow the removal from the international wanted list, persons who cannot be granted refugee status due to their stay in a non-democratic country which is not a party to basic human rights treaties or which openly ignores these agreements. For example, a request for an international alert may be rejected if persons pursued in connection with the same criminal case have been granted refugee status in various countries or their prosecution has been declared politically motivated.
- Establish a procedure of actions in the event that a person is detained or in an unsafe State, while the Commission for the Control of Interpol's Files has recognised the request for an international alert for the person, as politically motivated. In such cases, the Commission, having received an appropriate application from the person, must inform the State in which the person is residing that the request for an alert violates Art. 3 of the Interpol Constitution. On this basis, the Commission may recommend that the State grant that person, freedom of movement.
- We also appeal to the United Nations High Commissioner for Human Rights (UNHCHR), as well as to the United Nations High Commissioner for Refugees (UNHCR), to make every effort within their powers to protect victims of the misuse of Interpol who are detained or reside in unsafe States, and facilitate their transfer to a third safe country.

Regarding the independence of the Commission for the Control of Interpol's Files:

- The wording of Article 3 of the Interpol Constitution should be more precise as to avoid its selective or arbitrary interpretation. Specific criteria for the assessment of cases, aimed at verifying their compliance with Art. 3 of the

Constitution, should be developed in cooperation with UNHCR, OHCHR, PACE and the OSCE PA.

- The States that systematically violate the rules of Interpol (in particular, Article 3 of the Constitution) should be deprived of the right to nominate their candidates for members of the Commission until the number of violations significantly decreases. Interpol should keep and publish statistics on such violations.
- A mechanism for compliance with the norm regarding the representation of principal legal systems of the world by members of the Commission should be developed. The possibility of electing to the Commission, candidates from countries which are in the same geographical region and represent a similar legal system, should be excluded.
- A rule should be introduced stating that a representative of one State cannot be elected to the Commission for two or more consecutive terms of office.
- Half of the members of the Commission should not be candidates from States. They should be independent experts on international law or the protection of human rights. At the same time, it is advisable to increase the number of members of the Commission in order to ensure equal distribution of seats between candidates from the States and candidates from the civil society.
- Voting for candidates to the Commission should be held in two stages. First, based on open contest (according to precise and public criteria), the group of key candidates should be determined. After that, a secret ballot should be held.
- At the Executive Committee, a public advisory council should be established. It would participate in the selection of candidates for members of the Commission at the stage of open contest.
- An independent advisory body at the Commission should be established. It would be formed from representatives of intergovernmental organisations of PACE, OSCE, the European Parliament, the United Nations, and human rights organisations. The body should have the authority to provide the Commission with expert opinions on various cases.
- It should be clearly stated that a member of the Commission must not participate in the examination of the request for an international alert, sent by the State from which he was appointed.

Regarding the appeals against decisions of the Commission for the Control of Interpol's Files:

- The Commission should meet more regularly (at least once a month in accordance with the published schedule). In order to do so, appropriate funds should be allocated in the budget. It would be expedient to make the time limits for issuing a decision even shorter.
- In order to strengthen the adversary nature of the procedure, a provision should be introduced, allowing the applicant to speak in front of the Commission and answer questions of interest to the Commission.
- Alternative ways of access to justice that would allow to appeal Interpol's decisions in independent judicial bodies, should be provided for in a more precise way. In particular, the rule on the possibility of filing an action with the

Permanent Court of Arbitration should be included in the Interpol Constitution or the Statute of the Commission.

Regarding the activities of data protection officers:

- The independence of the Officer in the General Secretariat and the officers in the NCB should be ensured. They should be elected through open contest with the participation of representatives of the civil society.
- The Public Control Council, formed from representatives of the civil society, should be established with the position of an officer in the NCB. The Council should participate in the selection of candidates for the position of an officer. The Council should be granted the right to withdraw an officer if there is reason to believe that he is performing his duties unprofessionally.
- Officers in the NCB should have the right to attach to the NCB's request for an international alert, their own observations (a resolution) in the event that they have reason to believe that the request violates the rules of Interpol. Such comments should be taken into account by the supervisory authorities when considering the request.

Regarding the publicity of requests for an international alert:

- 'Diffusions' should be subject to systematic operational inspection by Interpol authorities in order to verify whether they violate Art. 3 of the Constitution.
- All 'Red Notices' and 'diffusions' must be published on the Interpol website. This would not create serious risks for the pursuit of real criminals; still, it would allow persons with refugee status to more likely escape detention based on a politically motivated request. Each person could quickly check their own data. International organisations would be able to monitor cases of misuse of Interpol more effectively and record which States commit these violations.

Regarding the compensation mechanism for those who suffered from the misuse of Interpol:

- The PACE rapporteur suggested that a fund should be established in Interpol in order to pay compensations to victims of unlawful requests for an international alert. The fund must be filled with financial means from the violating states. One of the mechanisms for implementing this proposal may be to establish a fixed amount of compensation (a certain amount for each month of the period when the person's name was in the wanted list).
- A mechanism which would allow victims to receive compensation at the national level from the NCB, should be developed. A person should be able to file a claim against the NCB with the relevant national court. As evidence, the Commission's decision recognising the request for an international alert as such which violates Art. 3 of the Constitution, would be provided. In this way, a person can, through national courts (and, in case of exhaustion of national remedies, through international courts and the UN bodies) seek individual calculation of compensation for material and moral damage.
- If the Commission has not responded to the appeal within the prescribed time limits and has not notified the applicant of the extension of the time limits, the applicant should be entitled to a fixed monetary compensation (a certain amount of money for each day of delay).

*Friday, 15 September 2017*

## ***Working session 9 (specifically selected topic): Tolerance and non-discrimination (continued)***

### **Recommendations to participating States**

#### **Ukraine**

We urge Russia to fully co-operate with the OSCE Institutions and use their expertise to assist Russia in implementing the relevant OSCE commitments, addressing the root causes of the rise of violent radicalism, neo-Nazism and xenophobia in the Russian Federation. We remind the Russian delegation that the OSCE principles and commitments apply equally to all participating States, including Russia.

#### **Association of Religious Organizations of Kazakhstan (AROK)**

To Kazakhstan:

Рекомендуем Правительству Республики Казахстан пересмотреть 490 статью Административного кодекса в сторону гуманизации.

- Обязательно должна быть введена норма: предупреждение, как для физических и должностных лиц, так и для организации в целом.
- Следует ввести разделение между правонарушением участника (члена) объединения, должностного лица и организации в целом. Нарушение должностным лицом своих обязанностей, а равно участником (членом) объединения не должно вести к штрафам и приостановки деятельности организации и тем более к прекращению ее функционирования. (За индивидуальное нарушения не должна применяться мера коллективной ответственности)
- Сократить все административные штрафы для религиозных объединений, так как сейчас они завышены и сопоставимы скорее со штрафами для субъектов крупного предпринимательства.
- Убрать из статьи норму “прекращение деятельности”, так как это позволяет исполнительным и судебным органам произвольно толковать их состав и на основании этого выносить решение о прекращении деятельности религиозного объединения Кроме того, наказание по данной статье наступает не за умышленное противоправное действие с причинением вреда и ущерба, а за действия, исповедания религии, обряды и т.п. Норма о применения меры взыскания “прекращение деятельности” должна иметь понятные и четко определенные юридические границы, чтобы не было злоупотреблений.

#### **Barnabas Fund**

OSCE states should therefore:

- Promote better education among police, social services and other authorities on issues of violence towards those who change their religious faith.

- Include crimes motivated by hostility to apostates among their classification of hate crimes.
- Work to promote wider understanding of the absolute right to follow the religion of your choice or none among the general population and particularly among communities where this is poorly respected.
- Robustly reject calls to introduce blasphemy laws, but rather protect individual freedom of religion and speech.
- Promote the concept of equality before the law for all and reject moves to make any religious law anything more official than a voluntary code of conduct'.

### **Christian Evangelical Church, Temirtau**

To Kazakhstan:

- привести законодательство республики Казахстан в сфере свободы мысли, совести и религии в соответствие с международными стандартами.
- обеспечить равные права и возможности для представителей всех религиозных групп.
- вести политику толерантности и не дискриминации, а так же особо защищать права малочисленных религий и религиозных групп, проживающих на территории Республики Казахстан

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

рекомендации для Казахстана:

- Пересмотреть предлагаемые поправки в закон о религиозной деятельности, и привести предлагаемые нормы в соответствии с взятыми на себя международными обязательствами по недискриминации и права на свободу религии.
- А также требуем прекратить дискриминацию по пелигиозному признаку.

### **Ev. Freikirche "Mittelpunkt" Braunschweig e.V**

To Kazakhstan:

- Мы призываем Министерство по делам религий Казахстана пересмотреть свое отношение к религии в целом и отказаться от репрессивной практики в отношении религиозных общин и различных групп верующих придерживающихся мирных взглядов.
- Прекратить маргинализировать религию и вытеснять из правового поля религиозные организации

### **"Giuseppe Dossetti" Observatory for Religious Tolerance and Freedom**

In this respect participating States are called upon, on one hand, to create an atmosphere of tolerance and appreciation of religions and beliefs within which religious and belief communities can engage in full and fruitful dialogue and, on the other hand, to foster the participation of religious and belief communities in a constructive public discourse.

### **Helsinki Citizens' Assembly-Vanadzor**

We condemn such a selective and anti-humanist approach of the Russian President and believe that the Russian Federation should:

- follow the international rules and approaches it points to;
- immediately stop supplying arms to the Karabakh conflict zone.

