

COMPILATION OF WRITTEN RECOMMENDATIONS

(Covering working sessions 1-5)

This compilation contains recommendations submitted to the HDIM Documentation Centre in accordance with the established procedure. The compilation is organized by working sessions and by what was submitted by delegations / international organizations / civil society to participating States and, separately, to OSCE institutions / field missions or other international organizations. Recommendations are compiled in original language. This compilation contains recommendations from all documents received at the HDIM Documentation Centre by the end of working session 5; documents received after this time will be included later in the consolidated summary.

Monday, 10 September 2018

Opening Plenary Session

Recommendations to participating States

Austria/European Union

To Russia:

- The European Union is deeply concerned about the continuous deterioration of the human rights situation in the Georgian regions of Abkhazia and South Ossetia. The ongoing violations of freedom of movement, including the continuing “borderization” process and closures of crossing points, the restrictions of property rights and education in native language as well as severe obstacles to the rights of displaced persons are areas of particular concern. The European Union renews its call to the Russian Federation to reverse these trends.

United States of America

To Russia:

- As we open the 2018 HDIM, Mr. Sentsov is in perilous health on the 120th day of his hunger strike to protest Russia’s unlawful imprisonment of over 60 of his fellow countrymen. We call on Russia to release these prisoners. We are alarmed about the prospect of another innocent person dying in Russian custody

To Turkey:

- Over 50,000 citizens - including hundreds of journalists, writers, editors, publishers, translators, rights activists, lawyers, students and elected officials -- are being held on grounds that appear to be politically motivated. All those who have been detained for exercising their fundamental freedoms must be released. We again call on the Turkish government to immediately free Pastor Andrew Brunson, the other U.S. citizens it has detained, and our locally employed staff.

Iceland

To the participating States:

- We call for a better education for human rights and democracy, based on critical thinking and reflection on the basic values of society.
- Iceland has ratified all major international conventions and agreements on human rights and encourages other States to do the same, and advocates for the full implementation of such conventions and agreements.

Norway

To participating States:

- As governments, we must do our utmost to ensure that journalists are safe and enjoy rightful protection in the OSCE area, and media is free to fulfil their independent societal mandate.
- We call on the participating States to support a Global Compact for Migration that will enable us to improve the governance on migration based on burden and responsibility sharing between countries of origin, transit and destination

Russian Federation

To participating States:

- Для эффективного противодействия этим проблемам государствам участникам необходимо солидарно бороться со всеми формами нетерпимости на религиозной почве. Необходимо, наконец, выполнить поручение СМВД ОБСЕ в Базеле 2014 г. о разработке министерских деклараций о противодействии нетерпимости и дискриминации в отношении христиан и мусульман. Недопустимо блокирование отдельными странами работы ОБСЕ на данном направлении.

Ukraine

To participating States:

- We must not allow the human dimension events to be abused by the aggressor state for the purposes of legitimization of the aggression and illegal occupation.

To OSCE:

- We call on the OSCE institutions to use all possibilities to secure the immediate release of the illegally detained Ukrainian citizens – political prisoners in Russia, including Oleg Sentsov, Oleksandr Kolchenko, Stanislav Klykh, Mykola Karpyuk, Roman Sushchenko, Pavlo Gryb as well as Volodymyr Balukh, Server Mustafaeiev, Uzer Abdullaiev, Stanislav Aseev and others in the occupied Crimea and Donbas.

Recommendations to the OSCE Institutions

United States of America

To ODIHR:

- To that end, the United States must object to certain provisions of the Code of Conduct promulgated by ODIHR. A number of the provisions amount to content-based restrictions on the participation of civil society. We need not—and do not—agree with all of the ideas espoused here to defend the right of civil society to participate. When we disagree with the ideas presented, we should respond with alternative viewpoints, not censorship. We are disappointed that the Code of Conduct appears to formalize the latter approach. It should be revised.

Ukraine

To OSCE:

- We call on the OSCE institutions to use all possibilities to secure the immediate release of the illegally detained Ukrainian citizens – political prisoners in Russia, including Oleg Sentsov, Oleksandr Kolchenko, Stanislav Klykh, Mykola Karpyuk, Roman Sushchenko, Pavlo Gryb as well as Volodymyr Balukh, Server Mustafaeiev, Uzer Abdullaiev, Stanislav Aseev and others in the occupied Crimea and Donbas.

Monday, 10 September 2018

Working session 1: Democratic institutions

Recommendations to participating States

Austria/European Union

- Participating States shall take all appropriate measures to establish/consolidate the legal framework for credible, inclusive and transparent elections; and to ensure that all public institutions implement it effectively.
- We encourage participating States to further enhance accountability and transparency of elections, and to provide a genuine possibility for active civic participation, including persons belonging to vulnerable and under-represented groups.
- We invite participating States to support and promote the involvement in public sphere of women, youth, persons belonging to national, ethnic, religious and linguistic minorities, as well as persons with disabilities.
- Participating States shall further engage in promoting political pluralism, and the highest standards of electoral campaigns.
- We encourage participating States to strengthen local governments, and to ensure their effectiveness.
- We encourage them to cooperate with ODIHR EOMs, i.e. through extending early and unrestricted standing invitations, and to fully implement ODIHR recommendations.
- Participating States should refrain from imposing unnecessary limitations on activities of the civil society organizations, and pay special attention to protection of human rights defenders.
- Participating States should focus on tackling corruption with the aim to strengthen public institutions and promote equality.

