

COMPILATION OF WRITTEN RECOMMENDATIONS

(Covering Working Sessions 10-11)

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, 8 October 2009.

Monday, 5 October 2009

WORKING SESSION 10: Tolerance and non-discrimination II

Recommendations to participating States:

Greece/Chairman-in-Office

- It should be acknowledged that intolerance against Muslims is not a problem of a specific minority, but a human rights problem concerning everyone.
- The historical, cultural and psychological depth of the issue of discrimination and intolerance always needs to be taken into full consideration.
- There is also a need for an intellectual and ethical strategy to avoid political exploitation of the issues related to discrimination and intolerance.
- Various forms of intolerance and discrimination need not be subject to an artificial hierarchy. Discrimination is discrimination and must be condemned and dealt with whatever the underlying motive might be. Within this framework, there should be synergy in efforts dealing with different forms of discrimination.
- Integration policies should address the social and economic needs of Muslims in the countries that they are residing. Such policies should promote integration through participation, not assimilation. This will lead to better understanding and better integration, thus to lessening of mutual mistrust.
- Fight against terrorism should be conducted with in the line of the internationally recognized human rights standards. This would increase partnership and cooperation between Muslim communities and security officers and contribute to the prevention of radicalization which may lead to violence.

- Senior government leaders should send immediate, strong, public, and consistent messages that violent crimes which appear to be motivated by prejudice and intolerance against Muslims will be investigated thoroughly and prosecuted to the full extent of the law.
- Recognizing the particular harm caused by violent hate crimes, governments should enact laws that establish specific offenses or provide enhanced penalties for violent crimes against Muslims.
- Governments should ensure that those responsible for hate crimes against Muslims are held accountable under the law, that the enforcement of hate crime laws is a priority for the criminal justice system, and that the record of their enforcement is well documented and publicized.
- Governments should maintain official systems of monitoring and public reporting to provide accurate data for informed policy decisions to combat violent hate crimes against Muslims. Such systems should include anonymous and disaggregated information on bias motivations and/or victim groups, and should monitor incidents and offenses, as well as prosecutions.
- Governments should conduct outreach and education efforts to Muslim communities and civil society groups to reduce fear and assist victims, advance police-community relations, encourage improved reporting of hate crimes to the police and improve the quality of data collection by law enforcement bodies.
- Members of parliament and local government leaders should be held politically accountable for bigoted words that encourage discrimination and violence and create a climate of fear for minorities, including Muslims.
- Governments should support and strengthen the mandates of intergovernmental organizations that are addressing discrimination—like the Organization for Security and Cooperation in Europe, the European Commission against Racism and Intolerance, the Fundamental Rights Agency, UN Alliance of Civilizations Initiative and Organization of Islamic Conference—including by encouraging such organizations to raise the capacity of and train police, prosecutors, and judges, as well as other official bodies and civil society groups to combat violent hate crimes.

Holy See

- The OSCE clearly acknowledge that the problem of intolerance and discrimination against Christians and member of other religions is one of the core concerns in the framework of its commitment to tolerance related issues, and that raising the awareness of this fact is critical to the progress we hope to achieve in this regard.
- Participating States assess their legislation in view of fighting discrimination and intolerance against Christians (labour law, equality law, freedom of expression and assembly, laws related to religious communities, the right to conscientious objection, etc...).

- Participating States and OSCE institutions build stronger relationships with representatives of Christian churches and NGOs working specifically in the field of intolerance and discrimination against Christians and members of other religions.
- Participating States and NGO institutions pro-actively encourage the media not to spread prejudices against Christians and members of other religions.
- The OSCE institutions devote more concerted attention to the issue of discrimination against Christians in their reports on human rights offenses, in particular on hate crimes and hate events, and further develop the TANDIS page with more specific information in this regard.
- The OSCE organize a follow-up to the Roundtable on Discrimination against Christians held in March 2009 in order to deepen its outcome and promote the expansion of tolerance and respect among all persons towards Christians.
- Participating States pay closer attention to the problem of discrimination against Christians, by collecting data and reporting cases of intolerance to the OSCE institutions in cooperation with Christian communities.
- Participating States and OSCE institutions collaborate in addressing the factors associated with the economic crisis that have exacerbated the incidents of bias/hate motivated crime in the OSCE region.
- Participating States and OSCE institutions re-focus their energies to addressing the agreed commitments enumerated by the OSCE Ministerial Decisions.
- Participating States address the need for more precise and professional standards of police procedure regarding the investigation and prosecution of hate crimes.
- Participating States should take greater care to ensure the proper balance between the freedom of expression and the prosecution of hate crimes.
- Participating States and OSCE institutions should collect data and devote specific attention to hate crimes perpetrated against Christians, encourage the media not to spread prejudices against Christians, and further develop the TANDIS with more comprehensive information about incidents of intolerance, discrimination and hate against Christians.

