

## **COMPILATION OF WRITTEN RECOMMENDATIONS**

*(Covering Working Sessions 14, 15, 16 and 17)*

*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.*

**Please note that the deadline for submitting Recommendations to the HDIM Documentation Centre is Thursday, 04 October 2007.**

**Wednesday, 03 October 2007**

### **WORKING SESSION 14: Democratic institutions:**

#### **Democratic elections:**

##### **Recommendations to Participating States:**

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

- We urge all OSCE participating states to welcome ODIHR election observers as the United States has done.

#### **European Union:**

- The EU calls on all participating States to invite ODIHR and other participating States at an early stage to observe their elections. It remains the responsibility of ODIHR to determine the type of the mission and, when necessary on the basis of a needs assessment mission, how many long-term and short-term observers would be necessary for a credible Election Observation Mission.

Furthermore, the EU would like to recommend that:

- Participating States reconfirm their primary responsibility to meet their commitments aimed at fostering and strengthening democratic governance, including by conducting genuine democratic elections;
- Participating States reiterate that three basic principles integral to the democratic election process that are not expressly stated in the 1990 Copenhagen Document - transparency, accountability and public confidence - could serve as basis for additional commitments to supplement existing ones; and to discuss possible directions for future work on this issue;

- In this way the OSCE could further address the challenges of new voting technologies in electoral process.
- Participating States fully support the leading role that the ODIHR has played in election observation, whose comprehensive methodology has been embraced by other organizations, including the UN and the EU itself involved in election observation worldwide;
- Participating states reassert their political will to strengthen their response to the ODIHR's election recommendations and to invite ODIHR to support follow-up activities.
- The EU encourages participating States to strengthen national efforts to train election observers and welcomes the ODIHR's training efforts in further enhancing the professionalism of election observers.

### **The Norwegian Helsinki Committee**

- Calls on the Uzbek representatives present at this meeting to state exactly how presidential candidates will be given access to printed media and television, and how a space for real debate about Uzbekistan's future will be created in the run-up to the elections.

### **Roma Public Council Kupate:**

- mainstream parties address issues in a way that is more understandable to Roma
- include Roma candidates in the party lists on eligible positions
- introduce preferential vote on the party lists
- governments should invest more money on non-written voter education materials such as radio and TV broadcasts, as many Roma are illiterate
- civic education, civil registration and voter registration campaigns should be widely conducted by relevant authorities at local level and within Roma communities
- NGOs involved within Roma community in explaining the electoral process should be neutral and not campaign for candidates
- more active approach by States is needed towards Roma communities regarding civil and voter registration
- more precision on the legislations that targets mobility of citizens and legitimacy of the voters who want to vote outside place of residence, so that the decision about who is legitimate to vote is not taken on a case by case basis and at the disposal of a local official of local electorate commission
- explanations of the type of elections, and of the electoral process along with information about voting procedure should be main elements of wide campaigns conducted in Roma communities by local authorities in partnership with Roma organizations

Recommendations to the OSCE:

**Competitiveness Research Center:**

In conclusion, there is a strong and insistent recommendation to the OSCE/ODIHR

- to make sure that the final report on observation of this year's parliamentary elections in Kazakhstan includes all of the facts of violations and irregularities, and gives an appropriate evaluation of the election campaign in terms of their compliance with the standards of democratic elections. In addition, it is highly requested that the OSCE/ODIHR applies more consistent pressure on the Kazakhstani authorities concerning adoption of the OSCE recommendations concerning election legislation, which are still pending since 2004.

**“Democracy Monitor” – Public Union:**

- I propose the OSCE to urge the relevant member states to send significant signals to Azerbaijani government and use their mandates to pressure the government in establishment fair legal framework and free and fair election environment for the forthcoming presidential elections to be held in October 2008.