Russia

To Ukraine:

- Также хотел бы напомнить об обязательстве Киева по минскому «Комплексу мер» согласовать в прямом диалоге с Донецком и Луганском модальности местных выборов и предоставить этим регионам особый конституционный статус. Однако Киев уже три с половиной года саботирует эти обязательства. Призываем Украину к их выполнению в полном объеме.

To USA and the European Union

- Призываем также США и Евросоюз использовать свое влияние, чтобы побудить Киев прекратить этот саботаж

Ukraine

To Russia:

- I call on the authorities of the Russian Federation to recall the existence of universally accepted principles and norms of international law and to withdraw its armed forces from the territory of another sovereign state - Ukraine. It is about Crimea, the city of Sevastopol, as well as some districts and cities of Donetsk and Lugansk regions.

Civic holding “Group of Influence”

To Ukraine:

- To the Committee on Legal Policy and Justice: Accelerate consideration of Draft Law No. 6240 and recommend it for adoption on first reading by the Verkhovna Rada;

- To the Verkhovna Rada of Ukraine: Adopt Draft Law No. 6240 and provide mechanisms for ensuring the voting rights of IDPs in all elections, including at local level.

Crimean Tatar Resource Center

To Ukraine:

На уровне украинского государства

- Принять закон о коренных народах Украины, таким образом адекватно ввести Меджлис крымскотатарского народа в правовое поле Украины;
- Разработать Национальный план действий по улучшению положения крымскотатарского народа в Украине;
- Разработать механизм институционального представительства Меджлиса крымскотатарского народа в составе украинского представительства в межпарламентском сотрудничестве;
- Создать территорию администрирования Автономной Республики Крым в Херсонской области, с целью восстановления всех органов государственной власти Украины в АРК, а также предоставить благоприятные условия для возвращения крымских татар из мест депортации на данную территорию.

To Russia:

На уровне Российской Федерации и де-факто власти в Крыму

- Исполнить промежуточное решение МС ООН, от 19 апреля 2017 года т.е. отменить решение Верховного Суда России о запрете Меджлиса и позволить ему работать в качестве законного представительного органа коренного крымскотатарского народа на территории Крыма;
- Исполнять все свои обязательства как оккупирующей державы, осуществляющей фактический контроль над Крымом, в соответствии с применимыми нормами международного права;
- Обеспечить беспрепятственную работу представительным органам крымскотатарского народа Курултайю и Меджлису и другим органам Курултая;
- Прекратить преследования крымскотатарского народа и распространения языка вражды; прекратить преследование и незаконное задержание всех жителей Крыма, которые выступают против незаконной оккупации полуострова;
- Освободить политических заключенных в Крыму;
- Исключить из официальных документов и учебных пособий элементы языка ненависти в отношении крымскотатарского народа и украинцев.
- Расследовать насильственные исчезновения Эрвина Ибрагимова и десяти других крымских татар;
- Обеспечить проведение демократических выборов в представительные органы крымскотатарского народа Курултай под патронатом ОБСЕ и других международных организаций.
- To participating States:
- На международном уровне:
- Руководству и государствам-членам ОБСЕ необходимо на постоянной основе, в том числе во время двустороннего сотрудничества, требовать от России исполнения Промежуточного Решения МС ООН, Берлинской Декларации и Резолюций ПА ОБСЕ, резолюции КМ СЕ об отмене решения о запрете Меджлиса;

Human Rights Vision Foundation

To Tajikistan:

- To review the: 2016 discriminatory amendments to the Constitution of Tajikistan, Law "On the election of the president and parliament", Law "On Advocacy", Law "On Public Associations" - and abolish those provisions that are contrary to democratic principles.
- To give representatives of civil society unhindered access to the nomination of their candidature for elections of all levels.
- To bring election procedures in full compliance with OSCE commitments and international standards for democratic elections. To give lawyers independence and freedom in the implementation of their professional activities. To withdraw the Qualification Commission from the control of the Ministry of Justice and assign responsibility for lawyers' qualification to the Union of lawyers.
- Amend the law "On public associations" to ensure the free activity of independent human rights groups with the active participation of civil society.
- To review the aforementioned laws and abolish those provisions that are contrary to democratic principles.
- To give representatives of civil society unhindered access to the nomination of their candidature for elections of all levels. Ensure the unhindered activity of political parties without the danger of persecution and release all arbitrarily detained representatives of the political opposition. To bring election procedures in full compliance with OSCE commitments and international standards for democratic elections.
- To withdraw the Qualification Commission from the control of the Ministry of Justice and assign responsibility for attorneys to attorneys at the Union. To give lawyers independence and freedom in the implementation of their professional activities.
- Amend the Law "On public associations" to ensure the free activity of independent human rights groups with the active participation of civil society.