CEJI

- CEJI urges the Participating States to live up to their commitments on data collection and monitoring of Hate Crimes.
- CEJI recommends that the Participating States strongly support the creation of more comprehensive educational programmes that will train educators and officials to teach about diversity, tolerance and respect.

European Humanist Federation

The European Humanist Federation recommends that:

- all those in positions of influence and especially religious leaders refrain from using disparaging and dehumanising language with respect to people of different religions or beliefs and exercise their influence in a manner conducive to dialogue and social cohesion.

ILGA-Europe

- the participating States transpose into their policies the Yogyakarta Principles on the application of International Human Rights Law in relation to Sexual Orientation and Gender Identity;
- the participating States collect data on hate crimes, including those based on sexual orientation, and that they provide adequate protection for the activities of LGBT groups;
- the participating States introduce criminal sanctions for violence on the grounds of sexual orientation and gender identity;
- the ODIHR and the OSCE continue their work on monitoring all human rights;
- the Greek Chairmanship of the OSCE includes references to sexual orientation, gender identity and gender expression in the final conference declaration of the Chairmanship-in-Office;
- the mandate of the Personal Representative on combating Racism, Xenophobia and Discrimination makes an explicit reference to homophobia and transphobia, so committing itself to a non-hierarchical approach to combating discrimination.

Council of Europe

- Member States of the Council of Europe are encouraged to sign and ratify Protocol No. 12 to the European Convention on Human Rights, which provides for the general prohibition of discrimination.
- OSCE participating States are encouraged to sign and ratify the Additional Protocol to the Council of Europe's Convention on Cybercrime, on the criminalisation of acts of a racist and xenophobic nature committed through computer systems.
- OSCE participating States are encouraged to enact and implement legislation against racism and racial discrimination, if such legislation does not already exist or is incomplete, and to ensure that such legislation reflects the key elements in ECRI's General Policy Recommendation No. 7, which include the setting up of an independent body specialised in the fight against racism and racial discrimination.
- Member States of the Council of Europe are encouraged to implement ECRI's recommendations contained in its country-specific monitoring reports as well as ECRI's General Policy Recommendations.

- OSCE institutions are encouraged to continue their co-operation in the fight against racism, racial discrimination and all forms of intolerance with the Council of Europe by further strengthening mechanisms enabling the free flow of and exchange of information and data.

Redeemed Lives UK

- The OSCE should draft policies for participating States to protect the availability, display and promulgation of Christian books and any media that upholds the traditional orthodox Christian belief on same-sex attractions including the possibility of changing unwanted same-sex attractions. This means such books and media must be exempt from harassment, discrimination or hate speech legislation.
- The OSCE participating States must address the clarity of the meaning of Equality and Diversity as a working policy - which is about making accessible different viewpoints and not conformity to one viewpoint. Applied to my case, Equality does not mean that everyone has to conform to the viewpoint that acceptance of same-sex attractions is the only acceptable outcome.
- The OSCE should make recommendations to all participating States that all professional Christian workers including clergy, counselors, psychotherapists, psychologists and pastoral careers who uphold traditional orthodox Christian beliefs in their place of work be exempt from harassment and discrimination laws in relation to the issue of changing unwanted same-sex attractions. This includes referrals to reparative therapy as part of their work and ministry.

Way Of Reconciliation

- **To ensure** freedom of religion and belief, freedom of expression, freedom of assembly, right to conscientious objection.
- **To refrain** from interferences and to modify legislation that discriminates or provokes intolerances against Christians
- **To recognise and condemn** intolerance and discrimination against Christians and **ensure** the right of Christians to participate fully in public life
- **To take measures** against the rising intolerance and discrimination against Christians **in the media.**
- **To scrutinize "tolerance and non-discrimination" laws and measures**, not to lead to abuses and misapplications which can actually create greater intolerance and discrimination. Examples of possible abuses that may cause discrimination, intolerance and which may dangerously limit pluralism are for instance:
 - Repression of Freedom of Speech (as we are seeing this especially in the area of human sexuality)
 - Hiring policies for Christian organisations
 - Education policies, especially regarding curricula, or criteria for eligibility of public funding for private schools.

