

COMPILATION OF WRITTEN RECOMMENDATIONS

(Covering Working Sessions 4-7)

This compilation contains recommendations submitted to the HDIM Documentation Centre in accordance with the established procedure. The compilation is organized by Working Sessions and by what was submitted by Delegations / International Organizations / NGOs to participating States and, separately, to OSCE Institutions / Field Missions or other International Organizations. Recommendations are compiled in original language. This compilation contains recommendations from all documents received at the HDIM Documentation Centre by the end of Working Session 7; documents received after this time will be included later in the Consolidated Summary.

Wednesday, 24 September 2014

WORKING SESSION 4: Rule of Law I

Recommendations to participating States

Ukraine

- В завершение выступления мы решительно призываем Российскую Федерацию незамедлительно освободить и обеспечить безопасное возвращение в Украину похищенной российскими спецслужбами в Луганской области Н.Савченко, а также похищенных в оккупированном Крыму О.Сенцова и других граждан Украины, которые продолжают незаконно удерживаться в России в нарушение универсальных норм и принципов международного права

Russian Federation

- Считаем, что вопросы сокращения количества лиц, содержащихся под стражей, отбывающих наказание в местах лишения свободы, должны стать одной из важнейших задач в регионе ОБСЕ. Этого можно добиться путем принятия эффективных законодательных, административных, судебных и других мер, улучшения условий содержания подозреваемых, обвиняемых и осужденных.
- Кроме того, в соответствии с обязательствами Московского совещания СБСЕ 1991 года, а также со Стандартными минимальными правилами ООН в отношении мер, не связанных с тюремным заключением (Токийские правила), первостепенное внимание должно уделяться проблемам создания альтернатив тюремному заключению. Важно укреплять взаимодействие с гражданским обществом.

United Kingdom

We would like to make the following recommendations related to this working session:

- All OSCE states should sign, ratify and implement the UN Convention Against Torture and its Optional Protocol.
- Governments should demonstrate a high degree of political will, persistence and vigilance to prevent torture and to bring perpetrators to justice.

- Governments should ensure that allegations of torture are effectively investigated and prosecuted. There must be no impunity for torturers.
- States should support the strengthening of civil society capacity to monitor torture allegations and ensure strong domestic institutions.
- States should consider the development of national torture prevention strategies.

Helsinki Foundation for Human Rights, Poland

We have prioritized a number of recommendations that we see as the most pressing steps that the authorities of Kazakhstan, Kyrgyzstan and Tajikistan and all other OSCE participating States should take in order to make significant progress towards the eradication of torture in these Central Asian countries.

The governments of Kazakhstan, Kyrgyzstan and Tajikistan should:

- ensure that the main safeguards against torture are guaranteed to anyone in detention: a) Ensure that the right to access to a lawyer of the detainee's choice from the moment of deprivation of liberty is fully implemented; b) introduce and strictly enforce police registration of a person's detention at the actual moment of detention; c) ensure that routine medical examinations are carried out at the moment of admission to a detention facility; and d) ensure that remand hearings take place no later than 48 hours after the moment of detention and that judges inquire into the legality and grounds of detention and the detainee's treatment in custody.
- Promptly act on all complaints involving allegations of torture and ill-treatment by initiating thorough, impartial and independent investigations, punishing those found responsible, providing adequate and full compensation to torture victims, and reporting on the measures taken in the mass media.
- Introduce legislation to create and fund an independent body endowed with sufficient authority and competence to conduct prompt, thorough and independent investigations into allegations of torture or other ill-treatment.
- Amend legislation to provide for the institution of independent forensic medical examinations and increase the number of qualified medical personnel in police detention and pre-trial facilities. Ensure that medical personnel working inside detention facilities are truly independent of law enforcement agencies and are trained on the provisions of the Istanbul Protocol.
- Ensure that human rights defenders are protected from ill-treatment, threats and harassment resulting from their anti-torture work and that any law enforcement officers found responsible for such acts are punished under relevant administrative or criminal legislation.

In addition,

- Kazakhstan should authorize the NPM to monitor all places of detention, in line with Article 4 of the Optional Protocol to the UN Convention against Torture.
- The authorities of Kyrgyzstan should provide the country's NPM with the necessary financial, human and material resources to fulfil its mandate independently and effectively.
- The authorities of Tajikistan should put in place the relevant procedures and ratify the Optional Protocol to the Convention against Torture as a matter of urgency. Tajikistan should also allow the creation of public monitoring commissions and enable them to access detention facilities to carry out further independent inspections.

