

COMPILATION OF WRITTEN RECOMMENDATIONS (Covering Working sessions 6-9)

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 / civil society 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 9; documents received after this time will be included later in the consolidated summary.

Thursday, 22 September 2016

Working session 6: Fundamental freedoms I, including address by the OSCE Representative on Freedom of the Media

[Recommendations to participating States](#)

United States

- The United States calls on all participating States to resist the temptation to control information as a means to control people. We again thank the Representative for all that she does to monitor a constantly evolving landscape for freedom of expression, on-line and off, and to defend the safety of journalists

to Azerbaijan:

- we urge the government to remove travel restrictions on Ms. Ismayilova, Meydan TV reporters Natig Javadli and Aytan Farhadova, and others

to Uzbekistan:

- We urge the new government in Uzbekistan to cease harassing and detaining journalists and human rights advocates.
- We call on Uzbekistan to investigate allegations of mistreatment during his time in prison and ensure his ability to resume his peaceful activism.
- We reiterate our longstanding call for the release of newspaper editor Muhammad Bekjanov, whose prison term has been extended numerous times, making him by some accounts the longest continuously imprisoned journalist in the world.

to Turkmenistan:

- Saparmamed Nepeskuliev, a freelance journalist, has been held incommunicado for over a year, convicted on questionable charges of narcotics possession. We join many others in calling on the government to release him.

Netherlands

- OSCE participating states should have a comprehensive legal framework that enables journalists to contribute to public debate effectively and without fear. Such a framework should guarantee access to information, privacy and data protection, confidentiality and security of communications and source protection.

- UNESCO asks countries to report on the status of judicial inquiries conducted when journalists are killed. The majority of the world's countries are still ignoring this request. That's why the Netherlands urges the countries concerned to start reporting to UNESCO, as a first step towards ending impunity.
- the Netherlands encourages discussions about this important topic in preparation of this year's Ministerial Council

Holy See

- Special attention should be paid to the Internet, and especially to social networks, which play a leading role in spreading disparagement of, or incitement against religions and religious communities, as well as in promoting irreverent treatment or provocative portrayal of religious symbols. Internet service providers and social networking services should be encouraged to adopt standard form contracts providing termination clauses and penalties in case of intolerant behaviour of people using their services.

Slovakia / European Union

- Our key recommendation to all participating states is to, in good faith, ensure the full implementation of all freedom of expression related OSCE commitments, as well as other international obligations, to reverse existing violations and to support, preserve and cooperate fully with the RFoM

Freedom House, Washington Office

The participating States should:

- immediately release the journalists and other human rights defenders wrongfully convicted on trumped up charges;
- cease the escalating practice of hyper-regulating freedom of speech, both online and offline, through legislative and/or normative acts;
- cease the curtailing of the fundamental freedom of speech, for individuals and media organizations, through blanket rules or intimidation formally rationalized as preventing the spread of "extremism" or "terrorism";
- ensure protection of journalists and civic activists who disseminate information about issues of public importance, including government activities, integrity of government officials, social and cultural events, elections, or acts of civil resistance, including protests;
- conduct a swift and transparent investigation of violence against journalists and civic activists and prosecute perpetrators of crimes ensuring a fair trial.

Tajik Media Council (TMC)

To Tajikistan:

- поддержка международных институтов по проведению серии тренингов с участием представителей правоохранительных органов, судебной властью, другими официальными лицами и журналистов будет в пользу дела
- Правительство Таджикистана обязано обеспечить право граждан на доступ к информации, как предписано в национальном законодательстве
- Блокировка Интернета не должно происходить указаниями регулятора сферы связи, а судебными органами на основании соответствующего закона

- Правительством Таджикистана необходима рассмотреть вопрос об исключении статьи 330 Оскорбление представителя власти из норм Уголовного кодекса Республики Таджикистан
- и наконец, учитывая важную социальную роль СМИ в демократическом обществе, коим себя считает Таджикистан, Правительству Таджикистана предлагается предоставить СМИ налоговые льготы и оказать финансовую помощь, но не влияя на редакционную политику СМИ.