- The area of freedom of conscience
- The repression of academic freedoms
- The difficulty of justly legislating Hate Speech Regulations

Avrupa Batı Trakya Türk Federasyonu

To Greece:

- To make express provision in the law for racist motivation to be considered as an aggravating circumstance in the case of all common offences.
- To introduce a provision into criminal law expressly stipulating that for all ordinary offences, racist motivation constitutes an aggravating circumstance. In addition, we would like to draw attention of the Greek authorities to ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, indicating the provisions that should be included in criminal legislation.
- To take every step to prosecute and punish the culprits, in cases where racist actions have been taken.
- To ratify as soon as possible the Framework Convention for the Protection of National Minorities.

Anti-Defamation League

- The Ministers Council and each of your political leadership should to condemn the rise of anti-Semitism and hate violence. Easy to condemn a marginal hate site, but let's call out the legitimizing of anti-Semitism and hate among our own colleagues and leadership.
- Welcome the contribution of the three Personal Representative of the Chairman in Office on anti-Semitism and intolerance and urge their reappointment by the incoming CiO. These representatives focus on distinct and specific forms of intolerance and can mobilize a targeted response at the political level as specific problems arise.
- Convene a high level conference on Anti-Semitism and Intolerance in 2010 and a supplemental HDM on anti-Semitism as a vehicle to galvanize this leadership, without which nothing else is possible to provide an important focal point to chart a course for progress.
- Fulfill their pledge to monitor and to address hate crime. Hate crime laws are the jumping off point for a whole range of political, policy education, prevention and response measures. Even the mere collection of disaggregated hate crime data is a powerful tool to confront anti-Semitism and other forms of bigotry because it highlights the issue of hate violence for policymakers and the public --and prompts government outreach and police training to identify, report, and respond to hate violence.

- Support the specialized work of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) Tolerance and non-Discrimination Department and promote its reporting, education and training programs and other tools to combat anti-Semitism and hate crime.
- Utilize ODIHR tools like Hate Crime Laws: A Practical Guide designed to help establish a common framework to improve hate crime response with models for lawmakers, community organizations and law enforcement. States should enlist the help of ODIHR expertise to seek ways to utilize the guide. ADL was gratified to have played a role in its drafting.
- Forge Links with Civil Society. Governments can do a lot to involve communities in efforts to craft and implement policies. States should establish a framework for regular communication between communities and relevant officials. States should also support ODIHR efforts to build the capacity of non-governmental organizations to serve as a bridge between officials and law enforcement and communities to ensure an effective response.
- Reality is most hate crimes never solved. After the dust settles what we are left with is how well we responded, whether we used it as a catalyst to advance progress or promote fear. We all have a choice and that choice matters. Your action or inaction this year distinguished delegates, is the way you tell convey your choice.

COJEP International

- Policymakers should not only respond strongly by condemning in the strongest terms the hate crimes, but also calling upon the institutions to perform their role effectively.
- The media have an important role in informing the public that is why it needs to deal objectively with hate crimes against Muslims and avoid propaganda approaches that promote prejudices against Muslim Communities.
- The police authorities must keep statistic on hate crimes targeted against Muslim communities. The police should also seek a better cooperation with Muslim communities to encourage its members to launch complaints when targeted. We call on participating States of the OSCE to benefit from the expertise and educational work of the ODIHR and we emphasize that States from the west of Vienna must be more open to cooperate with ODIHR in this area. We appeal to member states to have a look at the latest ODIHR report on hate crimes. We find it very disturbing that out of 56 participating countries, only 2 states have provided concrete information on hate crimes against Muslim communities.
- At the same time, we wish to point out the fact that it is important to build the capacity of civil society so that it can adequately manage such issues. The extensive training in Russian language by ODIHR should also be implemented in other languages like German and French for the benefit of large Muslim communities in these 2 countries. Our organization is willing to engage with ODIHR for the success of this vital initiative.