### **KrymSOS**

To Russia:

- Призываем Россию, осуществляющую эффективный контроль над Крымом прекратить практики незаконных задержаний, насильственных похищений, пыток, обысков и политически мотивированных уголовных преследований в Крыму.

To participating States:

- Международные и межправительственные организации, **правительства стран** обеспечить независимый мониторинг нарушений прав человека на территории Крыма, а также продолжить политику непризнания аннексии Крыма.

### **Soteria International**

recommends for the OSCE member states to consider freedom of conscience as the foundation of the whole human rights edifice. Negligence of this foundation makes the whole concept of human rights fragile. In order to construct such a foundation, we must instate educational programs for children and adults, in order to make everyone aware that we are responsible for our lives, for the environment, and for harmony in society, and that change begins with our own example

### **"Sandidzan"**

Мы бы хотели озвучить следующие рекомендации. Просим вынести на обсуждение в рамках БДИПЧ, чтобы все страны зоны ОБСЕ взяли на себя обязательства ввести у себя в качестве отдельного предмета историю и этнографию меньшинств своих стран, историю их метрополий, если они у них есть. И это должно касаться не только традиционных, но и новых меньшинств. И, самое главное, к составлению учебников, к формированию учебного процесса должны привлекаться представители научных кругов этих самых меньшинств и независимых экспертов, иначе мы опять получим примеры тенденциозности, вроде того, о чем я говорил выше. А подобное далеко от понятия "просвещение".

## **Recommendations to the OSCE Institutions**

### **Armenia**

a recommendation to ODIHR

To assist participating states in implementing the Ljubljana decision wherein they commit themselves to promote education on and remembrance of the Holocaust and other genocides, recognized as such in accordance with the 1948 Convention on the Prevention and Punishment of the Crime of Genocide;

### **ABTTF - Federation of Western Thrace Turks in Europe**

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

### **Helsinki Citizens' Assembly-Vanadzor**

We believe that if no steps in the said directions are taken, the OSCE should start discussing the issue of stopping the engagement of Russian Federation in the OSCE Minsk Group.

## **Recommendations to the International Organizations**

### **KrymSOS**

- **Международные и межправительственные организации,** правительства стран обеспечить независимый мониторинг нарушений прав человека на территории Крыма, а также продолжить политику непризнания аннексии Крыма.

*Monday, 18 September 2017*

*Working session 10: Tolerance and non-discrimination I, including: Rights of persons belonging to national minorities, Roma and Sinti issues, including, implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti, Preventing aggressive nationalism, racism and chauvinism*

## **Recommendations to participating States**

### **Estonia/European Union**

To participating States on National Minorities:

- Participating States meet the commitment made by all OSCE participating States, without exception, to fully cooperate with the High Commissioner in order to enable the High Commissioner to fulfil its mandate. This includes granting HCNM full, free and unrestricted access.
- Participating States extend an invitation to the HCNM and make full use of the expertise of this Institution. Quiet diplomacy, which the High Commissioner also implements, is complementary to public diplomacy and can help to bring results of lasting importance.



- Persons belonging to national minorities should be able to exercise fully and effectively their human rights and fundamental freedoms without discrimination and in full equality before the law.

To participating States on Roma and Sinti issues:

- Carry continuous resolute efforts at all levels (the highest political level and local level, as well) for the inclusion of Roma and Sinti persons. In particular, the Action Plan on Improving the Situation of Roma and Sinti within the OSCE area should be subject to a regular review of its implementation. Participating States are called to fully support the activity of ODIHR with a view to facilitating the implementation review process.
- Provide information on specific steps and recent developments in the situation of Roma and Sinti persons and/or measures inspired by this Action Plan.
- For EU member states, 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 which established a solid policy, legal and financial framework at both EU and national levels.
- Take effective measures to ensure respect of fundamental rights, in particular improving access to education, employment, healthcare and housing; Ensuring access to birth registration, identity documents for Roma and Sinti persons is a key to improving their lives.
- Continue efforts to enhance participation in public life of Roma and Sinti youth, as future stakeholders promoting inclusion of Roma and Sinti persons, especially in the elaboration, implementation and evaluation of the policies that affect them.
- Particular attention should be paid to Roma and Sinti women and girls who often face multiple forms of discrimination. Welcome the focus of the Contact Point for Roma and Sinti of ODIHR on enhancing the public and political participation of Roma and Sinti women, contributing thus to the implementation of the Kyiv Ministerial Council Declaration, which has a particular focus on Roma, and Sinti women, youth and girls. The consultation meetings for Roma and Sinti women activists represent a good opportunity to receive direct feedback on ODIHR's work, to receive further guidance of the needs of the community and therefore to mainstream their needs in the further activity of the CPRSI.
- Put greater emphasis on actions in the areas of education and employment; promote the training of mediators and training-of-trainers as a useful tool to strengthen human rights.
- Organizing campaigns aimed at raising awareness of their rights. Roma and Sinti persons are still facing challenges, social exclusion and discrimination in access to education.
- Combating all forms of discrimination, including multiple discrimination, faced by Roma children and women, and fighting violence, including domestic violence, against women and girls, trafficking in human beings, underage and forced marriages are further issues that we are seeking to address, in particular through the enforcement of legislation.

- Continue to publicly condemn any act of discrimination, including anti-Roma rhetoric and hate speech from officials, political leaders and civil society.
- Enhance implementation of the OSCE commitments with regard to Roma and Sinti persons by local authorities.
- Further combat poverty and social exclusion affecting Roma and Sinti persons, through investment in human capital and social cohesion policies; pay particular attention to Roma and Sinti migrants, refugees and IDPs.
- Increase access to efficient and independent justice for Roma and Sinti in the OSCE area, an essential aspect of the rule of law and a fundamental requirement for any democratic society. Several factors, including a lack of rights awareness and poor knowledge about the tools that are available to access justice are responsible for the existing barriers to access to justice.

### **Switzerland**

To participating States:

- L'implication des minorités dans les affaires publiques, en particulier celles qui les concernent, ne peut pas se limiter à une représentation formelle. La Suisse recommande donc aux Etats participants de veiller à ce que les personnes appartenant à des minorités puissent être des acteurs sociaux à part entière et que leur participation puisse influencer de manière significative sur les politiques et les décisions.

### **Council of Europe**

- The Council of Europe will continue to support efforts to combat hate speech, notably by linking its work through the youth campaign more closely to that of its monitoring mechanism and within a broader anti-discrimination policy. We call on member States and European partners, including the OSCE, to maintain and build on the momentum generated by the national campaigns.

### **Introducer at Working Session 10**

To participating States:

- OSCE participating States should create mechanisms for an effective participation of Roma and Sinti, in particular Roma and Sinti women and youth, in policy processes concerning them.
- OSCE participating States should place the fight against antigypsyism at the core of their policies towards Roma to promote equality and social inclusion. Without removing structural factors reproducing inequality, no policy towards Roma will succeed.
- Regarding monitoring the impact of integration strategies of Roma and Sinti, underline that OSCE participating States need to increase efforts in terms of allocating adequate financial resources, creating effective monitoring frameworks, set quantifiable indicators and targets and collect necessary data.
- OSCE participating States should ensure the mainstreaming of specific measures related to Roma and Sinti women and youth are mainstreamed into both

integration policies related to Roma and Sinti as well as in mainstream policies related to women and youth.

### **Ecumenical Federation of Constantinopolitans**

To Turkey:

- Establishment of a long term and state supported repatriation programme, focused especially to the young generations, which will guarantee the survival of shrinking population of Community
- Establishment of research centres, as proposed by EFC, in cooperation with turkey should be taken seriously as a measure of remedy.
- 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

### **Human Rights Vision**

To Tajikistan:

- we call on the Government of Tajikistan to take an emergency program of practical measures to protect groups of Pamir and Yagnob representatives of national minorities as soon as possible. For this purpose, it is necessary to consider the possibility of creating a local television in the languages of Pamirians and Yagnobians.
- It is also necessary to create and provide courses on the study of the state language in the territories where the Kyrgyz population predominantly lives, creating in parallel all the conditions for learning in schools in their native language. Create all necessary conditions for local Roma for permanent residence and grant them citizenship.
- To improve relations with the Uzbek ethnic minority, it is necessary to create joint programs with Uzbekistan to normalize inter-ethnic and international relations.

### **Latvian Human Rights Committee**

To Latvia:

- To restore the network of minority schools and to give them choice of language of instruction.
- To allow taking exams in minority languages.
- To cancel Latvian language requirements for local councillors, NGO board members and educators teaching in other languages.
- To condemn discourses honouring those having collaborated with Nazi Germany.
- To reject the bills Nos. 901/Lp12 and 563/Lp12.
- To invite to Latvia UN Special Rapporteurs on education, minority issues and racism.
- To adopt comprehensive anti-discrimination legislation.

- To implement our other recommendations made at HDIM in 2016.

### **Pavee Point Traveller and Roma Centre**

To the participating States:

- We call on member states to implement National Roma Strategies according to the standards outlined by the Council of the European Union and the European Commission and for the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to support member states and to work with the European Commission in ensuring that this happens.
- We call on member states to implement National Roma Strategies according to the standards outlined by the Council of the European Union and the European Commission and for the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to support member states and to work with the European Commission in ensuring that this happens.