Western Thrace Minority University Graduates Association

calls upon the Greek State:

- To respect the right to freedom of expression and free media to protect pluralism in the society,
- To revise the related legislation and ensure the equality principle for every segments of the society,
- To eliminate disparities between minority and the mainstream media in the practice of legislation,
- To take special measures to prevent hate speech towards the minority and the other vulnerable groups while promoting free speech

[Recommendations to the OSCE Institutions](#)

Freedom House, Washington Office

to OSCE/ODIHR:

- establish an expert panel on freedom of expression and strongly encourage the participating States repeatedly noted by the OSCE Representative on Freedom of the Media to make use of the Moscow Mechanism.

Thursday, 22 September 2016

Working session 7: Humanitarian issues and other commitments, including address by the OSCE Special Representative/Co-ordinator for Combating Trafficking in Human Beings

[Recommendations to participating States](#)

United States

- For the sake of Russian-citizen victims, as well as the Central Asian migrants and 20,000 North Korean laborers, we urge Russia's increased attention within its own borders
- We urge that Kosovo be included in a table-top simulation of regional anti-TIP practitioners that will take place in Italy in November.

Georgia

- We call upon the international community to enhance its focus on the current situation in Georgia's occupied territories, give adequate assessment to and undertake effective efforts to avert Russia's illegal actions

United Kingdom

- states and practitioners work together to develop a model national response based upon:
 - strong law enforcement action and legislative framework
 - reducing vulnerability and supporting victims
 - tracking transparency in supply chains
 - and effective international cooperation

Slovakia / European Union

- address THB from a cross-dimensional perspective, with human-rights centered and gender-based approaches given the multifaceted nature of this crime and the diversity of profiles of the victims, with a special focus on child trafficking;
- promote dialogue and cooperation with civil society;
- improve the effectiveness of investigations and prosecutions of perpetrators, including by strengthening police and judiciary cooperation against traffickers;
- we strongly encourage Participating states to sign the Palermo convention and its protocol to prevent, suppress and punish trafficking in persons;
- strengthen international cooperation for addressing THB;
- improve data collection on trafficking;
- create appropriate mechanisms for the early identification and protection of victims and to take gender-specific measures and a child-centered approach.
- the OSCE participating States should ensure the right of IDPs to a safe, dignified and voluntary return, as stipulated in the UN Guiding Principles on Internal Displacement

Switzerland

- we call on all participating States to implement their international obligations and OSCE commitments regarding combatting trafficking in human beings and to make full use of the excellent tools provided by the Special Representative's office

OSCE Secretariat / OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings

- I therefore call upon all relevant stakeholders to ensure regular communication and information exchange between anti-trafficking actors in countries of origin, transit and destination, and to promote pro-active and human rights-compliant criminal justice responses

Human Rights Without Frontiers

calls upon Poland, Malta and other OSCE Participating States employing North Korean workers

- to abide by the standards of the International Labor Organization and their commitments agreed upon under the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- to strengthen the implementation of labor protection standards, including:
 - provision of clear information on work hours, work conditions and salaries
 - ensuring direct payment of salaries to workers
 - provision of information regarding complaint mechanisms

- terminating the practice of confiscating passports and visas by North Korean authorities
- respect for workers' freedom of movement
- conducting inspections of companies using North Korean labour and issuing sanctions in cases of failure to abide by national and international standards

[Recommendations to the OSCE Institutions](#)

Georgia

- We call upon the international community to enhance its focus on the current situation in Georgia's occupied territories, give adequate assessment to and undertake effective efforts to avert Russia's illegal actions

Switzerland

- we encourage the relevant OSCE **executive structures** and field operations to work closely together in order to enhance the response to human trafficking on the ground. The network of field operations, especially along migratory routes, can play a key role for a concerned and effective approach by the OSCE and its participating States in combating human trafficking

Foundation for Research and Support of the Indigenous Peoples Crimea

- Taking into consideration the lasting occupation of Crimea by the Russian Federation, it is necessary for ODIHR OSCE, OSCE Special Monitoring Mission to Ukraine, OSCE Project Co-ordinator in Ukraine, to assist the relevant criminal investigation of the Ukrainian authorities with cooperation with UN bodies and agencies, ICC, remedial structures, historical institutions, representative and social structures of the Crimean Tatars and other indigenous peoples

International Association of Independent Democrats Against Authoritarian Regimes

- Просим обращать и далее внимание на гуманитарные проблемы людей.
- Просим вернуть в Список участников контактные данные.