- Education and Training are 2 essential tools to combat old and new forms of intolerance and hate crimes. In this regard, the draft guideline for educators prepared by ODIHR should be completely supported by all participating States of the OSCE.
- Cojep International appreciates the work done by the new special representatives of the OSCE Chairmanship and specifically requests the representative working with the issue of intolerance and discrimination against Muslim communities, to increase awareness on hate crimes. This issue is not only Islam specific, but is the responsibility of Human Rights and implies recognition by States of the existence of this problem. It is unacceptable that hierarchy of different forms of intolerance within our societies exists. We must deal with this issue on urgent basis.
- Cojep International call upon the personal representative of the Chairman in Office of the OSCE dealing with intolerance and discrimination against Muslims to make state visits to assess the situation of Muslim communities with the various local and national representatives. The last violent incident which took place in Germany leads us to recommend the first visit to be in this country. We know that the German authorities have the means and the will to collaborate effectively to set an example in the fight against such hate crimes. A visit to Greece, Bulgaria, Denmark and Italy seems equally necessary in the near future to assess the situation of ethnic and religious minorities in these member states of European Union.
- Finally, we call the next Kazakh presidency of OSCE to take account of the hate crime issues as well as intolerance and increasing discrimination against Muslim communities. In light of the alarming situation, we recommend a special meeting to be held next year to assess the overall living conditions of Muslims and follow its progress closely.

Internet Centre Anti Racism Europe (ICARE)

We recommend the OSCE Participating States to:

- Enact laws that expressly address hate crimes. Recognizing the particular harm caused by violent hate crimes, governments should enact laws that establish specific offences or provide enhanced penalties for violent crimes committed because of the victims race, religion, ethnicity, sexual orientation, gender, gender identity, mental and physical disabilities, or other similar status.
- Monitor and report on hate crimes. Governments should maintain official systems of monitoring and public reporting to provide accurate data for informed policy decisions to combat violent hate crimes. Such systems should include anonymous and disaggregated information on bias motivations and/or victim groups, and should monitor incidents and offences, as well as prosecutions.
- Strengthen the ODIHR's tolerance and non-discrimination work by:
 - a. Fulfilling their commitment to collect data on hate crime, provide it to the ODIHR, and make it available to the public.
 - b. Supporting the ODIHR's efforts, in line with OSCE commitments, to take a comprehensive approach to combating intolerance and discrimination by reporting on and developing programs that aim to combat hate crimes motivated by racism and

xenophobia, anti-Semitism, religious intolerance, sexual orientation and disability bias, as well as hate crimes against Muslims and Roma and Sinti.

c. Ensuring that the Law Enforcement Officer Program on Combating Hate Crime (LEOP) has the support it needs and that participating states are taking part in this program.

d. Providing political and financial support for the convening of regular meetings of the National Points of Contact on Combating Hate Crimes, with the full participation of civil society groups and representatives of specialized anti-discrimination bodies.

e. Ensuring political and financial support for capacity building programs for civil society organizations and representatives to document and combat hate crime.

- The OSCE should commit itself to a non-hierarchical approach to combating discrimination. We call on the Chair-in-office of the OSCE and participating States to explicitly include sexual orientation and gender identity in:
 - a. Ministerial decisions related to tolerance and non-discrimination and hate crime;
 - b. The work of all the OSCE tolerance related mechanisms.
- OSCE should ask Participating States to take immediate action concerning hate crime against Muslim communities, including data collection and monitoring of violence, and other awareness raising measures that also address the issue of hate speech.
- OSCE States Parties are urged to uphold their commitments to combat anti-Semitism under the principles of the 2004 Berlin Declaration and follow-up Cordoba and Bucharest statements. The exponential rise in anti-Semitic incidents across the region in the past year highlights the need to focus on incitement against Jews on satellite television and the Internet. We urge the OSCE to convene an SHDM in early 2010 to address specific responses to anti-Semitism, as well as a high-level conference on anti-Semitism and other forms of intolerance.
- Acknowledging the continued prevalence of prejudice against Roma across the region and the need for greater protection of the rights of Roma, states should mandate training for relevant public officials to address discrimination against Roma. Training programs should include follow up and accountability on the implementation of the policies and procedures modeled in the training.
- Bearing in mind the growing influence of the Internet, integrate the role of Internet hate speech into any tolerance-related issue.
- Consider reconfiguring the position of the Personal Representative of the CiO on combating Racism, Xenophobia and Discrimination, also Focusing on Intolerance and Discrimination against Christians and Members of Other Religions into two separate positions: one for intolerance and Discrimination against Christians and Members of Other Religions and one for Racism, Xenophobia and Discrimination so all the topics can receive the attention they deserve.
- Ensure that the rights of migrants, asylum seekers and refugees are respected and they do not become subjects of discriminatory measures. A fundamental human right to seek asylum should be respected.