To Ireland:

- We call on Ireland to introduce an ethnic identifier across all administrative systems in order to develop responsive and adequate inclusion policies, and to monitor and assess their impact on Travellers and Roma. The application of an ethnic identifier needs to take place within a human rights framework
- We call on Ireland to implement National Roma Strategies according to the standards outlined by the Council of the European Union and the European Commission, and to apply clear budget lines, timelines, indicators and a rigorous monitoring and evaluation framework to the National Traveller Roma Inclusion Strategy 2017 – 2021.
- We call on funding to be invested in Roma and Traveller initiatives in Ireland and for a reinvestment in Traveller accommodation.
- We call on Ireland to introduce an ethnic identifier across all administrative systems in order to develop responsive and adequate inclusion policies, and to monitor and assess their impact on Travellers and Roma. The application of an ethnic identifier needs to take place within a human rights framework. We call on the ODIHR to urge Ireland to ensure ethnic equality monitoring within a human rights framework.

### **Roma Rights Activist**

To Moldova:

- I would like to encourage Moldovan Government to urgently allocate relevant financial resources for the implementation of 2016-2020 Roma Action Plan. In addition I would urge the central authorities to adopt a comprehensive monitoring and evaluation strategy and to establish a working group which will monitor the implementation of the plan.
- Also, I would recommend Moldovan Government to make amendments to the plan in order to make it inclusive for all vulnerable parts of Roma community, such as Roma women, youth, LGBTQI and people with disabilities.

## Recommendations to the OSCE Institutions

### **Estonia/European Union**

To OSCE:

- Review periodically strategies, policies and measures related to the situation of Roma and Sinti persons, for a better understanding of the accuracy of these measures and for addressing practical obstacles.
- Continue enhancing cooperation among international organizations with regard to improving the situation of Roma and Sinti persons;
- Continue activities of its field operations with regard to improving the situation of Roma and Sinti persons.

### **International Platform Global Rights of Peaceful People**

To OSCE:

- Мы рекомендуем ОБСЕ воздействовать на украинские власти, чтобы закон был приведен к международным нормам и предупредить этот агрессивный национализм и шовинизм.

### **Pavee Point Traveller and Roma Centre**

To OSCE:

- We urge that Travellers are also given visibility in the language being used by the OSCE and that reference is explicitly made to Roma, Sinti and Travellers.

To ODIHR:

- We strongly state that an economic recession does not negate human rights obligations and call on the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to emphasise this with member states. We call on the ODIHR to urge Ireland to ensure ethnic equality monitoring takes place within a human rights framework.
- We call on the ODIHR to urge the European Union to consider how Roma and Travellers can have free movement in EU and have their human rights realised; taking into account the particularities of their experiences and the impact of anti-Gypsyism over generations.

## Recommendations to the International Organizations

### **International Society of Meskhetian Turks "VATAN"**

To Council of Europe:

- мы призываем органы СЕ не признавать выполненными обязательства Грузии по репатриации месхетинских турок.

*Monday, 18 September 2017*

**Side Event: Combating hate crime: towards comprehensive and effective model of prevention and counteraction**  
**Convenor: "Ordo Iuris" Institute for Legal Culture**

**Recommendations to participating States**

**Ordo Iuris**

- Legal regulations on hate crime must be constructed symmetrically and include the protection of members of all social groups, in order not to overlook unlawful acts directed against the representatives of the majority of the population;
- Hate crime regulations should be framed and enforced in a holistic manner to avoid fragmentary application only to a certain groups, which may lead to increased tension and prejudice between social groups as well as constitute an unacceptable violation of the principle of impartiality of public authorities;
- Criminal regulations prohibiting hate speech and hate crime can become instrumental tools of political and ideological action if they are unnecessarily broadly and unclearly defined. Therefore, legal provisions criminalizing hate-motivated conduct should include only protection based on objective characteristics, in particular race, nationality, ethnicity and religion. The excessive expansion of this catalog could lead to legal uncertainty and disproportionate restrictions on freedom of expression;
- It should be noted that the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law requires criminalization of condoning and denying communist crimes against religion in EU member states. This obligation is neglected in a number of countries;
- Criminal law should regulate social phenomena as a last resort because of its repressive character, in accordance with the ultima ratio principle.

*Monday, 18 September 2017*

***Working session 11: Humanitarian issues and other commitments, including combating trafficking in human beings, refugees and displaced persons, persons at risk of displacement***

**Recommendations to participating States**

### **Estonia/European Union**

- the OSCE participating States should ensure gender-specific provision of specialized services to victims of trafficking that is proportionate to their needs, which are different according to the form of trafficking to which they have been subjected and, hence, gender specific;
- we should also create appropriate mechanisms for the early identification and protection of victims, including a child-centred approach for those victims which are not yet of age;
- as for internally displaced persons, we call upon the participating States to ensure the right of IDPs to a safe, dignified and voluntary return, as stipulated in the UN Guiding Principles on Internal Displacement

### **Georgia**

- We urge the international community to continue to push the Russian Federation to provide unrestricted access to the occupied regions of Georgia.

### **Russian Federation**

- Призываем государства-участники ОБСЕ предпринять все усилия для защиты наилучших интересов ребенка и устранить имеющиеся проблемы как в законодательстве, так и в правоприменительной практике.

### **Switzerland**

- The OSCE and its participating States should also bring into the debate their expertise on issues that are specific to the migration routes on land and sea leading into different countries and regions of the OSCE area.

### **Crimean Human Rights Group**

To the Russian Federation:

- The Crimean human rights group demands from the authorities of the Russian Federation to stop the practice of moving of Ukrainian citizens and persons who, in accordance with the laws of Ukraine, had the right to be in Crimea at the time of the occupation from the occupied territory of Ukraine. We insist upon transfer of all Ukrainian citizens already deported from Crimea to the Russian Federation to the Ukrainian authorities

### **Eglise de Dieu Tout-Puissant (Church of Almighty God)**

To France:

- We urge the French authorities not to deport the members of our church but to grant them political asylum. None of them has committed any illegal act in France. We will give their names to the Delegation of France to the OSCE. They will not be made public for the safety of their families in China.

### **Global Advocates**

- reverse the decision to ban their entry to the country and let the Tajik dissenters cross the border and apply for international protection status;
- put continuous pressure on the government of Tajikistan by political and economic means to uphold basic human rights and the rule of law in the country, and towards its citizens abroad.

### **Human Rights Without Frontiers**

To Poland:

- to explain the contradiction between the findings of the Asian Center of the University of Leiden which gives evidence that Poland issued again 187 new work permits to North Korean workers in 2016 and the official statement of Poland's Delegation to the OSCE HDIM saying in 2016 that no work permit had been issued to North Koreans that year.
- to stop granting new work visas to North Korean workers;

To European Commission:

- to start a full investigation of the situation in Poland and then, if necessary, to move on to the next level and start an infringement procedure against Poland in line with the legal avenues at its disposal.

### **Institute of European Studies**

To participating States:

- Мы предлагаем ввести единую систему регистрации всех родившихся европейских граждан, независимо от того, резидентом какой страны они являются. С помощью этой системы мы сможем гарантировать детям право на образование, на услуги здравоохранения, закроем возможность недобросовестным родителям продать своих детей.

### **Intersex Iceland**

To participating States:

- We recommend that all delegations of OSCE member states start training those working on the issue of displacement, on the issues faced by intersex people in situations of displacement. To that end we recommend that all member states liaise with national or regional intersex organisations to build up a knowledge base of the particular needs of our vulnerable community.

### **Legal Center for Women's Initiatives "Sana Sezim"**

To participating States:

- Необходимо выработка комплексных подходов наиболее объективного измерения параметров торговли людьми на всей территории Казахстана с активизацией мониторинговой деятельности с участием правоохранительных органов, НПО. Комплексный подход криминологического измерения масштабов торговли людьми в Республике Казахстан должен быть тесно связан с активизацией мониторинговой деятельности, основанного на межведомственном



сотрудничестве и взаимодействия официальных институтов с неправительственным сектором как представителем гражданского общества.

- Дальнейшее изучение возможностей модернизации междисциплинарных научных подходов (интегративный криминологическо-криминалистический подход, материально-правовой и процессуальный подход) по преодолению латентности, совершенствованию методик выявления, расследования, включая меры ОРД, защиты свидетелей, по правильной квалификации деяний и отграничению от смежных составов и др. Это положительно скажется на правоприменительной и правозащитной практике;
- В целях приведения национального законодательства международно-правовым стандартам в области прав человека и зарубежному опыту значительного ряда стран в части обеспечения свободы необходима криминализация деяний связанных с рабством, тем более, что в УК РК имеет место указание на такие виды криминальной эксплуатации как использование подневольного состояния человека и иных атрибутов собственности над человеком. СМИ неоднократно публиковали материалы о рабстве в регионах нашей страны. Это тем более актуально и в свете глобализационных процессов, и в свете успехов на международной арене.
- Нужен унифицированный законодательный подход на базе гармонизации/ сближении законодательств. Целесообразным представляется широкоформатный обзорный анализ норм законодательств: уголовных и базовых государств и принять меры по распространению наиболее прогрессивного опыта. Не будет эффективного комплексного противодействия торговле людьми при наличии самого крупного правового пробела, связанного с отсутствием базового закона о противодействии торговле людьми. Не достаточно принятия подзаконных актов, даже если они носят межведомственный характер. Нужен все же закон.