[Recommendations to the OSCE Field Missions](#)

Switzerland

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structures, historical institutions, representative and social structures of the Crimean Tatars and other indigenous peoples

[Recommendations to the International Organizations](#)

Georgia

- We call upon the international community to enhance its focus on the current situation in Georgia's occupied territories, give adequate assessment to and undertake effective efforts to avert Russia's illegal actions

Friday, 23 September 2016

Working session 8: Rule of law I

[Recommendations to participating States](#)

United States

to Turkey:

- Care must be taken to ensure that actions against those accused of being involved are conducted fairly, transparently, and in accordance with Turkey's international obligations and the rule of law.

to Poland:

- The ongoing dispute about Poland's Constitutional Tribunal is a matter of concern, and we urge all sides to resolve it quickly in a manner consistent with Poland's Constitution, as well as the principles of rule of law, judicial independence, and separation of powers.

to Georgia:

- The United States encourages Georgia to pursue its judicial reform agenda actively, including the so-called "third wave" of judicial reforms that have been awaiting passage in parliament for over 12 months, and all other necessary measures to ensure judicial independence

to Russia:

- Russia must end its politically-motivated imprisonment of other Ukrainian citizens, including Stanislav Klich and Mykola Karpyuk.

Slovakia / European Union

- Participating States involve all layers of society in law making processes, including civil society.
- Participating States make legislation accessible to all citizens. We call upon all States to work towards the Sustainable Development Goals and in particular Goal 16.
- Participating States respect the separation of powers, in particular, although not limited to, the separation between judicial power and executive power. We call upon all participating States to meet OSCE commitments to guarantee the independence of their judiciaries
- Participating States adhere to the Basic Principles on the Independence of the Judiciary

Crimean Human Rights Group

the arrested citizens of Ukraine regarding the "Ukrainian saboteurs' case" were the victims of a politically motivated prosecution. To protect their rights **Russia** should immediately:

- To stop the torture, physical and psychological pressure; to bring to justice those responsible for torture and violence;
- To provide reliable information about the state of health; if necessary, to provide quality medical care;
- Cancel the decision taken in Crimea on the deprivation of liberty;
- To allow lawyers to the client, which were attracted by relatives of the detainees under the contract;
- To allow the Ombudsman of Ukraine or its representatives to the detained Ukrainian citizens

Human Rights Embassy

хотим напомнить о некоторых рекомендациях из отчета [Azerbaijan, Belarus, Moldova, Russia and Ukraine]:

- Обеспечить в законодательстве и на практике действенные гарантии от вмешательства в деятельность юристов; предпринимать меры, чтобы каждый случай вмешательства в профессиональную деятельность юристов был расследован, и виновные лица были привлечены к установленной законом ответственности
- Обеспечить в законодательстве и на практике условия незамедлительного доступа адвокатов и юристов, предоставляющих правовую помощь по защите прав человека на национальном и международном уровне, к лицу, которому они оказывают такую помощь, в любое место, где находится это лицо, в том числе в места изоляции, и в любой момент, когда в этом возникает необходимость

Human Rights Without Frontiers

Czech Republic:

- respect the presumption of innocence of Jaroslav Dobes and Barbora Plaskova as the prison sentence released by the Regional Court in Brno in October 2014 was totally cancelled by the High Court of Olomuc in May 2015;
- grant Jaroslav Dobes and Barbora Plaskova new passports, even if limited to travels between the Philippines and the Czech Republic, in order to put an end to their status of "undocumented" persons, and to their detention in the Philippines;
- agree with the Filipino authorities that they will have to regularly report to the police station close to their residence;
- maintain the proposed administrative status as long as there is no new legal or judicial development in their case in the Czech Republic.