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

- Urge the governments of Kazakhstan, Kyrgyzstan and Tajikistan to promptly implement all recommendations mentioned above and make torture prevention a priority in bi-lateral meetings and human rights dialogues.
- Provide comprehensive support to human rights defenders working on torture and devise and implement emergency programmes supporting activists at risk.
- Make the anti-torture message a core element of all programmes, where foreign governments provide training, support or cooperate in other ways with Kazakhstani, Kyrgyzstani and Tajikistani government agencies, in particular law enforcement agencies and the military.
- Ensure that no one within their jurisdiction is returned to any country where they would be at risk of torture or other ill-treatment.

American Civil Liberties Union Foundation

Recommendations

- Ensure that all cases of unlawful killing, torture or other ill-treatment, unlawful detention, or enforced disappearance are effectively, independently and impartially investigated. Ensure that perpetrators including, in particular, persons in command positions, are prosecuted and sanctioned if warranted by the evidence and the law.
- Release documents relating to the mistreatment of detainees, including:
 - The memorandum issued by President Bush on September 17, 2001 authorizing the CIA to establish secret overseas interrogation facilities.
 - Hundreds of CIA cables describing the use of waterboarding and other harsh interrogation techniques.
 - Over 2,000 photographs of abuse at detention facilities throughout Iraq and Afghanistan.
- Appoint an independent body to provide compensation and rehabilitation services to those who suffered torture or other cruel, inhuman, or degrading treatment. President Obama should publicly acknowledge and apologize to the victims of U.S. torture policies.
- Congress should permanently ban the CIA from operating any detention facility or holding any person in its custody, and subject the CIA to the same interrogation rules that apply to the military.
- President Obama should formally honor the members of the military, the CIA, and other public servants who, when our nation went off course, stayed true to our most fundamental ideals.

Institute of European Studies, Latvia

- Я обращаюсь к руководству ОБСЕ, к парламентам и правительствам всех стран членов ОБСЕ, к заинтересованным общественным организациям с просьбой поднять вопрос о необходимости перманентного мониторинга изменения законодательства Европейских стран на предмет антидемократический и дискриминационных инициатив, а также вопроса о необходимости создания

механизмов превенции и профилактики появления «дефицита демократии», особенно в странах Европейского союза.

- Принципы Европейского союза должны быть не только декларативными, но и соблюдаться всеми странами-участниками на деле.

Chernivtsy Regional NGO 'Human Rights'

Рекомендации:

- Немедленно прекратить войну; провести эффективное расследование и привлечь к ответственности виновных в геноциде украинского народа за годы независимости;
- Провести переговоры, подготовить вступление Украины в НАТО, разработать ПДПЧ;
- Отменить предстоящие выборы в Верховную Раду до изменения закона о выборах;
- Обратиться в ООН о введении миротворческих войск в Крым, Луганскую, Донецкую области;
- Продолжать мониторинговую деятельность ОБСЕ в Крыму, Луганской, Донецкой областях

Recommendations to International Organizations

Actual Historical Research Assistance Foundation Historical Memory

- Необходимо объединение усилий международных правозащитных организаций, Организации по безопасности и сотрудничеству в Европе, гражданского общества для мониторинга насильственных исчезновений в зоне конфликта на юго-востоке Украины. Необходимо оказание давления на украинские власти с целью прекращения этих преступлений. Необходимо международное, с участием ОБСЕ, расследование преступлений, таких, как убийство в Нижней Крынке.

Recommendations to The OSCE

Actual Historical Research Assistance Foundation Historical Memory

- Необходимо объединение усилий международных правозащитных организаций, Организации по безопасности и сотрудничеству в Европе, гражданского общества для мониторинга насильственных исчезновений в зоне конфликта на юго-востоке Украины. Необходимо оказание давления на украинские власти с целью прекращения этих преступлений. Необходимо международное, с участием ОБСЕ, расследование преступлений, таких, как убийство в Нижней Крынке.

Parliament of Non-represented

- OSCE should pay particular attention to the situation in Latvia and to prevent the development of events in it in Ukrainian scenario.