Associazione “Dossetti: i Valori”

Participating States are urged to:

- pay more attention to the hate crimes against Christians – also where they are majority – in the questionnaire collecting data from national data collection point.
- engage in consultations with religious communities respecting their specificity with regard to other social groups and – among religious communities – taking into account the historical, cultural and numeric relevance of each community (the dialogue should also take place in a bilateral way, with each of the relevant communities, in relation to specific circumstances and subjects).
- welcome the interventions of the representatives of religious communities that give their view – based on moral convictions deriving from faith – about everyday’s life and, in particular, on legislative and administrative provisions of their Countries.
- protect all religions – also the majority ones – from prejudices and misrepresentation, particularly in the field of education, culture and information.
- promote a dialogue between the Muslim representatives and the religious communities present in the places where mosques are to be built in order to foster a climate of mutual tolerance and respect between believers of different communities.
- follow-up the Cordoba and Bucharest Conferences by convening in 2010 a Conference at appropriate high-level to examine in a balanced way anti-Semitism as well as intolerance and discrimination against Christians, Muslims and members of others religions, within the realm of existing commitments.

Chernivtsy Regional NGO 'Human Rights'

To Ukraine

Рекомендации.

- 1. разработка и принятие антидискриминационного закона в соответствии с требованиями ОБСЕ, документов ООН**
- 2. внести изменения и дополнения в ЗУ «О национальных меньшинствах» в соответствии с рекомендациями ОБСЕ, Совета Европы, ООН**
- 3. разработать закон Украины в поддержку национально-культурной автономии дискриминируемых в настоящее время этнических групп – Рома, Крымских татар, Караимов и других групп**
- 4. привести ст. 161 Уголовного Кодекса в соответствии с требованиями ООН, ОБСЕ, Совета Европы, создать**

- правоприменительную практику; предусмотреть также нормы административной и гражданской ответственности за антидискриминационные действия**
- 5. проводить политику нетерпимости к проявлениям ксенофобии, антисемизма, нетолерантности, разработать непрерывную систему обучения правам человека, начиная с**

**Islamic Renaissance Party
To The Republic of Tajikistan**

Поэтому просим ОБСЕ рекомендовать Правительству РТ :

- содействовать принятию поправок и изменений в закон «О свободе совести и религиозных объединений».
- разработать положения закона в соответствии с международным обязательством по правам человека.

**NGO "Samopoznanie"
To participating States**

- я прошу страны- члены ОБСЕ, общественным деятелям и лидерам НПО, чтобы они употребили свое влияние и подняли свой голос в защиту права общественного объединения «Аят- чистое сознание».
- Мы просим вашего вмешательства и помощи прекратить дискриминацию сторонников метода оздоровления Фархад-аты.
- Прекратить разжигать рознь и нетерпимость к общественным организациям по национальной принадлежности основателей учения, а также восстановить наши конституционные права на создание общественных объединений «Аят- чистое сознание».

Canadian Arab Federation

- Hate crimes against Muslims and Arabs should be tackled seriously and urgently
- Arab and Muslim Canadians should be consulted and involved when shaping policies and anti-terrorism legislations.
- Finally public rhetoric, media bias, and political discourse demonizing Arab and Muslims should be monitored and prevented.

OMNIUM des Libertes Individuelles et des Valeurs Associatives

- Our first recommendation is that the Personal Representative of the Chairman-in-Office on combating intolerance and discrimination against Christians and members of other religions intervene so that the State apparatus organizing discrimination, MIVILUDES, stops immediately its filing system and destroys its files on minority belief groups.
- Our second recommendation is that OSCE reminds the French authorities that every citizen has the right to freedom of thought, conscience, religion or belief and that this right includes freedom to change one's religion or belief, right that France has committed to respect at the 1990 Copenhagen Conference.