## Recommendations to the OSCE Institutions

### **Estonia/European Union**

- the focus of the OSCE should be directed towards addressing trafficking in human beings from a cross-dimensional perspective, with human-rights centred and genderbased approaches given the multifaceted nature of this crime and the diversity of profiles of the victims, with a special focus on child trafficking;
- The Office of the OSCE Special Representative on Combating Trafficking in Human Beings and participating States should enhance their focus on implementation of the 2003 Action Plan on Combating Trafficking in Human Beings and its 2013 addendum;
- the dialogue and cooperation with civil society should be promoted;

- the effectiveness of investigations and prosecutions of perpetrators should be improved, including a strengthening of police and judiciary cooperation against traffickers;
- we should furthermore work towards ensuring conceptual clarity, avoiding duplication of effort and promoting adherence to international standards, enshrined not least in the Palermo Protocols, which we encourage all participating States to sign, including its Protocol to prevent, suppress and punish trafficking in persons;

## **Uzbekistan**

To OSCE:

- Первая, в рамках ОБСЕ разработать и реализовать совместные региональные проекты, с целью повышения правоохранительного потенциала посредством проведения тренингов и укрепления регионального и международного сотрудничества.
- Вторая, создать единую региональную электронную базу для отслеживания преступлений, связанных с торговлей людьми. Учитывая внутренний траффинг в регионе, правоохранительным органам необходим постоянный обмен информацией для координации своих действий. Создание подобной базы может быть начато правительствами стран при содействии международных доноров.
- Третья, необходима слаженная координация в отслеживании и ограничении действий криминальных структур, задействованных в торговле людьми в государствах - членах ОБСЕ.

## **Switzerland**

To OSCE:

- The OSCE should cooperate as closely as possible with UN instances working on the Global Compact in order to bring into the debate the role of regional security organizations when it comes to defining aspects of the nexus between security and large movements of migrants and refugees.
- The OSCE and its participating States should also bring into the debate their expertise on issues that are specific to the migration routes on land and sea leading into different countries and regions of the OSCE area.
- We invite the incoming Italian OSCE Chairmanship to revitalize the OSCE's work on the governance of large movements of migrants and refugees. It should do so based on the MC Decision 3/16 on "OSCE's Role in the Governance of Large movements of Migrants and Refugees", as well as on recommendations of the Report of 27 July 2016 by the Chairperson of the "IWG Focusing on the Issue of Migration and Refugee Flows".

## **OSCE Programme Office in Bishkek**

To OSCE:

- Both ODIHR and field operations should contribute more to the advancement of the 2030 Sustainable Development Agenda.

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

To OSCE/ODIHR:

- мы хотели бы призвать Бюро по Демократическим Институтам и Правам Человека (БДИПЧ) ОБСЕ и иные заинтересованные стороны к усилению сотрудничества с Правительством и уполномоченными государственными органами Кыргызской Республики, оказания содействия, экспертной и иной поддержки в целях содействия в дальнейшем повышении эффективности деятельности национальных институтов в вопросах предупреждения и борьбы с торговлей людьми.

### **European Center for Artsakh (EUCFA)**

To OSCE:

- OSCE, whose core task is to prevent conflicts and crises through confidence and security building measures, should expand its presence and activities in conflict areas. Human rights and fundamental freedoms of displaced persons living in conflict areas should be high on the agenda of the OSCE. The organization should engage more actively in preventing forced displacement, as well as facilitating humanitarian access of international organizations, including UNHCR, to all conflict-affected areas in the OSCE region, without exception.

### **Human Rights Without Frontiers**

To OSCE:

- Calls upon the OSCE to collect data from its Participating States regarding the issuance of work visas to North Korean citizens and the status of their workplace conditions.

### **Intersex Iceland**

To OSCE/ODIHR:

- We recommend that the OSCE and ODIHR start addressing intersex issues in all of their work on the issue of displacement.

*Tuesday, 19 September 2017*

*Working session 12: Rule of law I, 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](#)

## **Liechtenstein**

To participating States:

- On the basis of the OSCE Consolidated Framework for the Fight against Terrorism, we believe that the root causes of violent extremism and radicalisation leading to terrorism should be addressed by the participating States while the respect for the rule of law and human rights is ensured.

## **Uzbekistan**

- Первая, эффективное противостояние современным угрозам исключительно путем укрепления коллективных механизмов международного сотрудничества, принятия последовательных мер, исключающих возможность применения двойных стандартов и основанных на неукоснительном соблюдении международного права;
- Вторая, первостепенное внимание уделять борьбе с причинами современных угроз, а не только с их последствиями. Международному сообществу важно активизировать вклад в борьбу с многочисленными радикальными и экстремистскими центрами, которые культивируют идеологию ненависти, создают конвейер формирования будущих террористов.

## **Holy See**

To participating States:

- Our Delegation calls all 57 participating States to greater action, to ensure the timely end to torture and other forms of cruel or degrading treatment or punishment and the death penalty, not only in the OSCE region, but in the world as a whole.

## **Switzerland**

To the participating States:

Switzerland calls on participating States to reaffirm their commitment to the absolute prohibition of torture and ill-treatment in accordance with their international obligations.

## **Ukraine**

To the Russian Federation:

- We call upon Russia to cease its domestic policies of intimidation, abduction and torture in Russia, third countries (the recent case of Pavlo Gryb detained in Belarus by the Russian FSB) and occupied Crimea and Donbas
- 

To participating States:

- We call upon participating States and international organizations to introduce specific personal sanctions for human rights violations committed by Russia in Crimea and elsewhere

## **Introducer at Working Session 12**

- States should return to a criminal justice response to terrorism and provide their judicial authorities with the resources to confront new challenges. The judicial system has shown itself capable in the past of adopting to ever changing and increasingly international forms of terrorism through better international cooperation and more resources. Many countries have shown that it is possible to adopt mechanisms to reduce the incidence and severity of terrorist violence while acting within the strict constraints and protections of the criminal justice system and the rule of law. This approach should be encouraged.

## **Astana City Collegium of Advocates**

To Kazakhstan:

- Обеспечить свободный доступ адвокатов в учреждения наравне и/или совместно с ОНК и НПО для консультирования, в виде еженедельных дежурств.
- Обеспечить потерпевшего правом ГГЮП.
- Не привлекать заявителей к уголовной ответственности за ложный донос, в случае не подтвердившихся фактов пыток (жестокое обращение).
- Законодательно ввести отдельную норму состава преступления, как жестокое обращение.
- Законодательно ввести норму проводить экспертизы и расследования дел, по этой категории в соответствии со Стамбульским протоколом.
- Информировать население об уголовной ответственности за применение пыток в отношении осужденных, в том числе среди состава правоохранительных органов, судов, адвокатов, а также обучить методам расследования по делам связанными с пытками лиц имеющих отношение к системе правосудия.
- Обучить медицинских работников и психологов давать заключения в соответствии со стамбульским протоколом.

## **Crimean Human Rights Group**

To the Russian Federation:

- We demand that the authorities of the Russian Federation stop the use of torture, conduct an effective investigation of cases of torture, bring to justice those responsible for the use of torture, and immediately release all political prisoners which were illegally detained in the Russian Federation and occupied Crimea, let the international organizations that have a mandate to carry out its activities in Ukraine to work in Crimea, ensure free access of the Ukrainian Parliament Commissioner for Human Rights without any ultimatums or political conditions.

## **Europe in Law Association**

To Armenia:

- The HDM in Armenia does not act as an independent and effective national torture prevention mechanism and neither is he perceived as such. It is

important that the position of the HDM in Armenia is held by somebody who is both independent and perceived as such by the broader public.

- The law enforcement authorities have to carry out an independent and effective examination of the above and similar cases of torture, which will be the best prevention of torture in the future.

### **Golos Svobody Public Foundation**

To Kyrgyz Republic:

- To strengthen state control and prosecution of violators of provision prohibiting the use of threats, violence and other unlawful measures during interrogation, investigation and judicial actions.
- To develop provisions limiting the possibility of detaining a person without a sufficient justification, and introduce harsher punishment for unreasonable detention;
- To introduce a procedure into criminal and administrative practices for disregarding the testimony given by a detainee with the withdrawal syndrome;
- To confer the status of torture to receiving testimony from detainee with withdrawal syndrome with no access to adequate medical care treatment.

### **Human Rights Vision**

To Tajikistan:

- we strongly urge Tajikistan authorities to refuse from medieval method of crackdown on dissent. To create independent international commission for investigation of facts of application of tortures during the investigation, in the pre-trial detention center and in prisons. To start immediate investigations on tortures in relation to political prisoners and bring to responsibility of perpetrators. To punish perpetrators and persons covering them, law enforcement officials who violate houses of relatives and close people of oppositionists' family without any legal cause, to offend, degrade and violate their rights for personal security and bring to death.
- Tajikistan should inviolately respect taken international commitments in terms of just trials. To stop persecutions due to political and ideology reasons. Immediately and unconditionally make free all political prisoners. All judicial hearings should be conducted in judgment halls, not in the closed place such as pre-trial detention centers or temporary detention facility. To grant access to the court hearings for mass-media representatives and the civil society.
- For prevention and timely exposure of tortures and cruel treatment with prisoners it is recommended to provide to community the opportunity to visit prisons and detention facilities of suspected persons, accused persons and prisoners.

### **Intersex Iceland**

To participating States and OSCE:

- Intersex Iceland recommends that the OSCE instigate investigations into the prevalence of intersex genital mutilation within OSCE participating states.

- Intersex Iceland recommends that all OSCE participating states install legislation forbidding the modification of a child's sex characteristics on cosmetic or psychosocial grounds.
- Intersex Iceland recommends that all OSCE participating states examine statutes of limitations on reporting medical abuse and ensure intersex people can report these abuses once they have reached adulthood.
- Intersex Iceland recommends that all OSCE participating states ensure that victims of these abuses are guaranteed access to redress.

