

COMPILATION OF WRITTEN RECOMMENDATIONS (Covering Working Sessions 5 - 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, 23 September 2015

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

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

Recommendations to participating States

Austria

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

Canada

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

Czech Republic

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

European Union (EU)

- Adopt an Addendum to the OSCE 2004 Action Plan for the Promotion of Gender Equality

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

United States of America

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

Alliance for Democracy

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

[Recommendations to the OSCE](#)

Austria

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

Canada

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

European Union (EU)

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

France

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

United States of America

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

Thursday, 24 September 2015

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

Recommendations to participating States

European Union (EU)

- Ensure that the criteria of selection of judges and prosecutors are based on objective qualifications and professional capabilities.
- Remove the possibility of dismissal as an outcome from any evaluation of judges.
- Introduce and strengthen the principle of proportionality in disciplinary measures against judges and ensure that decisions on the disciplinary measures against judges are taken by an independent body.
- Ensure that dismissal of a judge is only possible as a consequence of a disciplinary procedure which is in conformity with international standards of fair procedure that safeguard the independence of the judiciary.
- Recall the UN Basic Principles on the Independence of the Judiciary, under which judges should have guaranteed tenure until a mandatory retirement age or the expiry of their term of office (Principle 12) and should be subject to suspension or removal only following fair procedures (Principle 17 and 19) and only for reasons of incapacity or behaviour that renders them unfit to discharge their duties (Principle 18).
- Encourage OSCE participating States who are considering institutional and legal reforms to seek the expert advice and technical assistance of ODIHR.
- With regard to Ukraine, the EU wishes to recall that judicial reforms must be carried out in line with the relevant European and international standards. In this respect, the EU encourages the Ukrainian authorities to further consult the Council of Europe and take into account the opinions of the Venice Commission.

United States of America

- We continue to be troubled by the lack of appropriate procedural guarantees for those accused of involvement in the 2010 violence in southern Kyrgyzstan. We call on the

Government of **Kyrgyzstan** to reevaluate these cases and judgments in order to ensure that all trials in the country are conducted in a fair and impartial manner.

- With respect to Belarus, we welcome the release from prison of Mikalai Statkevich and five other prisoners, and we reiterate our call for the Government of **Belarus** to restore the political rights of these six and other former political prisoners.
- In Russia, those who reveal fraud or corruption, who write about the destruction and theft of natural resources, or who challenge the views of the government have been targeted for prosecution and worse. My delegation calls on the **Russian Federation** to release prisoners held on politically motivated charges, including Krasnodar environmentalist Yevgeny Vitishko and the remaining imprisoned Bolotnaya Square protest defendants.

"EZGULIK" Human Rights Society of Uzbekistan (HRSU)

To Uzbekistan:

Сенату Олий Мажлиса

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

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

- Принять к сведению изложенные факты переданные нами и дать им юридическую оценку, а также к руководству республики соблюдать общепризнанные нормы права человека, положения Международного пакта «О гражданских и политических правах личности», ратифицированного парламентом страны в 1995 г.
- Принять меры в отношении сотрудников правоохранительных органов с целью предотвращения противозаконных действий в отношении независимых правозащитников и СМИ в Узбекистане;
- Принять необходимые меры для информирования сотрудников милиции о деятельности неправительственных правозащитных организаций в Узбекистане, недопустимости любого давления и угроз, равно как и вмешательства в их деятельность, что предусмотрено в международных соглашениях, подписанных Узбекистаном;
- Принять необходимые меры для предотвращения пыток верующих мусульман в местах лишения свободы и жестокого обращения с ними.

Руководству страны

- Прекратить практику, противоречащую Конвенциям МОТ о правах ребенка (1989 г.) и Закону «Об основах государственной молодежной политики в Республике Узбекистан» (1991 г.), принудительного привлечения детей, включая учащихся различных учебных заведений, к сбору урожая хлопка. Экономически она невыгодна и не соответствует требованиям обеспечения здоровья и безопасности молодого поколения. Найти альтернативные решения.
- Принять решительные меры против руководителей, злоупотребляющих властью ходе уборки ежегодного урожая хлопка.
- Рекомендации по обеспечению свободы выражения мнения и слова:
- - Немедленно освободить всех заключенных правозащитников и журналистов, пересмотреть их уголовные дела и снять с них обвинения и судимость;

- - Публично осудить преследование, атаки, нападения и угрозы против журналистов в Узбекистане и гарантировать необходимую защиту журналистов, чтобы они могли беспрепятственно продолжать свою работу;
- - Упростить процедуру лицензирования СМИ в Узбекистане и всячески способствовать и поддерживать создание истинно независимого сектора СМИ в стране;
- -Снять всяческие ограничения, цензуру и блокирования на онлайн информационные ресурсы;
- - Прекратить преследования, атаки, нападения и угрозы против представителей гражданского общества в Узбекистане за распространение информации о ситуации в стране;
- - Пригласить официально Специального Докладчика ООН по свободы выра
- Рекомендации по предотвращению пыток:
 - - Публично осуждать самыми первыми лицами и лидерами страны практику применения пыток в уголовном судопроизводстве страны, чтобы это прозвучало как однозначный сигнал и предупреждение о недопустимости пыток и неотвратимости наказания для виновников;
 - - Ратифицировать Факультативный протокол к Конвенции ООН против пыток и создать независимый национальный орган или ведомство, уполномоченное расследовать заявления и жалобы о пытках;
 - - Признать полномочия Комитета ООН против пыток по ст. 21 и 22 Конвенции ООН по пыткам (полномочие Комитета принимать и рассматривать жалобы по индивидуальным делам и жалобы от государств-участников Конвенции);
 - - Создать действенный национальный механизм признания, реабилитации и компенсации для жертв пыток в Узбекистане;
 - - Пригласить Специального докладчика ООН по вопросу пыток повторно посетить Узбекистан;
 - - Пересмотреть уголовные дела и судебные решения всех политических заключенных – осужденных представителей гражданского общества и религиозных заключенных (людей осужденных по ст. ст. 156, 159, 216, 244, 244-1, 244-2 и другие Уголовного кодекса) на предмет применения пыток и схожих форм обращения и наказания против них во время предварительного следствия и судебного процесса;
 - - Либерализация существующих правил и создание прозрачной, открытой и доступной пенитенциарной системы Узбекистана для свободного посещения и мониторинга независимыми наблюдателями, представителями правозащитных организаций, неправительственных некоммерческих организаций, международных наблюдателей и журналистов.

Human Rights Without Frontiers

Calls upon Armenia

- To remove the President's discretionary power in endorsing the list of judges from the Judicial Code; the list proposed by the Justice Council should be deemed as final and the President's signature should simply be a matter of protocol;
- To ensure internal independence in adjudication by removing the pressure placed on first instance courts by the Court of Cassation;
- To modify the grounds for disciplinary liability of judges by establishing clear and precisely defined criteria, in compliance with well-recognized international standards and best practice, including an appeal procedure;
- To abolish depositions of defendant confessional testimonies during criminal proceedings;

- To provide effective access to the Court of Cassation, so that private parties of criminal or administrative cases are able to bring complaints to the Court of Cassation without a licensed attorney.

Norwegian Helsinki Committee

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

Protection of Rights Without Borders Armenia

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

[Recommendations to international organizations](#)

"EZGULIK" Human Rights Society of Uzbekistan (HRSU)

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

Thursday, 24 September 2015

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

Recommendations to participating States

Danish Helsinki Committee for Human Rights

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

Thursday, 24 September 2015, 18:00

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

Recommendations to participating States

International Partnership for Human Rights (IPHR)

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

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