International Partnership for Human Rights (IPHR)

- We call on the authorities of Kazakhstan, Kyrgyzstan and Tajikistan to implement all recommendations issued to these countries by relevant UN treaty bodies and procedures.

to Kazakhstan:

- Should ensure that all detainees have access to the legal safeguards enshrined in the law as of the moment of apprehension;

- ensure that all suspected perpetrators of torture and other forms of ill-treatment are charged under Article 146 of the Criminal Code;
- oblige medical personnel examining detainees to adhere to the standards of the Istanbul Protocol;
- ensure that investigations into all allegations of torture and ill-treatment are conducted promptly, thoroughly, impartially and independently;
- and ensure that victims of torture or their bereaved families receive fair and adequate amounts of compensation.

to Kyrgyzstan:

- Should amend its legislation aimed at providing access to fundamental legal safeguards in detention upon apprehension;
- amend its legislation to exclude perpetrators of torture and all other forms of ill-treatment from benefitting from amnesties;
- create and fund an independent mechanism endowed with sufficient authority and competence to conduct prompt, thorough and impartial investigations into all allegations of torture and other forms of ill-treatment;
- fully implement all decisions issued to Kyrgyzstan under the UN Human Rights Committee's individual complaints procedure;
- and oblige the state to provide funds to compensate victims of torture/ill-treatment or their bereaved families for moral damages.

to Tajikistan:

- Should ensure that all detainees have access to the legal safeguards enshrined in the law as of the moment of apprehension;
- provide expert human rights groups with unlimited and unannounced access to detention facilities for the purpose of monitoring;
- ratify the Optional Protocol to the Convention Against Torture and set up a National Preventive Mechanism;
- amend legislation to exclude perpetrators of torture and all other forms of ill-treatment from benefitting from amnesties;
- legislate that all investigative activities into allegations and complaints about torture and other forms of ill-treatment are carried out by prosecutors and that the investigations are conducted promptly, thoroughly and impartially;
- and ensure that victims of torture or their bereaved families receive fair and adequate amounts of compensation.

Protection of Rights Without Borders

we demand [that Armenia]:

- set free all prisoners of conscience immediately and without conditions,
- re-organize the judicial practice in full compliance with the fair trial standards and principles of independence of judiciary.

Western Thrace Minority University Graduates Association

calls upon the Greek State:

- To implement the provisions of international and bilateral treaties that She is a party,
- To have a concrete dialogue with the Turkish Minority representatives during the legislation process,

[Recommendations to the OSCE Institutions](#)

Tajikistan

наша делегация призывает БДИПЧ ОБСЕ:

- пересмотреть свой подход по отношению к участникам ежегодных совещаний по человеческому измерению. Мы, как и представители других стран, которые также выступили по этому поводу, не можем согласиться, что некоторые террористы получают право участвовать в мероприятиях ОБСЕ. Террорист есть террорист, они не делятся на хороших и плохих, своих или чужих. Также нельзя ссылаться на то, что ограничение участия преступных элементов на данном совещании означает ограничение права на выражении мнения или ставит под сомнение беспристрастность БДИПЧ ОБСЕ;
- ввести определенные правила по выступлениям. Нельзя допускать повторные выступления по одной и той же теме идентичного содержания, выступления не по теме, выражения личной неприязни, оскорбление участников и т.п.;

East European Security Research Initiative Foundation (EESRI)

To the ODIHR:

- Providing assistance in further improving the conceptual foundations of the rule of law functioning in Ukraine as an important part of the civilian security sector, with an emphasis on formation of its socially oriented model based on the human security concept;
- Supporting implementation of integrated approach to civilian security sector reform and development process;
- Preparing and disseminating best practices and recommendations on reforming judicial system and law-enforcement agencies in the East European countries as well as civil society engagement.

[Recommendations to the OSCE Field Missions](#)

East European Security Research Initiative Foundation (EESRI)

To the Project Co-ordinator in Ukraine:

- Increasing potential of project activities in the field of human security and further broadening its spectrum covering all main components of SSR in Ukraine;
- Stepping up interaction with the EUAM on implementing joint projects focused on civilian security sector reform in Ukraine;
- Providing expert assistance to all agencies involved concerning the implementation of main conceptual provisions in the field of civilian security sector reform with an emphasis on promoting the concept of human security;
- Supporting regional initiatives and networks to exchange experiences and best practices of civil society integration in SSR being applicable to Ukraine;

- Assisting in organizing informational campaigns to explain the essence and main features of the modern concept of human security and its role in formation of a socially-oriented state based on the rule of law model;
- Expanding the scope of engaging civil society, non-governmental experts and academia representatives to the process of SSR as well as providing further support to strengthening interaction between the state and public as a vital element of building local ownership based on the new civil-society strategy.