Action by Christians Against Torture – ACAT

- ACAT recommends OSCE, and in particular ODIHR, to work and promote universal jurisdiction to fight against torture.

Amnesty International

- Amnesty International calls on the OSCE to encourage all participating States implicated in the CIA rendition and secret detention programmes to uphold the rule of law and ensure accountability for their roles in facilitating the human rights violations attendant to the CIA operations. As Thomas Wuchte has maintained, respect for the rule of law is an integral element of national security. The OSCE should also continue monitoring participating States to ensure that all counter-terrorism operations conform to states' international human rights obligations.

Institute of European Studies, Latvia

- Я обращаюсь к руководству ОБСЕ, к парламентам и правительствам всех стран членов ОБСЕ, к заинтересованным общественным организациям с просьбой поднять вопрос о необходимости перманентного мониторинга изменения законодательства Европейских стран на предмет антидемократический и дискриминационных инициатив, а также вопроса о необходимости создания механизмов превенции и профилактики появления «дефицита демократии», особенно в странах Европейского союза.
- Принципы Европейского союза должны быть не только декларативными, но и соблюдаться всеми странами-участниками на деле.

Recommendations to NGOs

Actual Historical Research Assistance Foundation Historical Memory

- Необходимо объединение усилий международных правозащитных организаций, Организации по безопасности и сотрудничеству в Европе, гражданского общества для мониторинга насильственных исчезновений в зоне конфликта на юго-востоке Украины. Необходимо оказание давления на украинские власти с целью прекращения этих преступлений.

Institute of European Studies, Latvia

- Я обращаюсь к руководству ОБСЕ, к парламентам и правительствам всех стран членов ОБСЕ, к заинтересованным общественным организациям с просьбой поднять вопрос о необходимости перманентного мониторинга изменения законодательства Европейских стран на предмет антидемократический и дискриминационных инициатив, а также вопроса о необходимости создания механизмов превенции и профилактики появления «дефицита демократии», особенно в странах Европейского союза.
- Принципы Европейского союза должны быть не только декларативными, но и соблюдаться всеми странами-участниками на деле.

Wednesday, 24 September 2014

WORKING SESSION 5: Rule of Law II

Recommendations to participating States

Norwegian Helsinki Committee

The OSCE bodies and participating states should:

- Organize a high level special session on the existence of political prisoners in Europe, inviting human rights defenders from countries where political prisoners exist, to establish the facts and to develop a decisive plan of action for a speedy resolve of the problem;
- Attend the trials where human rights defenders, journalists or activists are being charged on spurious grounds, because of their professional activities; and swiftly publish the reports on the observations;
- Establish emergency procedure to ensure their personal safety on short and long term, by issuing multi entry visas free of charge for the activists and their closest family;
- Establish flexible possibilities for persons at risk to find temporary safe havens by establishing scholarships for work or study in other OSCE participating states;
- The Norwegian Helsinki Committee has already written a letter to our Foreign Minister Børge Brende asking the Norwegian Government to secure such measures.

International Partnership for Human Rights (IPHR)

We are calling on all countries in the former Soviet space that have imprisoned human rights defenders, opposition politicians, other government critics, independent journalists, bloggers, lawyers and religious activists to:

- Take all appropriate measures to ensure that all provisions of the ICCPR relating to fair trials are fully respected and that the judiciary is able to function without undue influence by the executive or legislative branches of power;
- 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, dissidents, 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;

In accordance with the principle that issues relating to human dimension commitments are matters of direct and legitimate concern to all OSCE participating States, we are also calling on all participating States to press for the implementation of the above recommendations.

Human Rights House Foundation

We therefore call upon all States to:

- Ensure that the promotion and protection of human rights are not criminalized, in line with obligations under international human rights law;
- Provide financial support to the ODIHR's trial monitoring program and support their missions in the countries;
- Apply the program in national training of judges, prosecutors and lawyers;
- Support the lawyers and human rights defenders in their trial monitoring activities;
- Strengthen professional guarantees to lawyers working in the field of human rights protection.