Latvian Human Rights Committee

To Latvia:

- To grant to all permanent residents - including non-citizens of Latvia, stateless people recognized under 1954 Convention, and citizens of all OSCE participating states - the right to vote in local elections;
- To grant citizenship, unconditionally and immediately, to all "non-citizens" under age of 18;
- To simplify and accelerate the naturalization procedure;
- To repeal the provisions for depriving local councilors and MPs of their mandates for allegedly insufficient command of Latvian language;
- To adopt without further delay a bill on local referendums, allowing all permanent residents to participate;
- To cancel the prohibition for former activists of legal opposition organizations to run for elections.

Paris Bar Association

To participating States:

- join the call of the OSCE Parliamentary Assembly's Resolution regarding Belarus and the USA, "to establish a moratorium on all death sentences and executions with a view to abolishing the death penalty";
- call on the two countries where a moratorium is in place, namely Russia and Tajikistan, to become full abolitionists in law;
- calls on participating states which are not party to the Second Optional Protocol to the ICCPR and to the Protocols 6 and 13 of the European Convention on the Protection of

Human Rights and Fundamental Freedoms to ratify those treaties and to provide information about the ratification process.

Promo-LEX

To Moldova:

- given the high risk of infringement of the international standard on elections, Promo-LEX calls upon the Moldovan authorities to identify solutions for the above mentioned deficiencies and to ensure a corresponding legal framework and social-political environment for the conduct of free, fair and democratic Parliamentary elections

To participating States:

- also addresses to the representatives of the participating states and other international stakeholders the recommendation to monitor the efforts of the Moldovan authorities towards ensuring the free, fair and democratic character of the upcoming Parliamentary elections as well as the implementation of the recommendations of the Venice Commission and OSCE/ODIHR issued in connection with the recently amended electoral system.

Thinkout

To participating States:

- we need to form a civil front to cooperate with all stakeholders and factions, instead of searching confrontation.
- People need to reflect about the negative evolution to an anti-Muslim and anti-migrant culture.
- Focus on preventive laws and real prosecutions, instead of remedial action.

Recommendations to the OSCE Institutions

Crimean Tatar Resource Center

На международном уровне:

- Разработать План действий по улучшению положения крымскотатарского народа в регионе ОБСЕ;
- Секретариату ОБСЕ необходимо отказываться принимать официальные доклады или любые другие документы России, в которых Крым упоминается как часть ее территории. Особенно это должны делать секретариаты конвенционных органов, куда Россия подает свои национальные доклады;
- Включить вопрос защиты прав представителей коренных народов и нацменьшинств в Крыму (прежде всего крымских татар и украинцев) в повестку дня официального диалога СЕ – ОБСЕ;
- Необходимо укреплять институциональные возможности правоохранительных органов и общественных организаций Украины, привлеченных к расследованию (мониторингу) нарушений прав человека в Крыму;
- Руководству и государствам-членам ОБСЕ необходимо на постоянной основе, в том числе во время двустороннего сотрудничества, требовать от России исполнения Промежуточного Решения МС ООН, Берлинской Декларации и Резолюций ПА ОБСЕ, резолюции КМ СЕ об отмене решения о запрете Меджлиса;
- Необходимо создать системный диалог ОБСЕ с другими международными организациями и органами (ООН, ЮНЕСКО, Совет по правам человека ООН, СЕ) по ситуации с правами человека в Крыму с целью обеспечения синергии усилий;

- Оказать содействие в обеспечении свободных демократических выборов в представительные органы крымскотатарского народа под эгидой ОБСЕ.

Turkmenistan Helsinki Foundation for Human Rights

To OSCE:

- Здесь модератор постоянно напоминает выступающим: „за ограниченного времени, даваемого для выступающих на данном Совещании просьба озвучивать рекомендации“. Предлагаем ОБСЕ не принимать во внимание многочисленные отписки туркменских чиновников на запросы международных организаций по ситуации с правами человека. Здесь звучат даже предложения считать подобные отписки как саботаж туркменской делегации. Пора искать другие механизмы разрешения ситуации. Предлагаем, не только ставить конкретные задачи и предложения, но и, строго оговорив сроки, следить за их реальным воплощением в жизнь. От имени тысяч и тысяч туркменистанцев, призываем вас быть более настойчивыми в своих требованиях к выполнению Туркменистаном взятых на себя международных обязательств.