Recommendations to International Organizations:

Way Of Reconciliation

OSCE/ODIHR/ OSCE Missions

- **To recognise and condemn the problem** in its different features, both in the Eastern and Western countries of the OSCE (East and West of Vienna) and **reiterate** the findings and conclusions of the **Roundtable** on Intolerance and Discrimination against Christians **held in Vienna on March 4th, 2009**
- To use all their means **to work against intolerance against Christians**, inter alia by
 - seeing the problem as one of their core issues in the framework of its work on tolerance related issues
 - raising awareness throughout the OSCE region
 - collecting data
 - working more closely with representatives of Christian churches
 - assessing legislation in the participating States in view of discrimination and intolerance against Christians (labour law, equality law, freedom of expression and assembly, laws related to religious communities, right of conscientious objections, etc.)
- encouraging the media not to spread prejudices against Christians and train professionals to do so
- further developing the TANDIS page (<http://tandis.odihr.pl/>) with more specific information
- devote specific attention to the issue of discrimination against Christians in their reports on human rights offences, in particular on hate crimes and hate events
- mentioning it more prominently on their website (<http://www.osce.org/odihr/20051.html>)
- **To build a stronger relationship with NGOs** working specifically in the field of intolerance and discrimination against Christians
- **To organize another roundtable** to deepen the outcome of the first roundtable on the discrimination against Christians as it has taken place in Vienna in March '09

IHRC

IHRC recommends to the OSCE:

- To ensure that the issue of underreporting is given high priority at the level of member states;
- To request member states to support civil society initiatives to tackle underreporting, including investment and training in third party reporting;
- To request member states to enact programmes of social education on the existence of hate crime and how to tackle it;
- To censure media and political voices who publically deride victims of hate crime;
- To adopt in its work on hate crime, the McPherson Report recommendations on the concept of perception in the investigation of racially and religiously aggravated offences;
- To encourage states to train law enforcement workers in this understanding.
- To avoid the easy trap of integrating parts of far-right political agendas with regard to minorities into their manifestos and policies, and take a principled stand against all hate-filled discourse.

Associazione “Dossetti: i Valori”

The OSCE-ODIHR is called upon to:

- focus its activity more to fulfilling the existing commitments and pay less attention to other concerns out the boundaries of the OSCE *acquis*.
- train law enforcement agencies, media and civil society to consider carefully also the hate crimes perpetrated against majority religions.
- raise the awareness on the positive contribution of the religious communities to the building and the wellbeing of our democratic societies.

Monday, 5 October 2009

WORKING SESSION 11: Humanitarian issues and other commitments II

Recommendations to participating States:

NGO 'Society and Law'

To the Republic of Tajikistan:

1. Закон РТ «О беженцах» привести в соответствии с международными стандартами, а именно с Конвенцией о статусе беженцев.
2. Обеспечить наилучшие интересы беженцев для интеграции их в местное сообщество. Решить вопрос о предоставлении гражданства беженцам, прожившим на территории Таджикистана более 5 лет и не имеющим другого гражданства.
3. Создание Центра временного размещения для лиц, ищущих убежище.
4. Проведение совместных тренингов с ОБСЕ по защите прав человека.

Open Society Institute Assistance Foundation, Tajikistan

Рекомендации:

- Для повышения контроля над миграционными процессами и предотвращения нарушения прав мигрантов необходимо принять следующие меры:
- *на межгосударственном уровне:*

To the Russian Federation:

- между Российской Федерацией (РФ) и Республикой Таджикистан (РТ) следует постоянно развивать сотрудничество в деле контроля миграции. Необходимо подписание соответствующих обязывающих документов на уровне государств, министерств и ведомств, включая министерства иностранных дел, министерства внутренних дел, миграционные службы обеих стран.
- Для того, чтобы это взаимодействие не осталось декларативным, рекомендуется создание координирующих агентств и принятие соответствующих государственных программ, направленных на регуляцию миграции и координирование взаимодействия участников: министерств и ведомств, частных

To the Republic of Tajikistan:

на государственном уровне:

- необходимо принять меры по созданию регулируемого рынка предоставления кадровых услуг рабочих-мигрантов. Это включает в себя создание профессиональных организаций и агентств, занимающихся регистрацией, получением разрешительных документов и лицензий.
- способствовать созданию частных компаний или НКО, занимающихся оказанием услуг кадрового аутсорсинга. Необходимо, чтобы в каждом регионе РФ и РТ были подобные операторы – кадровые агентства, специализирующиеся на подборе кадров трудовых мигрантов, работающих так называемым вахтовым методом. Вахтовый метод предполагает осуществление работ сменным (вахтовым) персоналом, который в период пребывания на объектах (участках) проживает в специально создаваемых вахтовых поселках и систематически, через определенное время, возвращается к месту нахождения предприятия, организации. Необходимо

регулирование взаимодействия кадровых операторов из обеих стран и заказчиков персонала посредством специальных государственных или негосударственных некоммерческих агентств.