Friday, 23 September 2016

Working session 9: Rule of law II

Recommendations to participating States

Ukraine

- We call on **Russia** as occupying power to duly respond to the international concerns over the destiny of the Ukrainian citizens who disappeared on the illegally occupied peninsula, to thoroughly investigate the reported cases and inform about results.

Golos Svobody Public Foundation

Our recommendations to the Government [Kyrgyzstan] and the OSCE participating States:

- Approve the Practical Guidance on the governmental level and implemented it in all eight parallel health care systems, that is, make it compulsory for the medical staff of the Ministry of Internal Affairs, State Penitentiary Service, State Committee on National Security, Ministry of Social Development, and others. Because the medical staff in these structures are not directly subordinated to the Ministry of Health.
- Ensure the protection of medical personnel for objective filling the Form of Medical Examination.
- Put on a system level the process of training the doctors and printing the forms.
- We would like to ask OSCE representative also to provide technical support to the Ministry of Health in the implementation of international standards for documentation of torture.

Human Rights Movement "Bir Duino-Kyrgyzstan"

Kyrgyzstan:

- to the government officials and politicians to be guided by the recommendations of the Venice Commission and to stop lobbying amending the Constitution and respect "Partner for Democracy" status in PACE
- To accelerate the implementation of 664 recommendations of the UN agencies in the field of human rights addressed to Kyrgyzstan, making them central to the realization of all state bodies and institutions.
- To the state and local authorities to create favorable conditions for the work of NGOs in accordance with the principle 2 (the State's obligation to respect, protect and promote the right to freedom of association) and other principles laid down guiding principles on the freedom of associations of OSCE / ODIHR;
- To cancel the compulsory registration of religious groups and to ensure that legislation concerning the registration guarantees human rights to ensure the free practice of religion and religious beliefs, including creation of formal organizations. To exclude various territorial statuses for religious and public associations since as the violation of international guarantees of the human rights and right to freedom of association;

- Regarding threats to attorneys: To implement national legislative norms that require any criminal proceedings against lawyers to take place after the official consent of Council of the Bar of the Kyrgyz Republic. To provide stricter punishment for illegal obstruction of lawyers' work.
- To enforce the decision of the UN Human Rights Committee to immediately release Azimjan Askarov. To respect the latter decision during his re-trial in Chui Oblast Court on October 4th, 2016.

Norwegian Helsinki Committee

The OSCE bodies and **participating states** should:

- Invoke the Moscow mechanism against the Republic of Azerbaijan, sending a mission of experts to assist Azerbaijan in securing constitutional reforms to bolster division of powers and particularly democracy in the country.
- Organize a high level special session on the existence of political prisoners in Azerbaijan, inviting human rights defenders, to establish the facts and to develop a decisive plan of action for a speedy resolve of the problem.

The OSCE participating States should:

- Consider imposing targeted sanctions against those individuals who are responsible for grave human rights violations, including the persecution and conviction of political prisoners in Azerbaijan, including government officials, prosecutors, investigators and judges, for example through a Magnitsky style mechanism.

[Recommendations to the OSCE Institutions](#)

Ukraine

- We underline the need for the competent OSCE, UN and Council of Europe structures in the area of prevention of torture to undertake monitoring activities in Russia in connection with the reports of torture against the illegally detained Ukrainian citizens and assist Russia's compliance with its international obligations on preventing and combating torture, including through prompt and impartial investigation of the acts of torture

Norwegian Helsinki Committee

The **OSCE bodies** and participating states should:

- Invoke the Moscow mechanism against the Republic of Azerbaijan, sending a mission of experts to assist Azerbaijan in securing constitutional reforms to bolster division of powers and particularly democracy in the country.
- Organize a high level special session on the existence of political prisoners in Azerbaijan, inviting human rights defenders, to establish the facts and to develop a decisive plan of action for a speedy resolve of the problem.