Recommendations to the International Organizations

Crimean Tatar Resource Center

На международном уровне:

- Включить вопрос защиты прав представителей коренных народов и нацменьшинств в Крыму (прежде всего крымских татар и украинцев) в повестку дня официального диалога СЕ – ОБСЕ;
- Необходимо укреплять институциональные возможности правоохранительных органов и общественных организаций Украины, привлеченных к расследованию (мониторингу) нарушений прав человека в Крыму;
- Необходимо создать системный диалог ОБСЕ с другими международными организациями и органами (ООН, ЮНЕСКО, Совет по правам человека ООН, СЕ) по ситуации с правами человека в Крыму с целью обеспечения синергии усилий;

Promo-LEX

- also addresses to the representatives of the participating States and other international stakeholders the recommendation to monitor the efforts of the Moldovan authorities towards ensuring the free, fair and democratic character of the upcoming Parliamentary elections as well as the implementation of the recommendations of the Venice Commission and OSCE/ODIHR issued in connection with the recently amended electoral system.

Turkmenistan Helsinki Foundation for Human Rights

To the European Union:

- Наша рекомендация Комиссии ЕС по правам человека: не пора ли полностью публиковать все обсуждаемые вопросы с официальными представителями делегация Туркменистана в вопросах человеческого измерения? Иначе все это выглядит как Мюнхенский сговор.

Monday, 10 September 2018

Side Event: Human Rights beyond the Playing Field: example of the FIFA World Cup 2018 (Monday, 10 Sep, 13:15)

Recommendations to participating States

Youth Human Rights Movement

Guidelines on Human Rights for the states to meet in order to host major international events must be discussed and developed, but before and meanwhile common approaches to address the current shortcoming should be sought. We believe that they may be based on the following assumptions:

- Large-scale international sporting events, especially in the countries with a questionable human rights record, regularly become a rationale for additional limitations of fundamental human rights like the freedom of assembly, freedom of expression and the liberty of movement.
- As our analysis shows, in many cases these restrictions are disproportionate to the declared goal of providing security for participants, fans and ordinary citizens and are used more as a pretext to silence dissent and thus constitute a derivation from international human rights obligations.

Recommendations to the OSCE Institutions

Youth Human Rights Movement

- Intergovernmental bodies and institutions having protection of human rights as part of their mandate (OSCE ODIHR among them) should enter into dialogue with international sports organizations on these issues and initiate the development of common approaches, standards and mechanisms in this area (for example, in the form of general recommendations / guidelines for all sports organizations) with mandatory involvement in this process of civil society experts.

Recommendations to the International Organizations

Youth Human Rights Movement

- International sports entities, which organize these events, do little to address such violations. No clear human rights guidelines exist for the organizers to meet in order to be legible and few oversight mechanisms in place look beyond administrative and technical capacity and focus on human security dimension of such events. It's symptomatic that FIFA, for instance, focuses more on guaranteeing beer sales at the stadiums, than on enforcing labour regulations or reacting to the jailing of dissenters or bans on assemblies. Therefore, the responsibility lays not only with the states but also with major sport entities, such as FIFA or IOC.
- As international sports organizations do not have their own expertise in the field of human rights, they should cooperate with relevant intergovernmental bodies and institutions, as well as with civil society, to monitor and prevent human rights violations that are either by the events they sponsor and organize or take place during such events and in relation to them.
- Joint efforts of intergovernmental bodies and civil society organizations should be aimed to develop specific human rights benchmarks to be met by the states applying to host international sports events and to introduce relevant oversight mechanisms.

Tuesday, 11 September 2018

Working session 2: (specifically selected topic): Freedom of the media

Recommendations to participating States

Austria/European Union

To participating States:

- Fully respect their international obligations and commitments on freedom of expression and media freedom, in particular to create and maintain a safe and enabling environment so that journalists may perform their work independently and without undue interference.
- Take active steps to prevent and respond to violence and harassment against journalists ensuring that all those responsible are brought to justice, paying special attention to gender based violence online and offline.
- Engage constructively with the Representative on Freedom of the Media and make use of his expertise and recommendations.
- Respect the mandate and autonomy of the Representative and provide him with the necessary resources to fulfil the mandate.

United States of America

To participating States:

- We call on all participating States to implement their commitments on the safety of journalists and on advancing a free, independent, and pluralistic media.

To Malta:

- Investigative journalists seeking to expose crime and corruption tend to be at greatest risk. Daphne Caruana Galizia, a Maltese journalist known for her investigations into international organized crime and its connections to the Maltese government, was assassinated in October 2017 by a bomb planted in her car. She had been harassed and intimidated for years. Three suspects with links to organized crime are in pretrial detention, but it remains unclear who ordered the assassination. In February, Slovakian investigative journalist Jan Kuciak and his fiancée were shot dead in his home. Public outrage over his murder forced the resignation of multiple cabinet officials in Slovakia, but so far there have been no indictments. The United States calls on Malta and Slovakia to do everything possible to bring to justice all those responsible.