**Institute of Peace and Democracy:**

Необходимо восстановить утраченный авторитет и доверие к миссии наблюдателей ОБСЕ за выборами. С этой целью целесообразно:

- включать в число наблюдателей от ОБСЕ людей знакомых со спецификой постсоветских стран, лучше из стран Восточной Европы,
- сотрудничать с институтами гражданского общества Азербайджана,
- долгосрочная миссия наблюдателей должна оставаться минимум на несколько недель после дня голосования,
- необходимо проводить отдельный мониторинг и специальные отчеты по проблемам полицейского насилия, привлечения активистов оппозиции к уголовной ответственности в период избирательной кампании и после выборов,
- необходимо проводить отдельный мониторинг и готовить специальный отчет по проблемам насилия в отношении СМИ и журналистов в период избирательной кампании и после выборов,
- необходимо отслеживать все имеющиеся место случаи давления, вплоть до уголовного преследования, независимых членов избирательных комиссий, или оппозиционеров .

## **WORKING SESSION 15: Discussion of human dimension activities (with special emphasis on project work)**

There were no written recommendations submitted to the Documentation Centre.

**Thursday, 04 October 2007**

## **WORKING SESSION 16: Fundamental freedoms II**

### **Freedom of expression, free media and information:**

#### **Recommendations to Participating States:**

#### **European Union:**

Participating States should

- ensure that media laws are in line with international standards and OSCE commitments and are implemented subsequently,
- strengthen their commitment to ensure freedom of opinion and expression, and especially to decriminalize libel and defamation.
- ensure that journalists in the OSCE area can work safely and without being threatened by physical violence, persecution, detention, harassment, intimidation, direct or indirect economic pressure or any other form of interference,
- ensure that these commitments equally apply to journalists who are also Human Rights Defenders,
- ensure that press freedom is guaranteed by an independent judiciary to which journalists can appeal in cases of alleged violations,
- ensure the right of journalists to keep their sources of information confidential by enacting appropriate legislation (“shield laws”).

#### **OSCE Representative of Freedom of the Media:**

- Governments obviously must adhere to the recent UN Security Council Resolution No. 1738, “Condemning attacks against journalists”. I find also great value in Resolution 1535 of the Parliamentary Assembly of the Council of Europe, “Threats to the lives and freedom of expression of journalists”.
- The issue of violence against journalists should be put visibly high on the national agenda.
- An unequivocal acknowledgement of the gravity of the situation, and an unmistakable declaration of the aim to put it right, could do wonders.
- The investigations should be given a journalist-friendly handling.

- Setting up a centre that deals exclusively with them seems to be a must. It could operate a special website, listing the cases and demonstrating the progress made.
- Governments must be aware of the linkage between governmental respect for media and the level of societal violence against the media.
- Peaceful speech offences, such as defamation, libel, and insult must be decriminalised; their handling should be transferred into the civil-law domain.
- Special provisions on insult of officials, presidents, state institutions, symbols of the state should be abolished.
- Administrative discrimination against the independent, opposition, and investigative press should be stopped.
- Governments will have done most of what is doable if they accept that the press is a civil society endeavour; and would be ready to walk the journey from state to civil media, from monopoly to pluralism.
- Calls for violence against journalism, even if made as fatwas, under the disguise of demanding tolerance towards religions, should be vigorously refuted and criminalised.

#### **Amnesty International:**

- Calls on the Russian authorities to clearly and unequivocally speak out in defence of journalists, lawyers and human rights defenders who talk openly about the human rights situation in the Russian Federation.
- Calls on Federal and Chechen authorities to take substantive measures to enable independent monitors and journalists, including foreign journalists, to report from Chechnya without fear of reprisals.
- Calls on the Russian authorities to protect journalists, human rights defenders and lawyers by vigorously investigating allegations of attacks on journalists, human rights defenders and lawyers, including, but not limited to, the murder of Anna Politkovskaya. Those who are found responsible for such crimes, including those who ordered or masterminded the attacks, should be brought to justice without delay.

Amnesty International calls on the OSCE and its Participating States to:

- Stop the persecution of human rights defenders, and ensure that effective action is taken by the international community in support of those who courageously stand up for human rights.
- Insist on thorough, independent and impartial investigations into all incidents of killings, beatings and other human rights abuses committed against journalists. This is both urgent and necessary to counter the current climate of impunity for assaults on journalists and on all those who peacefully exercise the right to freedom of expression which exists in some Participating States.
- Refrain from passing – or, where already in place, abolish – any legislation, which exceeds the permissible restrictions on the right to freedom of expression under international law, and leaves the way open for the criminalization of a wide range of peacefully-expressed dissenting opinion.