- создать центры легализации для лиц, не получивших своевременно законного статуса в России либо утративших его, деятельность которых осуществлялась бы в неразрывной связи с государственными органами, уполномоченными принимать решения в сфере миграции и дипломатическими миссиями. В задачи указанных центров должны входить реализация межгосударственных связей по восстановлению документов, обмена информацией, в том числе по вопросам нарушения прав мигрантов со стороны должностных лиц и правоохранительных органов, оказания правовой помощи. Также такие центры могли бы предоставлять мигрантам общественные работы для получения средств на оплату собственных расходов и возвращения на родину.
- на территории РФ необходимо создавать некоммерческие центры размещения мигрантов, где они могли бы проживать во время пребывания в РФ. Проживание может оплачиваться за счёт самих рабочих-мигрантов. С помощью таких центров будет обеспечена безопасность мигрантов и охрана здоровья.
- Необходимо восстановление сети государственных профессионально-технических училищ в Республике Таджикистан. Большинство мигрантов не обладает какой-либо профессиональной квалификацией. В связи с этим они получают самые низкооплачиваемые работы и часто подвергаются дискриминации. В связи с острой потребностью промышленных предприятий РФ в профессиональных рабочих, необходимо создать инфраструктуру по их подготовке в Таджикистане. Создание такой сети возможно с помощью российских предприятий и профессиональных училищ, которые могут предоставить необходимые материалы и обучить преподавательский персонал. Координация такой программы должна проводиться на основе межгосударственных соглашений.

Chernivtsy Regional NGO 'Human Rights'

To Ukraine

Рекомендации.

- 1. разработка и принятие закона о двойном гражданстве**
- 2. разработка и принятие законов об альтернативной воинской**
- 3. разработка и принятие антидискриминационного законодательства**
- 4. внесение изменений и дополнений в ЗУ «О беженках», « Об иностранцах», предусматривающих нормальные условия проживания, образования, необходимым документам, рабочим местам и участию в политической жизни**

Holy See

- Participating States and OSCE institutions recognize that the phenomenon of migration has social, economic, political, cultural and religious dimensions which require forward-looking policies of international cooperation.
- Participating States collaborate in the coordination of legislative systems aimed at safeguarding the needs and rights of migrants and their families.
- Participating States recognize that, despite the difficulties concerning integration, migrant workers make a significant contribution to the economic development of the host country through their labor, and that these workers must always be treated with the dignity and respect that is owed to them as persons.
- Participating States and OSCE institutions work together to develop effective assistance programs to migrants and refugees suffering the burdens of dislocation that accompany migration.
- Participating States enhance their commitment to address the phenomenon of migration in a spirit of collaboration between migrants' countries of origin and their countries of destination.

Almaty Confederation of NGOs 'Ariptes'

To the Republic of Kazakhstan:

- Продолжать проводить политику информирования трудовых мигрантов на их родных языках в области прав человека и законов Казахстана
- Продолжать проводить обучение правоохранительных органов и государственных структур в области трудовой миграции
- Продолжать проводить оперативную юридическую и психологическую помощь в местах наибольшего скопления трудовых мигрантов, а именно, в Южно-Казахстанском регионе и городах Алматы и Астане.
- Необходимо выработать стратегию взаимодействия и партнерства стран пребывания и происхождения ТМ на межгосударственном уровне.
- Необходимо работать с масс медиа в области просвещения и обучения самих журналистов

Ukrainian Helsinki Human Rights Union

- Develop clear recommendations to the states to keep in secret and do not disclose the refugee files including statements of the witnesses and other evidence of the persecution of the refugee in the state of their origin.
- Develop an absolute prohibition for state to pass refugees files to the state of their origin.

Chernivtsy Regional NGO 'Human Rights'

To Ukraine:

Рекомендации.

- 1. разработка и принятие закона о двойном гражданстве**
- 2. разработка и принятие законов об альтернативной военной**
- 3. разработка и принятие антидискриминационного законодательства**
- 4. внесение изменений и дополнений в ЗУ «О беженках», « Об иностранцах», предусматривающих нормальные условия проживания, образования, необходимым документам, рабочим местам и участию в политической жизни**

Amnesty International calls on all participating states:

- to ensure that all persons seeking international protection get access to fair and transparent asylum procedures, with the right of appeal and ensuring that asylum seekers and refugees have access to state health and education services as well as adequate housing.
- AI calls on the EU governments not to send back to Kosovo Serbs, Roma or other members of minority communities which might be at risk of persecution.