To Russia

- Russia stands out in the OSCE region for its long history of impunity for the killings of journalists. After all these years, we still call for justice in the cases of Paul Khlebnikov, Natalia Estemirova, Anna Politkovskaya, and at least 30 others who have been killed since 1992, according to the Committee to Protect Journalists. Just this April, Russian journalist Maxim Borodin died under suspicious circumstances, falling from a fifth-floor window. Borodin is one of several journalists who died this year while investigating the murky activities of the Wagner paramilitary group. The United States urges Russia to investigate these deaths, end impunity, and take steps to prevent future violence against journalists.

To Slovakia:

- Investigative journalists seeking to expose crime and corruption tend to be at greatest risk. Daphne Caruana Galizia, a Maltese journalist known for her investigations into international organized crime and its connections to the Maltese government, was

assassinated in October 2017 by a bomb planted in her car. She had been harassed and intimidated for years. Three suspects with links to organized crime are in pretrial detention, but it remains unclear who ordered the assassination. In February, Slovakian investigative journalist Jan Kuciak and his fiancée were shot dead in his home. Public outrage over his murder forced the resignation of multiple cabinet officials in Slovakia, but so far there have been no indictments. The United States calls on Malta and Slovakia to do everything possible to bring to justice all those responsible.

To Ukraine:

- In Ukraine, the 2016 killing of renowned journalist and Russian citizen of Belarusian origin Pavel Sheremet remains unsolved. We urge the government to redouble its efforts to bring accountability for the murder and for other recent attacks on members of the press

Switzerland

To participating States:

- Le cadre légal international assurant la sécurité des journalistes et la liberté d'expression est bien développé. Nous recommandons à présent aux Etats-membres de l'OSCE d'accélérer et de renforcer sa mise en œuvre, notamment sur la base du plan d'action des Nations Unies sur la sécurité des journalistes et la question de l'impunité. La Suisse appelle également les Etats-membres de l'OSCE à faire cesser les attaques contre les journalistes, car elles mettent en péril l'accès à l'information, la liberté d'expression et la démocratie.

Crimean Tatar Youth Center

To Russia:

- Adhere to their international obligations and fully comply with their obligations arising from the Charter of the United Nations, the Helsinki Final Act, other norms and principles of the international law, as well as the principles and commitments within the OSCE".
- To ensure unhindered work for independent journalists, bloggers, streamers and human rights defenders at court hearings in Crimea, during searches, detentions, etc.;
- To observe the rights of journalists while performing their professional duties;
- To stop the persecution of the Crimean Tatar people.

Human rights platform 'Uspishna Varta'

To Ukraine:

General recommendations on the right to freedom of speech and opinion in Ukraine. In order to ensure the right to freedom of speech and opinion enshrined in Article 34 of the Constitution of Ukraine, as well as in Article 10 of the European Convention on Human Rights and Fundamental Freedoms and Article 19 of the International Covenant on Civil and Political Rights, ratified by the state of Ukraine, the following measures should be taken.

The President of Ukraine:

- To take measures to stop pressure being put on the media and provide explanations for the intervention of the head of state or his subordinates in the activities of issuing licenses and the organization of media inspections.
- Recall the representatives of the National Council of Ukraine on Television and Radio Broadcasting, appointed by the quota of the President.
- In order to restore freedom of speech and exchanging information on the Internet, the prohibitions on accessing popular social networks and websites, which were introduced

by the decrees of President Poroshenko in May 2017 and May 2018 within the framework of sanctions against Russia, should be lifted.

- To impose a moratorium on the use of "separatist" articles of the Criminal Code by the Security Service and law enforcement bodies in relation to media representatives, the blogosphere, and Internet users, as well as the tapping and surveillance of journalists by the SBU.
- To officially recognize the existence of political prisoners in Ukraine and to stop the prosecution of those whose cases are in the courts or at the pre-trial investigation stage; to promote amnesty and the rehabilitation of already convicted political prisoners.
- To abandon the informal support for bloggers and opinion leaders (the so-called "Porokhobot") who demonstrate hatred and the practice of cyber-bullying against journalists and bloggers expressing an alternative position;

The Parliament (Verkhovna Rada Of Ukraine):