## **Institute of Peace and Democracy, Azerbaijan:**

There are some necessary measures that the international community must undertake:

- Tough monitoring of the situation
- Demand the release of all seven convicted journalists by Azerbaijani authorities
- Demand for the investigation of all cases of physical attack on journalists and the punishment of persons found guilty
- Demand for the investigation and punishment of those involved in the murder of Elmar Huseynov, the editor of “Monitor” journal
- Demand for the decriminalization of defamation and the exclusion of articles for insult and slander from the Criminal Code of Azerbaijan

## **International Helsinki Federation for Human Rights:**

In light of the extremely precarious conditions journalists face in Azerbaijan today, the IHF

- Calls for Azerbaijan to lift all restrictions on the operation of all media outlets; allow journalists to carry out their professional duties unhindered; and refrain from legal prosecution and other repercussions against journalists for legitimate criticism.
- The IHF also urges Azerbaijan to forge a new tradition of open public debate ahead of the up-coming presidential elections in 2008, a prerequisite of which is the free operation of the media and dissemination of a wide variety of information and opinions.

More specifically, the IHF urges the authorities of Azerbaijan to:

- Promptly adopt legal amendments to decriminalize defamation. Pending such amendments, the government should declare a formal moratorium on the application of articles 147 and 148 of the criminal code (on calumny and “deliberate humiliation”), and discontinue any defamation lawsuits under these provisions. All journalists imprisoned under defamation provisions should be immediately released, and they, as well as other jailed journalists, should be granted public and fair re-trials;
- Conduct immediate investigations into all allegations of assaults against media workers and bring to justice their perpetrators. Further, all cases of alleged police involvement in violent acts against journalists and reporters should be examined by an independent body;
- Allow and publicly encourage free public debate in the run-up to the 2008 presidential election. This also includes allowing for free and unbiased media reporting and respecting the rights of critics of the government to disseminate information freely, to organize and to demonstrate.

## **Kurdish Human Rights Project:**

### *Recommendations to the Government of Turkey*

In order to be considered a true democracy and in order to live up to its commitments as an OSCE Participating State, Turkey must take concrete steps to engender freedom of expression and facilitate political discourse.

Accordingly, KHRP urges the state of Turkey to:

- fully overhaul its legal system, starting with the amendment of the following laws such that they clearly do not violate freedom of expression:
  - Article 84 – criminalises inciting or assisting suicide
  - Article 125 – criminalises offending honour, dignity and respectability or insulting public officials
  - Article 132 – criminalises violating the secrecy of communication
  - Article 134 – criminalises violating the secrecy of private life
  - Article 215 – criminalises praising crime or criminals
  - Article 215 – criminalises inciting hatred and enmity among people
  - Article 218 – criminalises offences committed against public peace by means of the press
  - Article 285 – criminalises violating the secrecy of an investigation
  - Article 286 – criminalises sound and visual recording in investigation and prosecution procedures
  - Article 288 – criminalises attempting to influence a fair trial
  - Article 299 – criminalises insulting the President
  - Article 301 – criminalises degrading the Turkish identity, republic, state institutions and organs
  - Article 305 – criminalises providing benefits to activities conducted against basic national interests
  - Article 318 – criminalises discouraging the people from military service;
- educate and train all members of the Judiciary on Turkey's international obligations to foster freedom of expression and allow healthy political discourse to flourish within its borders such that they understand how to interpret Turkish law in line with these principles;
- condemn attacks on members of the media, politicians, students, academics, human rights defenders and anyone else when these crimes are motivated by expressions of thought or opinion;
- repeal the new Internet Censorship law, and otherwise reduce pressure on all forms of media to self-censor;
- denounce any use of violence motivated by nationalism;
- encourage freedom of speech and support the media in its endeavour to capture all voices and viewpoints represented in Turkey;
- support and encourage discourse on minority interests so as to diffuse intense feelings of nationalism that may result in violence.