Public Foundation "Arya Eurasia"

To Kazakhstan, рекомендую:

- принять меры для пересмотра шаныракского дела независимым(!) международным(!) судом, тем самым требовать освобождения Атабека и других осужденных за Шанырак;
- остановить пытки и давление, а вместе с тем изоляцию Атабека в карцере;
- организовать посещение Атабека в тюрьме специалистов «Красного Креста», специалистов организации «Врачи без границ».
- Рассмотреть возможность освобождения Арона Атабека от отбывания наказания в связи с плохим состоянием здоровья на основании ст. 168 УИК РК.
- Предоставить казахстанским и международным наблюдателям беспрепятственный доступ в исправительное учреждение для мониторинга соблюдения прав Арона Атабека.
- Провести детальное расследование фактов давления на Арона Атабека, а также содержания его в жестоких условиях в исправительных учреждениях Каражала, Аркалыка и Павлодара.

Human Rights House Foundation

Правительства Азербайджанской Республики должен:

- отказаться от репрессивных мер в отношении НПО, юристов-правозащитников, осуществляющих реализацию права граждан Азербайджана на защиту нарушенных прав путем обращения в Европейский Суд по правам человека
- освободить Интигама Алиева и других лиц, арестованных по политическим мотивам;
- ОБСЕ и другие международные организации организовать мониторинг судебных процессов, на которых будут слушаться дела в отношении арестованных правозащитников.

Recommendations to International Organizations

Open Dialog Foundation

- Interpol needs to reform its procedures in order to allow arrested persons effective tools to prove they are not guilty, or demonstrate that their cases are politically motivated prior to their extradition to countries where they have no hope of a fair trial;
- The EU needs to rethink its asylum policies and legal cooperation mechanisms in order to return to being a safe haven for political refugees;
- Ukraine should abandon the deplorable practices developed by the Yanukovich team, withdraw extradition requests for Kazakh dissidents and refuse to respond to calls for cooperation from Kazakhstan and other countries in this regard.

European Union (EU)

I would like to make the following recommendations on behalf of the EU:

- A mentality within all state and government institutions to obey the law, similar to what is demanded of every citizen, should be promoted.
- Keeping in mind that according to the Copenhagen Document of 1990, “democracy is an inherent element of the rule of law”, we have to ensure that the OSCE, together with the EU, elaborates appropriate tools of cooperation to ensure the best possible exchange of knowledge, competence and practice.
- Participating States should respect the separation of powers, in particular, although not limited to, the separation between judicial power and executive power.
- Law making processes should be as inclusive as possible.
- Legislation should be made accessible to all citizens.
- Legal conflict resolution mechanisms should be accessible to all citizens, in particular, but not limited to, mechanisms to challenge government decisions.
- The right to a fair trial should be guaranteed.

Protection of Rights Without Borders Armenia

To this end we would like to call all interested parties to act adequately, especially:

- To put continues efforts assisting the State to establish the tradition of the rule of law in the Country based on the case law of the European Court of Human Rights.
- To support the development of independency of judiciary through the adjustment of the court performance monitoring and evaluation practice in the five main areas.
- To respond properly to the problems of the rule of law and independency of judiciary raised by the local civil society organizations.
- To encourage local civil society organizations to build partnership and ownership for development of the independency of judiciary and the rule of law principles.

Switzerland

A cette fin, la Suisse fait les deux recommandations suivantes :

- Veiller à ce que des éventuelles responsabilités personnelles des juges soient prévues par une loi précise et compatibles avec l'indépendance du pouvoir judiciaire,
- Renforcer la formation continue de tous les juges en matière des droits de l'homme.

Human Rights House Foundation

We further call upon international and national professional lawyers' organizations to:

- Amend international instruments in order to strengthen guarantees for lawyers' professional activities in the field of human rights protection;
- Support lawyers in application of international human rights standards in national litigations in order to decrease the workload of the European Court of Human Rights and the UN bodies;
- Recognize the legitimacy and importance of work of lawyers in international judicial and quasi-judicial bodies.

Actual Historical Research Assistance Foundation Historical Memory

- Я призываю международные правозащитные организации и ОБСЕ оказать давление на украинские власти с целью проведения справедливого расследования преступления в Корсунь-Шевченковском.

Recommendations to the OSCE

Information Group on Crimes Against the Person – IGCP

- I call on the OSCE and the participants of this conference to pay attention to the dire human rights situation in Ukraine and the reluctance of the Ukrainian regime to investigate crimes against humanity and human rights abuses.