Recommendations to International Organizations:

Kyrgyz Committee for Human Rights

To the OSCE:

Можно перечислять бесконечно примеров о произволе Российских властей в отношении мигрантов. ККПЧ предлагает ОБСЕ следующие рекомендации:

1. Вопросы миграции в России должны рассматриваться на специальной сессии ОБСЕ более детально.
2. Должны выпускаться отчеты о положении мигрантов в России с темой ксенофобия и дискриминация.

Recommendations to NGOs:

Open Society Institute Assistance Foundation, Tajikistan

НПО, частные компании, институты:

- НПО в РФ – ввиду отсутствия практики взаимодействия государственных служб по контролю миграционных процессов, НПО могут осуществлять такое координирование взаимодействия участников. Такие НПО смогут быть информационными посредниками между государственными службами.
- Совместно с ФМС РФ, МВД РФ через СМИ обнародовать случаи выявленных правонарушений, совершенных сотрудниками указанных ведомств с целью профилактики коррупции и искоренения в общественном сознании представления о безнаказанности любых действий «правонарушителей в погонах».
- Информировать работодателей, привлекающих иностранных работников об их обязанностях, в том числе в части организации медицинского и социального обеспечения, а также соблюдения всех формальностей, связанных с приемом на работу иностранных граждан. В случае, если трудоустройство мигрантов будет осуществляться с помощью агентств кадрового аутсорсинга, социальное и медицинское обеспечение будет более осуществимо, так как деятельность таких агентства достаточно легко контролируется государственными органами.
- Информировать мигрантов о необходимости легализации, разрабатывать и распространять печатные материалы на родном языке на эту тему, организовывать лекции перед поездкой в Россию. Доносить мысль, что закон защищает в равной степени иностранцев и граждан, и трудовое законодательство защищает в первую очередь интересы работников – вне зависимости от гражданства. Распространять информацию о случаях успешной защиты в законном порядке, в том числе в судебном, нарушенных прав мигрантов.
- Составлять материалы по межэтнической, межконфессиональной и межкультурной толерантности. Распространять эти материалы в структуре общего школьного образования и высшего профессионального образования. Особенно это необходимо тем студентам, которые учатся на факультетах журналистики.
- Проводить социологические исследования как по изучению общественного мнения в отношении мигрантов, так и по изучению социальных ожиданий мигрантов по отношению к принимающему сообществу. Систематически проводить медиа-мониторинг этнической проблематики в СМИ.
- Установить и поддерживать постоянную связь с сотрудниками ведущих региональных СМИ (телевизионных каналов, радиостанций, информационных агентств), с целью наиболее полного и оперативного доведения до их сведения позитивных информационных поводов по этнической тематике. Систематически и заблаговременно информировать СМИ о готовящихся/предстоящих этнокультурных событиях.

- Представлять через СМИ от лица руководства национально-культурных автономий, этнокультурных организаций, этнических общин, диаспор и других авторитетных и статусных лиц моральную оценку установленным в законном порядке и освещенным в СМИ фактам преступной деятельности отдельных лиц соответствующей этнической принадлежности.
- Проводить на постоянной основе совместные консультации руководителей гуманитарных фондов, лидеров национально-культурных автономий, этнокультурных организаций, этнических общин и диаспор и сотрудников ведущих СМИ РФ по проблемам мигрантов и вопросам освещения этнической проблематики в СМИ.
- Частные компании или общественные организации в Республике Таджикистан могут осуществлять подбор персонала, его перемещение и оформление документов для нахождения на территории РФ и трудоустройства. Такие организации должны действовать в связке с российскими коллегами, иначе вероятны правонарушения, коррупция и вымогательства с обеих сторон границы.
- НПО в Республике Таджикистан могут заниматься распространением информации о правах мигрантов. Также желательно, чтобы НПО оказывали помощь в изучении русского языка тем, кто собирается в Россию. НПО также могут оказывать помощь в координации взаимодействия государственных служб, распространять информацию о правах мигрантов в РФ.

To Non-governmental Organizations and International Organizations:

- Необходимо, чтобы международные организации, НПО проводили проекты по мониторингу коррупции при перемещении мигрантов за пределы Таджикистана. Также необходимы проекты по развитию сотрудничества между регионами РФ и РТ. НПО со стороны РФ и РТ могли бы помогать взаимодействию и различных государственных, региональных и муниципальных служб и ведомств. Таким образом, будет создана сеть сотрудничества, позволяющая сделать процессы миграции контролируемыми и предсказуемыми.