### **Youth Initiative for Human Rights:**

- Authorities in Serbia must take all necessary measures to find, prosecute and punish the perpetrators and ordering parties of politically motivated attacks, which was not the case to this day. It is the only way to protect the members, activists and leaders of political parties, NGO's, journalists and citizens from growing violence.
- Special attention must be paid to protection of Roma and leaders of their political parties, because research results showed that number of attacks on Roma has increased from the moment they have won two seats in Serbian Parliament.
- It is necessary that the Government should explicitly profess itself on political violence wave that have overtaken Serbia, and to clearly show that it is aware of this problem and that it will not tolerate it. Political attacks are harming not only individual victims, but also society as a whole, because they represent the obstacle to development of democracy and establishment of the reign of jurisprudence.

### **Recommendations to the OSCE:**

#### **European Union:**

*The OSCE Representative on Freedom of the Media should*

- continue to assist participating states in achieving full implementation of the OSCE commitments, continue efforts to promote adoption of legislation which is in line with OSCE and other international standards notably in the field of defamation,
- continue to elaborate how comprehensive and non-discriminatory access to information in particular to the internet can be ensured,
- continue to strengthen freedom of the media through capacity building in the framework of training activities and media conferences,
- in co-ordination with the ODIHR's Point of Contact on Human Rights Defenders, assist the participating states in delivering on their commitments to protect the journalists who are also Human Rights Defenders.

### **International Helsinki Federation for Human Rights:**

The IHF urges the OSCE to:

- Launch pre-election monitoring of media freedoms to establish whether free public debate will be guaranteed as a crucial prerequisite for holding a fair, free and democratic presidential election in 2008.



### **Kurdish Human Rights Project:**

Recalling its desire to defend freedom of expression within the OSCE participating State region as voiced by the Commitments found in the Copenhagen Document, KHRP urgently requests the OSCE to:

- take note of the dire position of publishers and other media members in Turkey as noted in KHRP's 2007 trial observation report and similar reports made by other NGOs;
- closely monitor freedom of expression in Turkey by sending its own trial observation missions to track the status of publishers and other media members in Turkey in 2007 and 2008;
- use its good offices with the Council of Europe and United Nations to exert pressure on Turkey to cease its extreme censorship measures
- take note of the intersections of censorship and nationalism-fuelled violence in Turkey and strongly condemn both;
- direct Turkey towards a liberalisation of its views on freedom of expression so as to guarantee the right to free speech and the independence of the media, as envisioned in the principles of the OSCE;
- maintain close contact and dialogue with human rights defenders, NGOs, IGOs and members of the media to keep abreast of all developments regarding freedom of expression in Turkey;
- criticise Turkish legislation, including Article 301, that impedes upon the right to freedom of expression and the independence of the media;
- encourage Turkey to repeal any provisions that contract the OSCE obligations to guarantee the right of everyone, including publishers, politicians, students, academics and the media, to enjoy the right to freedom of expression without interference by public authority, as agreed upon in the 1990 Copenhagen Document.

### **Legal Education Society:**

There are some necessary measures that can be useful for improve of the situation [in Azerbaijan]:

- Tough monitoring of the situation in the field of right of expression, monitoring of court cases against Mass Media and journalists must have regular character as well, the reports on the results of monitoring must be a subject of broad discussions with drawing in representatives of civil society, state bodies and international organizations;
- Demand for investigation of all cases of physical attack on journalists and the punishment of persons found guilty;
- Demand for the decriminalization of defamation and exclusion of articles for insult and slander from the Criminal Code of Azerbaijan;
- Preparing special reports on court hearings concerning Mass Media with recommendations worked out together with institutes of civil society;
- Support of the programs directed to study of the European Convention on Human Rights and precedents of the European Court on Human Rights by judges, barristers, and

representatives of law enforcement bodies and other organizations and preparation and send of strategic cases to the international courts.

### **Soteria International:**

- We recommend OSCE to initiate the establishment of a convention of intellectual and moral justice in media. This convention would be formalised as self regulated based on common journalistic principles developed and defined in this forum.
- We recommend to the OSCE to encourage the creation of an independent international commission that can provide an unbound referential to journalists, thus easing the pressure from specific groups of interest upon the media.
- We recommend to the OSCE participant states to support the development of public informational management into a science with at least the same importance as pedagogy.