Actual Historical Research Assistance Foundation Historical Memory

- Я призываю международные правозащитные организации и ОБСЕ оказать давление на украинские власти с целью проведения справедливого расследования преступления в Корсунь-Шевченковском.

Public Foundation "Arya Eurasia"

- Подчеркиваю о необходимости и прошу уважаемые ОБСЕ и БДИПЧ сконцентрироваться вокруг узников шаньракского дела, которое должно рассматриваться справедливыми(!) и независимыми(!) судами — к примеру, европейским и международным судом.

Thursday, 25 September 2014

WORKING SESSION 6: Humanitarian issues and other commitments

Recommendations to the OSCE

Switzerland

Für die zukünftigen Anstrengungen der OSZE zur Bekämpfung des Menschenhandels möchten wir folgende Empfehlungen anbringen:

- Fortführung der Analyse von Trends und verschiedenartigen Formen von Menschenhandel sowie Entwicklung von Gegenmassnahmen durch den Austausch von best practices in der OSZE-Region;
- Unterstützung der Zielländer in deren Bemühungen den Schutz von privaten Hausangestellten, insbesondere in diplomatischen Haushalten, zu verbessern.

Thursday, 25 September 2014

WORKING SESSION 7: Tolerance and non-discrimination I

Recommendations to participating States

Pavee Point Travellers' Centre

We urge Member States to:

- Ensure that disaggregated data, according to gender and ethnicity, is collected across all administrative systems and used to inform policy development and priorities. Such data collection must be undertaken in line with human rights principles.
- Develop adequate and effective National Roma Integration Strategies that will have a meaningful impact on Traveller and Roma communities, particularly on women;
- Ensure National Strategies are based on reliable knowledge and combat anti-Roma stereotypes, racism and discrimination
- Integrate gender perspective to address the needs and rights of Roma women
- Set achievable national goals, targets, time frames, funding mechanisms and strong inclusive monitoring and evaluation methods
- Actively involve Roma and Traveller women in all stages of the development and implementation of the strategies
- Ensure active participation and consultation of Roma women in the development, implementation, monitoring and evaluation of all policy and practise
- Uphold Member States human rights obligations under international frameworks – this includes applying a human rights and gender perspective to all policy, legislation and practice in relation to Traveller and Roma women
- Undertake a comprehensive gender analysis of the HRC to address inequalities for minority ethnic women experiencing domestic violence
- Equality proof policy and practice to ensure the inclusion of Roma and Traveller women and to address institutional discrimination

- Ensure austerity measures do not impact disproportionately on Traveller and Roma women. Ensure that human rights principles underpin budget decisions and ensure that the most vulnerable do not bear the brunt of austerity measures
- Include gender budgeting in all programmes
- Ensure adequate funding to Traveller and Roma sectors and reinstate the funding cuts under the guise of austerity. Acknowledge the role of this sector in promoting women's empowerment
- Provide spaces for Traveller and Roma women to actively engage in policy and decision-making in relation to policies that impact their lives

Slovenia

- We encourage participating states, OSCE and other partners to continue to promote gender equality in its actions, raise awareness and educate about importance of gender equality and empowerment of women, both nationally and internationally.

Recommendations to the OSCE

France

- We call upon the OSCE to pursue its efforts towards a full implementation of the action plan for the promotion of gender equality, to reinforce universal access to women's rights and to take necessary measures to allow for the empowerment of women in every field.

Pavee Point Travellers' Centre

We call for the OSCE to;

- Support Member States to meet their obligations in relation to developing progressive National Roma Strategies and to work with the European Commission in ensuring that this happens
- Apply pressure on Member States to urgently amend any policy or legislation, which discriminates against minority ethnic women and impedes access to basic human rights
- Emphasise with Member States about their commitments under international human rights treaties to ensure measures are put in place to protect marginalised and vulnerable women from domestic violence
- We strongly state that recession does not negate human rights obligations, and we urge the OSCE to encourage States to take action in this regard
- Apply pressure on the Irish State to recognise Travellers as an ethnic group to ensure the protection of their human rights

Canada

- For the OSCE and its Institutions to ensure that the rights of women and girls are promoted, protected, and fully and effectively integrated into their work.
- For OSCE participating States to take meaningful steps to recognize and address the barriers that women and girls continue to face and ongoing inequality between women and men.