- To bring legislation in line with international standards and the recommendations of the Council of Europe, the quotas for the Ukrainian language on television and radio should be reduced to 50%. The legislation of Ukraine regarding the introduction of language quotas (laws No. 3822-d of June 16, 2016 No. 5313 of May 23, 2017) should be revised by the Parliament as it contradicts:
 - Article 34 of the Constitution of Ukraine, which guarantees the right to freedom of thought and speech, to freedom of expression and belief;
 - Article 10 of the Constitution of Ukraine, which guarantees the free development, use, and protection of Russian and other languages of national minorities of Ukraine;
 - Article 10 of the European Convention on Human Rights and Fundamental Freedoms and Article 19 of the International Covenant on Civil and Political Rights, ratified by the state of Ukraine;
 - The obligations of the state of Ukraine under the European Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages
- To restore the right to the free exchange of information and to remove all restrictive measures, including bans and restrictions on the import of Russian books, broadcasting of Russian films, and the entry of Russian actors, introduced by the Ukrainian Parliament in 2015-2017. Such bans and restrictions violate the right to freedom of movement, information, and ideology, as well as the expression of one's own opinion, which are enshrined in the Constitution of Ukraine and in international acts ratified by Ukraine. In order to restore the right to the free exchange of information, all restrictive measures should be removed by amending the legislation:
 - Law of Ukraine No.1317 "on amendments to some laws of Ukraine concerning the protection of the information television and radio space of Ukraine" dated December 09, 2014;
 - Law of Ukraine No.3359 "on amendments to the Law of Ukraine 'on cinematography' (concerning films of the aggressor state)" dated 27 October 2015;
 - Law of Ukraine No. 5114 "on amendments to some laws of Ukraine concerning the restriction of the Ukrainian market's access to foreign printed materials with antiUkrainian content" dated December 8, 2016;
 - Law of Ukraine No. 6682 "on amendments to the Law of Ukraine 'on tour events in Ukraine' regarding the features of organizing and conducting tours with the participation of citizens of the aggressor state" of July 11, 2017, and others

- The law "on the condemnation of the Communist and national-socialist (Nazi) totalitarian regimes in Ukraine and the prohibition of propaganda of their symbols", better known as the "law on decommunization" (2015), should be finalized in accordance with the recommendations of the Venice Commission of 18-19 December 2015. In particular:
 - The law should contain a less extensive and exhaustive list of prohibited symbols; the concept of propaganda should be clearly defined;
 - Only those actions that constitute a real threat to society should entail criminal liability, which should be proportional to the severity of the crime committed, the mere display of symbols or the use of the name should not be punished by imprisonment;
 - The Law should make it clear that the prohibition of any association is a measure of last resort only in exceptional cases, in proportion to the gravity of the crime. This is especially true of political parties in light of their important role in a democratic society, and the like.
 - The law should regulate equally the scope and detail of the description of acts related to both ideologies – Communist and Nazi.
- Refuse to consider bills that threaten the free development of the Internet in Ukraine and create a threat of extrajudicial blocking of Internet resources.
- To hold parliamentary hearings on freedom of speech in Ukraine without delay.
- To regulate the activities of the National Council of Ukraine on Television and Radio Broadcasting:
 - Listen to the report and to recognize the unsatisfactory work of the National Council for 2017.
 - Recall the representatives of the National Council appointed by the quota of the Verkhovna Rada.
 - Ban the National Council for a period of one year from making unscheduled inspections of the media.
 - At the legislative level, to introduce a transparent examination procedure for the content of TV and radio channels, on the basis of which the National Council can make decisions.

National Council of Ukraine on Television and Radio Broadcasting:

- To be guided in their decisions on imposing fines and depriving media licenses by objective criteria and not by political expediency and the unspoken orders of the Presidential Administration;
- Objectively consider the violations committed by the media close to President Poroshenko and his circle, including the proper assessment of the calls of journalists and guests of these media agencies of a xenophobic and anti-Semitic nature.

The Security Service of Ukraine and the National Security and Defence Council of Ukraine:

- Ensure that any restriction of freedom of expression is established only as a specific and individualized way of responding to an obvious threat and is necessary and proportionate;
- To stop the practice of deporting foreign journalists and banning them from entering Ukraine regulated by the decisions of the National Security and Defence Council and carried out by the SBU, which is a violation of the international obligations of Ukraine in the field of human rights. In particular, the participating States of the OSCE have committed themselves to provide conditions for the work of journalists from one of the participating parties in other participant parties.
- To apply the provisions of the legislation on combatting separatism in strict compliance with the obligations of States under Part 1 of Article 19 of the International Covenant on

Civil and Political Rights, and should not be used to drown out opposition views or criticism or subject them to criminal persecution. In general, it is necessary to impose a moratorium on the use of the so-called "separatist articles" of the Criminal Code (state treason, encroachment on territorial integrity, overthrowing the constitutional system, etc.) in relation to media workers, journalists, and bloggers.

Prosecutor General's Office of Ukraine, Ministry of Internal Affairs:

- To ensure that the Prosecutor General's office and the National Police conduct a transparent, timely, and effective investigation into attacks against the media and their employees, threats of physical violence, and other criminal acts that may constitute hindering the legitimate professional activities of journalists;
- To provide an objective investigation into the attacks against journalists, including the cases of the murder of Pavel Sheremet and Oles Buzina;
- To provide an immediate, effective, and impartial investigation into possible violations in connection with the activities of the website "Mirotvorets";
- To investigate the activities of the leadership of the National Council on TV and Radio on the topic of preventing journalistic activities.

Federazione Italiana Diritti Umani - Comitato Italiano Helsinki (FIDU)

To participating States

- We appeal to all OSCE member states to make a constant monitoring of the situation with the restriction of media freedom in the Republic of Kazakhstan.