## **WORKING SESSION 17: Fundamental freedoms II**

### **Freedom of assembly and association:**

#### *Recommendations to the Participating States:*

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

#### *[Recommendations with regards to the new Russian NGO legislation]*

- The new laws on NGOs and on Combating Extremist Activity should be amended in accordance with the requirements of the European Court on Human Rights (ECtHR) and attain the maximum level of certainty;
- The competences of the Federal Registration Service must be defined clearly in order to evade situations, when the Federal Registration Service has possibility to request an undefined number of documents;
- The Federal Registration Service shall be denied the possibility to perform tax and other not related to its competence checks;
- It is essential that NGOs and their members should be able to challenge acts or omissions affecting them in an independent court and in course of an effective and prompt judicial procedure. Without this latter possibility there is likely to be a violation of the right to an effective remedy under Article 13 of the European Convention;
- The state shall work out detailed guidelines for implementation of the new NGO law.
- The work of Federal and regional Registration Service institutions shall be coordinated and based on these guidelines in order to avoid possible selective application of the Law;

### **EUROMIL – European Organisation of Military Associations:**

- calls all participation OSCE countries to fully recognize and implement the freedom of association for active military personnel according to existing international law.

### **European Pride Organisers Association (EPOA):**

- Calls upon the OSCE member states – especially the Russian Federation and Moldova – to respect both the rulings of their own Courts and the landmark decision of the Strasbourg Court, which must be valid throughout all 47 Council of Europe member states, and to guarantee the right to freedom of assembly to all citizens, and to ensure, by protecting them in the event of violent counter demonstrations and hate speech, that everybody can exercise this right.

### **Kurdish Human Rights Project:**

Recommends that Turkey:

- develop supportive regulatory framework for NGO law reform when necessary;
- provide registration procedures for NGOs that are quick, easy and inexpensive;
- provide a clear and concise legal framework for NGOs;
- cease to arrest, hinder, harass, encumber or otherwise prevent human rights defenders from carrying out successful missions in Turkey;
- release Amnesty International's funds in Turkey and allow Amnesty workers and all other human rights defenders to continue their work unimpeded;
- reduce the 10 per cent minimum threshold from the electoral requirements such that the Kurdish people and other national minorities have a real chance to achieve representation in government;
- recognise the commitments it undertakes as an OSCE participating State, and therefore cease to hinder the efforts of religious and ethnic minorities to meet, assemble or form associations of any kind;
- allow students, politicians, academics and labour unions to meet and associate freely without fear of arrest or other forms of abuse.

### **International Federation of Human Rights (FIDH) and The World Organisation Against Torture (OMCT):**

Urge OSCE Participating States to:

- Guarantee in all circumstances the physical and psychological integrity of human rights defenders in the OSCE Members States;
- Put an end to the continuous repression of human rights defenders and their organisations;
- Fully recognise the vital role of defenders in the advent of democracy and the rule of law;

- Review their national legislation to conform with international and regional human rights instruments, in particular regarding freedoms of association and assembly;
- Comply with the provisions of the final document of the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension, of the Conference for Security and Co-operation in Europe (CSCE) and of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly;
- Support and implement all recommendations brought to them from the March 2006 Supplementary Human Dimension Meeting on Human Rights Defenders;
- Comply with the provisions of the resolution titled « Strengthening OSCE engagement with human rights defenders and national human rights institutions » adopted by the OSCE Parliamentary Assembly in Kiev on July 10, 2007;
- Support the Focal Point, giving it the capacity and adequate means to carry out its monitoring and capacity building activities, and to develop in view of increased protection of human rights defenders.

Recommendations to the OSCE:

**European Union:**

- OSCE institutions and field missions should increase their monitoring of participating States' compliance with their commitments on freedom of assembly and association; publicise their findings; and provide assistance to participating States to address any shortcomings.

**International Youth Human Rights Movement  
Foundation “For environmental and social justice”  
Center for the Development of Democracy and Human Rights  
Research Center for Civil Society “Demos” :**

- We welcome the adoption of the OSCE ODIHR Guidelines on the Right to Freedom of Assembly. Unfortunately these guidelines have the character of “soft law” and its contents are not known to the majority of the governmental bodies in participating countries. We urge the OSCE ODIHR to actively push for the promotion of those guidelines and organize their presentation with the participation of government officials.
- We urge ODIHR to work towards a legally binding document on both freedom of association and assembly.
- We recommend ODIHR to continue the collection of information on violation of freedom of assembly and association and compile it into thematic reports.
- We recommend ODIHR to cooperate with Committee of Ministers of Council of Europe to translate into Russian language and disseminate decisions of the European Court of Human Rights on article 11 of the European Convention of Human Rights in the Russian speaking space in order to promote further popularization of European standards.