### **Promo-LEX Association**

To the Government of Moldova:

- To develop a national policy on human rights observance in the Transnistrian region, with focus on observance of the right not to be subjected to torture and ill-treatment;
- to take concrete steps to improve conditions in prisons and detention facilities in line with the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Article 16 of UNCAT and Article 3 of the ECHR. In that regard, the State Party should consider not only the construction of new prison facilities, but also the wider application of alternative noncustodial sentences, such as electronic monitoring, parole and community service. The Department of Penitentiary Institutions should implement the recommendations given by European Committee for the Prevention of Torture after its visit in September 2015 like reducing the levels of violence and reducing the overcrowding in cells.
- To invite UN Special Rapporteurs for the observance of the right not to be subjected to torture, observance of the rights of persons with disabilities and the observance of the rights of human rights defenders to make a monitoring visit to the Transnistrian region.
- to develop specific policies to prevent torture in the Transnistrian region, including in the area of kidnapping by dealing with the observance of the human rights in 5+2 negotiations format;
- to make effort to ensure a safe environment for human rights defenders that support the victims of torture, including in the Transnistrian region and to provide the organisations that activate in rehabilitation of victims of torture with enough support;
- to ensure the review of standards that allow to detain people in mental health institutions due to their mental health and to subject them to coercive interventions or treatment in a mental health institution, without the free and informed consent of the treated person;

To the Parliament of Moldova:

- To amend Articles 30-33 of the Law on Ombudsperson to provide the National Preventive Mechanism against Torture with the possibility to monitor the right no to be subjected to torture and ill-treatment in the Transnistrian region, on

the basis of available information without the need to conduct monitoring visits.  
The Prosecutor Office:

- to ensure that complaints regarding acts of torture and ill treatment that are not prima facie unfounded receive a prompt, impartial, and effective investigation in accordance with the Istanbul Protocol;
- to establish a special preparation program for prosecutors and investigators on how to investigate the acts of torture in psychiatric institutions;
- to develop a clear instruction on how to investigate crime of torture committed in psychiatric institutions;

### **Public Verdict Foundation**

To participating States:

- States should ensure the effective investigations into all cases of torture or ill-treatment and bring the perpetrators to justice.
- States should ensure that any deprivation of liberty is properly documented from the moment of apprehension of a suspect in accordance with procedures prescribed by law.
- States should guarantee access to an alternative forensic examination for any alleged victim of torture and ill-treatment and ensure that the findings of such examinations carry equal weight under domestic procedural legislation.
- States should ensure that the work of doctors and other medical personnel in detention facilities is truly independent.
- States should ensure that adequate medical services are available to all detainees at all times and that medical personnel working inside detention facilities are trained on the application of the provisions of the Istanbul Protocol.
- States should ensure that no person is expelled, forcibly returned or extradited to a country where he or she is at risk of being subjected to torture or ill-treatment, and create effective domestic mechanisms, including judicial review, to prevent the transfer of people to such countries.

## **Recommendations to the OSCE Institutions**

### **Europe in Law Association**

To OSCE:

- Within the scope of OSCE mission ensure development and implementation of proper and effective mechanisms and investigation procedures for the violation of ceasefire regime.

### **International Association for the Defense of Religious Liberty (AIDLR)**

To OSCE/ODIHR:

Permit me to propose to the OSCE/ ODIHR to give a special attention to the forward issues:



- Tackling societal root-causes: discrimination and equality, racism, negative stereotypes and prejudice, lack of prudence and populism and utilization of religion for political gains.
- Members States to be encouraged regarding integration and respect for differences of every human being while respecting one's own cultural identity, in this way will be discouraged the hate speech, religious hatred, violence, discrimination of all people, that specially affect the religious minorities.
- To combat stereotypes, it should only be restricted through criminal offences following the principles of legality, proportionality and necessity.
- Member States to have a clear separation between the political and spiritual aspects, condemning the repressive and arbitrary laws on discrimination based on religion and cultural identity. Also, the secular countries to be prudent on the religious expressions and signs that may be restricted without a clear public interest justification and end up negatively affecting the enjoyment of other rights as well.
- Member States to be monitored not to use 'extremism' and 'national security' as multipurpose tool and pretext or political abuse against religious groups and minorities, dissidents and political opponents.”.

### **Intersex Iceland**

To OSCE:

- Intersex Iceland recommends that the OSCE instigate investigations into the prevalence of intersex genital mutilation within OSCE participating states.

### **Public Verdict Foundation**

- The OSCE should ensure that torture prevention is a priority for the organisation, building on the work of the Swiss Chairmanship in 2014 and ODIHR since then, and using civil society recommendations.
- The OSCE should ensure the preparation of updated OSCE commitments on eradicating torture which should address the new challenges and include enforced disappearance as a form of grave human rights violation and torture.
- The OSCE should develop an OSCE strategy outlining measures to eradicate torture in participating States, including monitoring of places of deprivation of liberty, prevention, investigation and documentation, prosecution, and ensuring redress, including reparations and the right to rehabilitation.
- OSCE/ODIHR should continue to support the work of the Focal Point on Torture Prevention, establish an expert panel on combating torture. The panel should meet regularly to assess relevant laws and practices in participating States, monitor progress, give advice to participating States on implementation of their commitments on the eradication of torture, and provide advice and assistance to the ODIHR Focal Point on Torture Prevention in implementing its mission.

## Recommendations to the International Organizations

### **Ukraine**

- We call upon International human rights monitoring bodies to establish a permanent presence in Crimea and Donbas.

### **Promo-LEX Association**

- International institutions should insist on the observance of human rights in the Transnistrian region, especially of the right not to be subjected to torture by conditioning the provision of financial support to the de facto administration.

### **Human Rights Vision**

- We appeal to all international organizations on human rights protection, OSCE, Committee of United Nations on human rights to pay close attention and to enhance monitoring on fulfillment of duties by Tajikistan for their obligations according to International Covenant on civil and political rights.

*Tuesday, 19 September 2017*

## *Working session 13: Rule of law II, including right to a fair trial, independence of the judiciary, democratic law-making*

### Recommendations to participating States

#### **Estonia/European Union**

To the participating States:

- The OSCE participating States should ensure full respect for the principles of separation of powers and the independence of judiciary, in compliance with international standards and their international commitments;
- Evaluation and accountability procedures for judges should not be used as a means to influence the independence of their decisions;
- Access to justice and equal representation should be ensured to persons belonging to all groups of the society.

## **Amnesty International**

To participating States:

- Raise the cases of lawyers Buzurgmekhr Yorov, Nuriddin Makhamov and Shukhrat Kudratov in all bilateral and multilateral meetings with the Tajikistani authorities, and send a clear message that the conduct of the authorities in relation to these cases contravenes Tajikistan's international obligations;
- Insist that Tajikistan fully upholds its international human rights obligations, including freedom of expression and association, and the right to a fair trial and all standards and principles associated with it;
- Commit to monitoring and reporting human rights violations in the country, and ensure that concerns about Tajikistan's human rights record are considered at every opportunity where the Tajikistani authorities are represented in bilateral and multilateral fora.

## **All-Ukrainian European Foundation "The League of Law"**

To Ukraine:

- In the shortest possible time, continue implementation of judicial reform in local and courts of appeal, to take into account the conclusions of the Public Council of Integrity for the final appointment of judges to the Supreme Court of Ukraine.
- To acknowledge the abolition of the "Savchenko Law" as not complying with the Constitution of Ukraine.
- To accept in the second reading and in general the bill number 2033a.
- Adopt the law on amendments to the Criminal Procedure Code of Ukraine regarding the revision of the judgments of the Courts of Appeal as first instance courts for newly discovered circumstances.
- Adopt the amendments to the Criminal Code of Ukraine regarding the abolition of the current version of Art. 391 and adopt a new one that provides for criminal liability for the criminal actions of convicted prisoners when serving their sentence in penitentiary facilities. The range of such actions should be clearly and correctly defined, and this should be criminal acts, but not disciplinary, no matter how many of them are.

## **Alternative Turkmenistan News**

To Turkmenistan:

- Activists Nepeskuliev, Mingelov and Matalaev must be released from custody now. The government of Turkmenistan should refrain from persecuting dissent in the future.

## **Astana city Collegium of Advocates**

To Kazakhstan:

- в разрезе данного выступления, предлагаются для усиления статуса адвоката законодательно запретить судам выносить частные постановления в адрес адвокатов.

## **Commission of Protection of the Illegally Accused**

To Ukraine:

- устранения законодательных противоречий путем внесения изменений, либо разъяснение Конституционного Суда Украины норм права, отмены норм, противоречащих Конституции. Соблюдение существующих норм всеми участниками, а нарушителей – привлекать к ответственности, в том числе судей правоохранителей.
- it is necessary to create a mechanism (not just another useless body, but a mechanism) to effectively investigate crimes committed by law enforcement officers.
- Concerning the collection of evidence by illegal means - to improve judicial practice, to stop passing of sentences on the basis of illegally obtained evidence. Establish the responsibility of law enforcement officers for violations in the collection of evidence, and if necessary- to prosecute.
- Eliminate obstacles in reviewing judicial decisions, contradictions in the law through appropriate amendments. It is also possible to adopt a decision by the Constitutional Court of Ukraine on this issue - explaining the legislation, or repealing the norms that are contrary to the Constitution of Ukraine.