Freedom Now

To participating States

- We call on OSCE members to consider applying more focused pressure on governments that fail to respect press freedom, especially for those that are imprisoning journalists and harassing their family members. The mistreatment and harassment of journalists and independent media must not be allowed to silence criticism.

Thinkout

To participating States:

- We need to form a civil front to cooperate with all stakeholders to create a positive sphere in the OSCE region. And the OSCE member states have to follow the footsteps of Germany in fighting against dangerous thoughts such as terrorism.

Wiener Akademikerbund

To participating States:

- That social media platforms be legally to be treated as public areas, open to all
- That censorship, if needed, is done by the state, not by unaccountable organizations

Recommendations to the OSCE Institutions

Russian Federation

- Мы призываем исполструктуры ОБСЕ обратить пристальное внимание на нарушения прав российских журналистов, защитить их права и законные интересы, а также пресечь порочную практику «чисток» информационного пространства от средств массовой информации, неугодных властям тех или иных стран.

Ukraine

To ODIHR:

- The OSCE ODIHR must continue to be guided by respective OSCE decision that recognizes the legal status of Autonomous Republic of Crimea as integral part of Ukraine (note verbale #303/2018 of 3 August 2018).

Wiener Akademikerbund

- That OSCE establish a working group on protecting the right of emerging media

Recommendations to the International Organizations

Crimean Tatar Youth Center

- To send an independent international monitoring mission to Crimea to monitor the situation with freedom of speech and the media;
- To develop an Action Plan to improve the situation of the Crimean Tatar people in the OSCE region;
- To establish a system dialogue of the OSCE with other international organizations and bodies (UN, UNESCO, UN Human Rights Council, CoE) on the situation with human rights in Crimea, including on the situation with freedom of speech and the mass media, in order to ensure synergy of efforts;
- To respond promptly to illegal actions against journalists in Crimea.

Tuesday, 11 September 2018

Working session 3 (specifically selected topic): Freedom of the media

Recommendations to participating States

Austria/European Union

To participating States:

- Fully respect their international obligations and commitments on freedom of expression and media freedom, in particular to refrain from unduly and disproportionately restricting freedom of expression, online and offline, under the guise of fighting extremism or terrorism.
- Devote special attention to the phenomenon of disinformation campaigns.
- Respect the freedom of expression and refrain from propaganda for wars of aggression.
- Engage constructively with the Representative on Freedom of the Media and make use of his expertise and recommendation
- Respect the mandate and autonomy of the Representative and provide him with the necessary resources to fulfil the mandate.

Azerbaijan:

To participating States:

- States must ensure that their citizens engaging in journalistic activities must comply with laws, rules and regulations in countries they work, including travel restrictions to certain areas within their territories, in case of Azerbaijan which are under military occupation. These restrictive measures are in full conformity with the national legislation and Covenant on Civil and Political Rights.

Centre de la protection international

To Russia:

- we urge the Russian authorities to fully respect the right to disseminate and receive information in Russia. We also call upon the Russian authorities to follow the recommendations on the role and responsibilities of internet intermediaries made following the second joint OSCE Conference on Internet Freedom on 13 October 2017 and the recommendation of the Committee of Ministers of the Council of Europe on media pluralism and transparency of media ownership.

Human Rights Vision Foundation

To Tajikistan:

- Not to restrict the activities of independent media and stop harassment and intimidation of independent journalists for their professional activities.
- To put an end to the practice of arbitrary blocking access to news sites, social networks and mobile communication services, and to provide residents of the country with unhindered access to information.
- Abolish the provisions on libel and insult that remain in the Criminal Code, and not to hold accountable for the expression of opinions on socially important issues.
- Abolish the rule adopted in 2015, according to which the media should report on the actions of the government and its policies with a mandatory reference to the messages of the National Information Agency of Tajikistan "Khovar".
- Observe the freedom of information and tolerance for all kinds of legitimate statements and guarantee the fulfilment of the obligations of the Government of Tajikistan entrusted to it by an international legal treaty regarding freedom of speech.

Set My People Free

To participating States:

- We should not immune narratives from debates and critical thinking.
- We should not censor social media.
- We should not alienate people because of their opinion, thought, conscience and belief.
- We need to have the public space open for debate, criticism and analytic thinking and we need to win people through logic, facts and common-sense not through censoring, terrifying or bullying them.

SOVA Center for Information and Analysis

To Russia:

Legal framework undermining freedom of expression online and offline

- Amend legislation aimed at countering violent extremism, to ensure that complies with international standards on freedom of expression:
 - Amend vaguely-termed provisions, including ‘extremist activity’, ‘ideology of terrorism’, ‘label against USSR policy in WW2’, ‘degrading human dignity’ on various basis, and ‘calls aimed at violating the territorial integrity of the Russian Federation’, and replace with language in line with international law, prohibiting only actual incitement to violent acts.
 - Repeal provisions introduced by the “Yarovaya package” requiring communications providers to store Internet users’ data and grant access to security services without a court order.
- Repeal Article 148 parts 1 and 2 of the Criminal Code on ‘insulting religious feelings’.