- We call upon ODIHR to hold trainings for responsible government bodies on implementation of Guidelines into practice of participating states.
- We urge the OSCE Focal point on human rights defenders to take into consideration the cases of persecution and closing down of human rights NGOs.
- We request the ODIHR to provide an expertise of Russian legislation on NGOs.
- We call upon ODIHR to organize a special session on Freedom of Association and to compile a special report on the observance of freedom of association in the OSCE region.

### **Kurdish Human Rights Project:**

Urges the OSCE to:

- speedily report any freedom of association issues raised by the OSCE's election observation mission and follow up on these issues with the appropriate framework;
- maintain contact with NGOs, human rights defenders and other independent human rights organisations operating in Turkey;
- initiate dialogue with the Turkish government, working with state officials to address the issues raised in this report;
- use its good offices with the EU and UN to suggest they join the OSCE in condemning Turkey's violation of freedom of association, and put political pressure on the government to initiate the changes suggested above.

### **Ombudsperson and independent national human rights institutions:**

#### **Recommendations to Participating States:**

#### **European Union:**

- Participating States should ensure their legislation regulating the activities of NGOs conforms with OSCE and other international commitments. Financial and administrative obstacles, likely to hinder the free operation of human rights defenders, should be removed. Legislation should not be used to restrict or intimidate them.
- Participating States should give full and practical recognition to the positive role played by human rights defenders in finding peaceful solutions to political and social conflicts; and should ensure their protection and support their activities within the framework of the OSCE and the United Nations.
- Participating States should ensure that their criminal justice systems take timely action to investigate, prosecute and punish the perpetrators of crimes against human rights defenders.

### **International Helsinki Federation for Human Rights:**

- The participating States should integrate the protection of human rights activists into their broader policies toward third countries and, in this respect, ensure that human dimension commitments and other international standards relating to human rights defenders are adequately reflected in their policies. They should address concerns relating to human rights defenders in a consistent manner, which does not depend on the economic and political status of third countries, and make use of objective benchmarks against which progress can be measured. In elaborating and implementing their responses to the situation of human rights activists in different countries, they should consult with international and national NGOs.
- The participating States should ensure that adequate funding is available for independent groups to carry out human rights work across the OSCE region. Relevant funding programs currently implemented at the national and multilateral level should be reviewed with a view of ensuring that the processes of obtaining funding are un-bureaucratic, transparent and flexible and that funding requirements do not instrumentalize NGOs but allow them to address core human rights problems in an impartial fashion, e.g. by monitoring the implementation of basic civil and political rights.
- The participating States should increase political, moral and other forms of support to human rights defenders at risk in third countries, including by raising concerns about cases of persecution of human rights defenders with the governments of the countries concerned and making clear that violations of the rights of human rights defenders will have implications for mutual relations. They should also work together with international and national NGOs to provide concrete assistance to endangered human rights defenders, such as legal assistance, medical assistance and evacuation, safe relocation and temporary residence in emergency cases.

### **Recommendations to the OSCE:**

### **International Helsinki Federation for Human Rights:**

- The OSCE should consider expanding its commitments to include the principles enshrined in the UN Declaration on Human Rights Defenders and in the EU Guidelines on Human Rights Defenders;
- A high-level mechanism should be established by the OSCE with a mandate to promote visibility and recognition of the work of human rights defenders and other civil society activists and to improve their protection. The creation of such a mechanism, which might have the status of a special representative of the OSCE Chairman-in-Office, would be consistent with the historical commitment of the participating States to supporting civil society participation in the human dimension process. The mechanism would complement and reinforce the work of the UN Special Representative on Human Rights Defenders. It should also be able to intervene on individual cases in a speedy manner.
- The OSCE should pay special attention to the challenges faced by woman human rights defenders and consider soliciting a study on their situation throughout the OSCE region.