## **East European Security Research Initiative Foundation (EESRI)**

To Ukraine:

- Providing correct accentuation to achieve practical results of security sector reform aimed at ensuring the safety and wellbeing of every citizen and society as a whole;
- The defence component of the security sector should not be isolated from the national security system, remaining one of its important subsystem within the framework of a broad, whole-of government and whole-of-society approach to security sector reform process;

## **Global Advocates**

To the participating States:

- immediately release the representatives of the judiciary due to the lack of formal charges against them and other violations of their right to a fair trial;
- unfreeze all of their assets;
- put continuous pressure on the government of Turkey by political and economic means to uphold basic human rights and the rule of law in the country

## **Human Rights Embassy**

To authorities of Moldova:

- to uphold its international obligations to take all necessary measures to respect, protect and promote the freedom of exercise of the legal profession without improper interference from the authorities or the public, as it affects fair legal representation and damages the rule of law in general;
- to respect the independence of judiciary, which is a pillar of rule of law and democracy.

### **Open Dialog Foundation**

To the participating States:

- Open Dialog Foundation invites the participants of the HUMAN DIMENSION IMPLEMENTATION MEETING OSCE to call upon the Polish Government to restore the normal course of democratic, European standards and guarantee the independence of civil society initiatives in Poland.

### **Republican Bar Association**

To Kazakhstan:

- Адвокатское сообщество Казахстана призывает Правительство Республики Казахстан при осуществлении законопроектной деятельности, относящейся к статусу адвокатуры, обращать внимание на вопросы, касающиеся прав человека, основных свобод, демократии и верховенства закона, в том числе и принятые обязательства в области человеческого измерения.

### **Recommendations to the OSCE Institutions**

#### **Alternative Turkmenistan News**

- it's time for the OSCE as the largest regional institution, and individual member states to give an adequate assessment to Turkmenistan's behavior and actions

#### **East European Security Research Initiative Foundation (EESRI)**

To ODIHR and PCU:

- Further supporting projects on developing effective public communication system timely contributing to responses to a variety of human security problems, including those related to manipulation with public opinion;
- Providing assistance in executing continuous assessment and revision of key strategic documents and consistent development of the national security and defence strategies;
- Stepping up interaction with other international field presences on implementing joint projects focused on civilian security sector reform in Ukraine;

#### **Europe in Law Association**

To OSCE:

- To observe and produce a report with recommendations for the Armenian authorities.

### **Open Dialog Foundation**

To the participating States:

- Open Dialog Foundation invites the participants of the HUMAN DIMENSION IMPLEMENTATION MEETING OSCE to call upon the Polish Government to restore the normal course of democratic, European standards and guarantee the independence of civil society initiatives in Poland.

## Recommendations to the International Organizations

### **Human Rights Embassy**

- We call on international organizations, in particular the OSCE, Council of Europe, European Union and United Nations, to monitor the state of justice and to intervene by means appropriate to each organization to stop the deterioration of the state of justice in the Republic of Moldova.

### **Open Dialog Foundation**

To the participating States:

- Open Dialog Foundation invites the participants of the HUMAN DIMENSION IMPLEMENTATION MEETING OSCE to call upon the Polish Government to restore the normal course of democratic, European standards and guarantee the independence of civil society initiatives in Poland.

*Tuesday, 19 September 2017*

## **Side event: Russia: the State of Civil and Human rights before the Presidential Election (Tuesday, 19 Sep, 18:15)**

## Recommendations to participating States

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

To the Russian Federation:

- to bring the national legislation on public events in line with international standards regarding the enforcement of the right to freedom of assembly;
- to carry out the monitoring of the enforcement of the right to freedom of assembly in order to track down illegal actions of government officials before, during and after public meetings;
- to develop a comprehensive plan designed to bring about the fulfilment of international obligations, assumed by the Russian Federation in the field of ensuring freedom of assembly;
- to promptly and effectively analyse citizens' reports of incidents of unlawful use of violence and special means; ensure effective supervision of the work of law enforcement agencies which verify the reports, in order to prevent procrastination or superficial and biased verifications of the incidents reported.

## Recommendations to the OSCE Institutions

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

To OSCE:

- to recommend to the Russian Federation that it review its legislation, policies and practices in the field of enforcement and protection of the right to freedom of peaceful assembly, and bring them in line with international human rights standards;
- to take measures aimed at ensuring prompt and effective response to gross and massive violations of the right to freedom of assembly in the Russian Federation.

*Wednesday, 20 September 2017*

***Side Event: Religious persecution of religious minorities by cooperation of state bodies (police, court, ministries) with anti-cult movements in the Czech Republic***

**Religious Society Path Guru Jara**

To the Czech Republic:

- The anti-cult opinions should not be regarded as independent and state approved expertise on how to treat new religious movements (especially for police, courts, ministries).
- State should guarantee neutrality of governmental apparatus and they should rely on more independent expert opinions.
- The police should have effective corrective mechanisms in place in the case of its misuse of power and rely only on independent experts.
- Court should be accept only independent expert's truly neutral, not using anti-cult rhetoric and prejudices towards religious minorities.
- The right to a fair trial should be respected and upheld in every case, regardless of religion.
- The right to a fair trial also includes the right of respect for the presumption of innocence.
- Czech media should not be supporting hate speech and intolerance towards religious minorities according anti-cult rhetoric. They should give at least the same space for religious minorities as for the representatives of the Czech anti-cult movement.
- State authorities should be able to recognize religion, belief or opinion as possible field of discrimination, according Antidiscrimination Act (2009) and be proactive in combatting hate crimes, prejudices, ignorance and intolerance based on religious belief, including that found in the media and on the internet

## ***Working session 14 (specifically selected topic): Economic, social and cultural rights as an answer to rising inequalities***

### **Recommendations to participating States**

#### **Estonia / European Union**

All participating States to recognize their responsibility to actively promote Economic, Social and Cultural Rights to their citizens, without discrimination towards any group, and to ensure effective monitoring of those rights including appropriate forms of redress.

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

To Ukraine:

- контроль за происхождением богатства всех граждан Украины, работающих на потенциальных коррупционных должностях — а не только чиновников или их ближайших родственников.
- прозрачность и гласность в действиях чиновников
- создания условий для возникновения и развития общественного участия во всех процессах принятия государственных решений

#### **Equal Rights Trust**

I urge all OSCE members states which have yet to enact such laws to do so, in order to meet their international law obligations in respect of equality and non-discrimination, and to accelerate progress in respect of economic and social rights.

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

To Kyrgyzstan, Russia and Kazakhstan:

- Выполнить рекомендации договорных органов ООН касающихся защиты прав трудящихся мигрантов;
- Ратифицировать Конвенцию МОТ относительно трудящихся-мигрантов 1975 г. (№ 143) (дополнительные положения);
- Конвенцию МОТ о частных агентствах занятости, 1997 (№ 181); и Конвенцию МОТ о достойном труде домашних работников, 2011 (№ 189) о Ратифицировать Факультативный протокол к Международному пакту об экономических, социальных и культурных правах (2013 г.).
- Обеспечить защиту и соблюдения прав трудящихся мигрантов в соответствии с соглашениями в рамках ЕАЭС;
- Содействовать развитию независимого профсоюза для трудящихся мигрантов из отправляющих и принимающих стран

### **Recommendations to the OSCE Institutions**

#### **International Platform Global Rights of Peaceful People**

To OSCE:

- Рекомендуем ОБСЕ обратить внимание, что бандеризация и фашизация Украины находящейся в математическом центре Европы может заразить



коричневой чумой все остальные прогрессивные демократические страны Европы. Необходимо срочно принимать защитные меры.

- Рекомендуем ОБСЕ обратить внимание, что Украинская русофобия пытается уничтожить на Украине один из языков межнационального общения (он и в ОБСЕ официальный).
- Рекомендуем ОБСЕ встать на принципиальную защиту русскоговорящего населения Украины.

### **World Russian People's Council**

- призываем структуры ОБСЕ и БДИПЧ ОБСЕ обратить внимание на данные факты нарушения культурных прав граждан на Украине и призвать руководство Украины к уважению данных прав и обеспечению их реализации на территории Украины.
- призываем структуры ОБСЕ и БДИПЧ ОБСЕ обратить внимание на факты дискриминации и преследований на территории ЕС лиц, ассоциирующих себя с русским миром и на агрессивнo-враждебное и дискриминирующее отношение к ним в ряда европейских и международных медиа.

*Wednesday, 20 September 2017*

## ***Working session 15 (specifically selected topic): Economic, social and cultural rights as an answer to rising inequalities (continued)***

### **Recommendations to participating States**

#### **Russian Federation**

To participating States:

Призываем государства-участники серьезно отнестись к обозначенным проблемам и продемонстрировать не на словах, а на деле обеспечивать соблюдение социальных, экономических и культурных прав всех граждан, вне зависимости от их национальности, языка, культуры и убеждений.

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

To Kyrgyzstan:

- В данной ситуации Кыргызстану необходимо принять специальные меры, направленные на расширение экономических возможностей женщин и сокращение вертикальной и горизонтальной сегрегации на рынке труда, сокращение показателей материнской и младенческой смертности, предупреждение и снижение уровня гендерного насилия в обществе, доступ к правосудию женщин и детей.

- Призываем Правительство Кыргызстана инициировать новый законопроект “О равенстве и не дискриминации”.
- Необходимо На всех этапах правосудия со стороны сотрудников правоохранительных и судебных органов обеспечить потерпевшим уважительное отношение на принципах равенства, этики и недискриминации в соответствии с рекомендациями Комитета по ликвидации дискриминации в отношении женщин.
- Необходимо совместно с центром ОБСЕ в Бишкеке организовать серии национальных консультаций для выполнения 664 рекомендаций Комитетов ООН по правам человека для развития Национального Плана КР по их выполнению.

### **Information Agency REGNUM**

To Spain:

- Мы рекомендуем провести реформы системы защиты Детства, исключив из нее презумпцию виновности родителей и произвол социальных служб, зачастую оборачивающийся трагедиями для семей.
- Необходимо прописать положения, согласно которым только судебная система могла бы выносить решения об изъятии ребенка из семьи.
- Необходимо ввести в законодательство ответственность работников социальных служб за неправомерное изъятие детей.
- Нужно сделать упор на оказание реальной экономической, социальной и моральной поддержки семье, и исключить вмешательство в частную жизнь семьи без реальной необходимости и опасности для жизни ребенка.
- Необходимо предпринимать культурные и образовательные меры, нацеленные на сохранение семьи.
- Борьба с насилием и экстремизмом путем снижения постоянной пропаганды насилия в массовой культуре и СМИ.

### **Recommendations to the OSCE Institutions**

#### **Legal Information Centre for Human Rights**

To Estonia:

Во избежание «двойных стандартов» правительству Эстонии внести изменения в Закон ЭР о выборах собрания местного самоуправления и привести положение ч. 3, ст. 9 (2) в соответствии с Конституцией и общими положениями Закона и общим порядком, установленным ч. 3, ст. 9 (1).

#### **World Russian People's Council**

- рекомендуем структурам ОБСЕ и БДИПЧ ОБСЕ способствовать реализации инициатив, направленных на межкультурный диалог и программы изучения языков на пространстве стран-членов ОБСЕ

- как международная общественная организация выражаем готовность участвовать в осуществлении проектов межкультурного и языкового диалога вместе с ОБСЕ и БДИПЧ ОБСЕ.

### Recommendations to the International Organizations

#### **Legal Information Centre for Human Rights**

Обратить внимание международной общественности на существование двойных стандартов в признании статуса, так называемых, «спорных» территорий и на возможность возникновения в связи с этим двойственных ситуаций и трактовок международного права в сфере реализации прав человека.

*Wednesday, 20 September 2017*

### *Side Event: The Role of Cultural and Religious Identity in Humanitarian Diplomacy*

### Recommendations to the OSCE Institutions

#### **World Russian People's Council**

Рекомендуем структурам ОБСЕ и БДИПЧ ОБСЕ:

- Поддерживать инициативы и мероприятия, способствующие диалогу цивилизаций, межнациональному, межконфессиональному и межкультурному диалогу, уделяя особое внимание гуманистическому аспекту данного диалога
- Уделять на площадке БДИПЧ ОБСЕ больше внимания вызовам дегуманизации и обсуждению проблем гуманистического измерения технологий развития и прогресса.
- Рекомендуем искать темы для диалога на площадках ОБСЕ, способствующие снижению градуса взаимной конфликтности и напряженности между государствами, представителями НГО и гражданского общества.

*Thursday, 21 September 2017*

***Working Session 16: Tolerance and non-discrimination I, including equality of opportunity for women and men; implementation of the OSCE Action Plan for the Promotion of Gender Equality; prevention of violence against women and child***

**Recommendations to participating States**

**United States of America**

encourages participating States to cooperate with the Office of Democratic Institutions and Human Rights, and the OSCE Senior Advisor on Gender Issues.

**Austria**

in addition to the recommendations expressed in the EU statement, we would like to add the following two suggestions:

We reiterate our call on all participating states to ratify and implement the Istanbul Convention.

**Canada**

would like to put forward the following three recommendations:

- That participating States, the OSCE, and its institutions adopt a multi-disciplinary and multisectoral approach in addressing violence against women and girls, including those belonging to vulnerable groups, that employs legislative and non-legislative measures to prevent such violence, to provide support to victims, and to hold perpetrators accountable for their actions;
- That participating States work towards the full implementation of the United Nations resolutions on women, peace and security, and reflect this commitment in future OSCE decisions;
- That participating States review the 2004 OSCE Action Plan for the Promotion of Gender Equality with a view to its update, noting in the process the relevance of the 2030 Agenda for Sustainable Development in this area.

**Estonia / European Union**

We would like to propose the following recommendations to the OSCE and its participating States:

- Establishment of a roadmap of follow-up from the Gender Equality Review Conference to ensure concrete outcomes and sustainability;
- Enhance efforts to combat violence against and sexual exploitation of women and girls throughout the OSCE area, including in conflict situations;
- Adopt OSCE Action Plan on Combating Violence Against Women;
- Focus more concretely on implementation of the Women, Peace and Security Agenda, most notably but not exclusively in the First Dimension, including through adoption of OSCE-wide Action Plan on implementation of UNSC resolution 1325;
- Measure the effectiveness of policies to prevent violence against women and girls, including those aimed at engaging men and boys, as well as establish the

cost of violence against women and girls through collecting adequate and comprehensive data;

- Elaborate the OSCE's gender markers system, compliant with OECD DAC standards in this regard as a central component of the Secretary General's annual report on gender equality, which should be shared with participating States to ensure full accountability and an effective reporting regime;
- Institutionalise the Gender Focal Point network to ensure it has sufficient visibility, consistency and recognition.

### **Lithuania**

- We call the OSCE participating States and the OSCE institutions to promote economic and social cost-awareness of violence against women in the public and among policy-makers.
- At the same time, we would like to invite the OSCE participating States to share their good practices on reducing these costs through domestic and international measures, as well as collecting statistics to measure the economic effects of violence against women.
- We also call upon participating States to review their national legislations with a view to eradicating all gender-based crimes.

### **Russian Federation**

Среди конкретных рекомендаций – важность укрепления политической воли каждого конкретного государства, направленной на улучшение положения женщин и защиту семейных ценностей, необходимость совмещения совершенствования законодательства и правоприменительной практики, развитие международного сотрудничества в борьбе с преступлениями, такими как сексуальная и другие виды эксплуатации, а также налаживание регулярного обмена передовым опытом и практикой.

### **Ukraine**

Мы поддерживаем соответствующие рекомендации ЕС, Австрии.

### **All-Russian Parents Resistance**

Recommendations:

- In our opinion, the protection of family, parental rights, and prevention of discrimination against close relatives must become high priority goals in the protection of human rights.
- We also recommend the European community to carefully analyse key legal papers and conventions, regulating the subject of family violence and examine their compliance with the key principles of law and democracy and to withdraw from these papers the items that violate these principles.

### **Krasnaya Vesna Information Agency**

We recommend the OSCE member states to:

- Fundamentally revise their family policy, which is based on an assumed conflict between parents' and children's rights, and the presumption of parental guilt.
- Pursue a family policy that would be based, in the first place, on providing help, protection and support to the birth family.
- Make social workers legally accountable for the unjustified removal of children. Bring the children protection services under public control.

### **Legal Information Centre for Human Rights**

To Estonia:

Ускорить процесс ратификации Европейской Конвенции по предупреждению насилия в отношении женщин и насилия в семье, а также разработку и внедрение на её основе действующих механизмов по реализации её положений в практике

### **Roma Rights Activist**

- I would like to recommend OSCE participating States to mainstream gender aspect in Roma National Integration Strategies.
- In addition, participating States must ensure equal and non-discriminatory access of Roma and Sinti women in education, employment, healthcare, public and political life.
- I would also urge participating States to address child marriages within Roma and Sinti communities.

### **Recommendations to the OSCE Institutions**

#### **Austria**

in addition to the recommendations expressed in the EU statement, we would like to add the following two suggestions:

The OSCE could engage in a wide-ranging campaign against gender stereotypes (in order to change people's minds and attitudes).

#### **Estonia / European Union**

We would like to propose the following recommendations to the OSCE and its participating States:

- Establishment of a roadmap of follow-up from the Gender Equality Review Conference to ensure concrete outcomes and sustainability;
- Enhance efforts to combat violence against and sexual exploitation of women and girls throughout the OSCE area, including in conflict situations;
- Adopt OSCE Action Plan on Combating Violence Against Women;
- Focus more concretely on implementation of the Women, Peace and Security Agenda, most notably but not exclusively in the First Dimension, including through adoption of OSCE-wide Action Plan on implementation of UNSC resolution 1325;
- Measure the effectiveness of policies to prevent violence against women and girls, including those aimed at engaging men and boys, as well as establish the

cost of violence against women and girls through collecting adequate and comprehensive data;

- Elaborate the OSCE's gender markers system, compliant with OECD DAC standards in this regard as a central component of the Secretary General's annual report on gender equality, which should be shared with participating States to ensure full accountability and an effective reporting regime;
- Institutionalise the Gender Focal Point network to ensure it has sufficient visibility, consistency and recognition.

### **France**

Nous encourageons l'OSCE, en tant qu'organisation régionale de sécurité sous chapitre VIII des Nations-Unies, à consacrer plus de moyens à la mise en oeuvre de l'agenda « Femmes, paix et sécurité », afin d'accroître le rôle des femmes à tous les stades du cycle du conflit, ainsi que leurs droits en tant que victimes des conflits.

### **Holy See**

- that ODIHR continue its assistance to participating States in advancing the political participation of women;
- that ODIHR ensure that its engagement with this issue is based on the common understanding of the OSCE participating States.

### **Lithuania**

We call the OSCE participating States and the **OSCE institutions** to promote economic and social cost-awareness of violence against women in the public and among policy-makers.

### **Ukraine**

призываем БДИПЧ ОБСЕ обратить особое внимание на проблемы сельских женщин.

### **Core Issues Trust**

The OSCE is asked to consider how the model evident in the UK for educating its children over-values sexuality at the expense of healthy biologically-based gender models of male and female. As traditional models of gender, marriage and family are redefined, the role of males in society is being undermined. "Fathering" is also being redefined as a purely biological function, with the importance of a male role-model being lost.

### **International Platform Global Rights of Peaceful People**

Рекомендуем ОБСЕ пересмотреть работу наблюдателей в Украине, может быть частично ротировать состав и обязать давать информацию соответствующую действительности, а не удобную украинским властям

### **Shah-Aiym Public Association**

To OSCE:

- To include in curricula of training and programming on gender-based violence sections on impact and measures to undertake related to communities - LGBT people, sex workers, people who use drugs and people living with HIV.
- To include in community-based policing programs sections on upholding human rights and addressing disadvantage condition of LGBT people, sex workers, people who use drugs and people living with HIV.
- To continue supporting police reform to ensure turning police from a force into a service, respecting human rights by the police and rule of law.

*Thursday, 21 September 2017*

## ***Working session 17: Fundamental Freedoms II, including freedom of movement; migrant workers and the integration of legal migrants***

### **Recommendations to participating States**

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

To Russia:

We again call on Russia to grant access for the SMM to Crimea, which remains a part of Ukraine. Due to Russia's occupation, Ukrainians moving between Crimea and the rest of Ukraine also face long crossings. Crimean Tatars often report intrusive inspections, harassment, and detentions at the administrative boundary. We condemn Russian occupation authorities' ongoing ban on Crimean Tatar leaders returning to their homeland.

#### **Estonia / European Union**

- The OSCE Participating states should ensure the right to freedom of movement and residence within their borders as well as the right to leave the country, including its own, and return to his or her country. Security-related restrictions should be proportional and in response to a specific public need.
- The OSCE participating States should ensure freedom of movement of human rights defenders, enabling them to pursue their human rights activities.
- The OSCE Participating states should focus on building dialogue and cooperation as an essential prerequisite to ensuring safe and sustainable human mobility in full respect of human rights.
- The OSCE Participating states should contribute in a coherent way towards the integration of the regular migrant population, fully respecting their human rights and fundamental freedoms.

#### **Georgia**

To Russia:



Georgia calls upon the Russian Federation, as a power exercising effective control over occupied territories of Georgia, to stop its aggressive policy, restore respect for Georgia's territorial integrity and sovereignty within its internationally recognized borders and implement the August 12, 2008 6-point Cease-fire Agreement.

### **Ukraine**

В связи с этим мы приветствовали бы использование ОБСЕ как платформы для начала основательной дискуссии по разработке всеобъемлющего международного инструмента, направленного на защиту прав вынужденных переселенцев. УВКБ ООН и другие учреждения и институты ООН могут стать важными партнерами в таких усилиях.

### **Amnesty International**

To Uzbekistan:

We urge the Uzbekistani authorities to immediately lift travel restrictions on individuals previously imprisoned on politically motivated grounds, in particular on Murad Djuraev, Muhammad Bekjanov and Mamadali Makhmudov, and ensure that they are allowed to travel abroad for urgent medical treatment.

### **Human Rights Vision**

To Tajikistan:

we call on the Tajik authorities to stop the permanent violation of the human right to free movement and to provide free access to entry and exit to oppositionists, human rights defenders and their relatives.

### **Islamic Renaissance Party**

To Poland:

- Прошу правительство Польши рассмотреть мое заявление и принять моего отца. Он убежал из страны, в которой в данное время очень трудное положение, в которой он пережил более двух лет пыток и морального давления.
- Прошу правительство Польши рассмотреть этот случай и помочь тем, кто вынужден убегать из Таджикистана из-за политического преследования со стороны властей Таджикистана.

### **Legal Information Centre for Human Rights**

Государствам участникам ОБСЕ, входящим в зону действия Шенгенского соглашения, в каждом отдельном случае более тщательно и объективно подходить к принятию решения о применении запрета на въезд в отношении лиц, внесённых в «чёрные списки» для обеспечения соблюдения их прав, а также в тех случаях, когда вопросы касаются прав лиц, проживающих на «спорных» территориях, и предусмотреть возможности решения проблем в исключительном порядке.

### **[Recommendations to the OSCE Institutions](#)**

## **Ukraine**

В связи с этим мы приветствовали бы использование ОБСЕ как платформы для начала основательной дискуссии по разработке всеобъемлющего международного инструмента, направленного на защиту прав вынужденных переселенцев. УВКБ ООН и другие учреждения и институты ООН могут стать важными партнерами в таких усилиях.

## **International Platform Global Rights of Peaceful People**

просим БДИПЧ создать секцию для мониторинга свободы передвижения активистов гражданского общества и разрешения возможных конфликтов, связанных с их гражданской позицией.

## **Recommendations to the OSCE Field Missions**

### **Legal Information Centre for Human Rights**

ОБСЕ обратить внимание на ситуацию с наличием «чёрных списков» с целью соблюдения норм и принципов международного и европейского права.

## **Recommendations to the International Organizations**

### **Serbia**

We call upon all international actors to devote themselves to the resolving of these issues, as they are a serious threat to basic rights of returnees, displaced persons and Serbian people in Kosovo and Metohija, but also a continuous attempt at nullifying the cultural and spiritual features and origin of one European nation.

*Friday, 22 September 2017*

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

## **Recommendations to participating States**

### **United States of America**

We urge Belarus:

to restore civil and political rights to those detained in contravention of their Principle VII right to know and act upon their human rights commitments; to register political parties; to register the civil society organizations; and to engage with the OSCE on additional electoral reform as recommended by the Election Observation Mission

### **Estonia / European Union**

- The 2017 OSCE Unified Budget was adopted on 1 June while that for the previous year was adopted on 31 December, 2015. The six months delay in the adoption of the 2017 OSCE Unified Budget is regrettable. Timely adoption of the OSCE Unified Budget is imperative to ensure that the executive structures of the organisation are able to plan and execute their activities in an efficient and effective manner.
- Participating States should avail themselves of the services offered by the OSCE executive structures, in enhancing the implementation of commitments, including by facilitating visits and monitoring missions. EU Member States have benefited from such assistance on a range of issues, and we will continue to do so.
- There may be scope for ‘pathfinder’ projects to illustrate a particular issue and set an example.
- The EU values highly the work of the OSCE in the Human Dimension. There is obvious linkage between the protection of human rights and fundamental freedoms and the maintenance of an indivisible, comprehensive and co-operative OSCE security community. The EU is concerned that there continues to be a discernible drift away from the full respect for fundamental freedoms, including media freedom. Indeed some would argue that, in the past twelve months, support for the implementation of human dimension commitments in parts of the OSCE region has significantly regressed. It is very important that the 57 participating States recommit to implementing the commitments that each one of us has voluntarily agreed to.

## [Recommendations to the OSCE Institutions](#)

### **Estonia / European Union**

- Executive structures should continue to coordinate closely with each other and with other relevant international and regional organisations, such as the Council of Europe and the United Nations, in order to learn from each other’s experiences, avoid duplication and to deepen the impact of activities.
- When designing projects and activities, the executive structures should develop close cooperation with civil society and increase their participation in the implementation phase.
- There may be scope for ‘pathfinder’ projects to illustrate a particular issue and set an example.
- Executive structures should continue to improve the monitoring and evaluation of their projects, from conception through to completion, including by prioritising the use of key performance indicators and implementing results-based management practice

Russian Federation

- Любая проектная деятельность ОБСЕ должна строиться по известному принципу «demand driven approach», т.е. отвечать интересам и потребностям принимающего государства. Причем необходимо, чтобы эти интересы были четко выражены, а институты и исполструктуры ОБСЕ не навязывали те или иные проекты, а, наоборот, содействовали принимающим государствам.
- Проектная деятельность должна соответствовать мандату той структуры, которая ее реализует. Любая проектная деятельность должна быть направлена на достижение конкретных, четко и детально намеченных результатов.

*Friday, 22 September 2017*

## ***Closing reinforced plenary session***

### **Recommendations to participating States**

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

To Azerbaijan:

We call on the government to drop the remaining charges against Aliyev and to lift travel bans against him and others, including investigative journalist Khadija Ismayilova and defense lawyer Intigam Aliyev.

To Turkey and Tajikistan:

We urge these fellow participating States to re-engage in the full range of OSCE activity. Their presence ensures that their points of view are heard.

To participating States:

- We also urge that Kosovo finally be allowed to take its rightful place at the table.
- We continue to call for NGO access to PC meetings and other OSCE venues.

#### **Russian Federation**

призываем США, Канаду, Евросоюз, включая страны Прибалтики, и Украину пересмотреть свою позицию по отношению к многочисленным актам прославления нацизма и его приверженцев, шествиям ветеранов «Ваффен-СС», героизации разного рода коллаборационистов и таких организаций, как ОУН и УПА, проявлениям неонацизма, радикального национализма и других агрессивных идеологий.

### **Recommendations to the OSCE Institutions**

### **Russian Federation**

призываем ОБСЕ и исполнительные структуры Организации осуществлять все три направления международного сотрудничества по противодействию антисемитизму, нетерпимости и дискриминации в отношении христиан и мусульман комплексно, сбалансированно и на основе принципа консенсуса. Подтверждаем готовность к доработке «рабочего определения» антисемитизма во взаимодействии с ООН, другими организациями, академическими кругами и НПО. Напоминаем также о нашем предложении, касающемся аналогичных определений нетерпимости в отношении христиан и мусульман. Считаем важным выполнить решение СМВД ОБСЕ в Базеле и принять в ходе СМВД ОБСЕ в Вене министерские декларации по борьбе с нетерпимостью и дискриминацией в отношении христиан и мусульман.