- Decriminalise defamation, by repealing Articles 128.1, 298.1 and 319 of the Criminal Code.
- Amend the Right to be Forgotten Law to ensure that information already in the public domain is not removed unless this is strictly necessary to avoid harm, and to safeguard against the removal of information in the public interest.

Digital developments affecting freedom of expression and access to information

- Guarantee internet users' right to publish and browse anonymously and ensure that any restrictions to online anonymity are subject to a court order, fully comply with Article 19(3) of the ICCPR:
 - Reform the SORM Programme to ensure that security services do not have direct access to communications data;
 - Repeal provisions in the Yarovaya package requiring ISPs to store telecommunications data for up to six months and imposing mandatory cryptographic backdoors, and the 2015 Data Localisation law, which grant security service easy access to users' data without sufficient safeguards. Desist from requiring messaging services, such as Telegram, to provide decryption keys in order to access users private communications.
 - Repeal Federal Laws № 241-FZ and № 276-FZ, which ban anonymity for users of online messaging applications prohibit Virtual Private Networks and Internet anonymisers from providing access to websites banned in Russia respectively.
- Ensure the free flow of information along and reform legislation and practice to prevent arbitrary and/or politically-motivated blocking of websites, including by:
 - Amending Federal Law 149-FZ on Information, IT Technologies and Protection of Information so that the process of blocking websites meets international standards: any website blocking should be undertaken by an independent court and be limited by requirements of necessity and proportionality. No system can ensure that legitimate content is not wrongfully restricted and as has already happened in Russia, legitimate sites may be blocked because they use the same IP address as "unlawful" sites.
 - Repealing Federal Law 208-FZ requiring search engines to check the truthfulness of public information, and refraining from introducing new legislation imposing liability on search engines for third party content.
 - Repealing Federal Law 327-FZ enabling the General Prosecutor or his/her Deputies to block, without a court order, access to any online resources of a foreign or international non-governmental organisation labeled as 'undesirable', 'information providing methods to access' any resources banned under the "Lugovoi Law", including hyper-links to sites with announcements about unapproved rallies.
- Cease politically motivated prosecutions of Internet users, including those supposedly "justified" on the grounds of preventing extremism, separatism and offending religious believers, and those administrating anonymising services. Immediately and unconditionally release those currently imprisoned on such charges.

Media freedom and safety of journalists

- Guarantee media freedom by refraining from stigmatising independent media outlets through terms such as 'foreign agent' and amending legislation to ensure that it complies with Article 19 of the ICCPR, which states everyone has a right 'to seek, receive and impart information and ideas through any media and regardless of frontiers.' In particular by:
 - Repealing Federal Law 239-FZ, restricting foreign ownership of media outlets to 20%.

- Repealing the “Foreign Agents Law”, including the 2017 amendments extending this law to foreign media outlets) and refraining from adopting new legislation that is unnecessary for state and public security.
- Prevent and protect against threats and violence against journalists, media workers, human rights defenders and activists, and end impunity for such crimes, including by:
 - Ensuring impartial, prompt, thorough, independent and effective investigations into all alleged crimes and holding those responsible to account.
 - Public authorities should publicly, unequivocally and systematically condemn all violence and attacks against all journalists and other media workers, as well as against activists;
 - Dedicate the resources necessary to investigate and prosecute attacks. Particular attention should be paid to investigating past murders.
- Immediately and unconditionally release all journalists held on politically motivated charges as a result of their work. Refrain from further politically motivated prosecutions.

Wiener Akademikerbund

To participating States:

- To suspend the “Hate Speech” approach to controlling speech, pending review.
- That OSCE pS’ abstain from condemning inconvenient news as “Fake News”.
- That a working group be established to draft lenient regulations of online speech.

Recommendations to the OSCE Institutions

Russian Federation

To OSCE Representative on Freedom of Media

- В связи с этим хотели бы обратиться к офису Представителя ОБСЕ по вопросам свободы СМИ с призывом в рамках своего мандата использовать все свои возможности и потенциал для содействия обеспечению безопасности журналистов и уделить этой проблематике особое внимание. Считаем, что данный институт должен в равной степени отмечать и подвергать объективной критике случаи притеснения и насилия в отношении журналистов безотносительно их национальной принадлежности и страны пребывания.

Belarusian Association of Journalists

To OSCE Representative on Freedom of the Media:

- Выразить протест в связи с произвольными ограничениями права журналистов на выезд из Беларуси;
- Призвать страны-участники ОБСЕ выполнять свои обязательства в рамках организации, в том числе о содействии распространению информации между странами;
- Проанализировать изменения в законодательство, регламентирующее деятельность Интернете, и в антиэкстремистское законодательство и практику их применения в странахучастниках ОБСЕ;
- Организовать миссию офиса в Беларусь для изучения ситуации в сфере СМИ и обсуждения ее с медийными организациями и государственными органами;
- И последнее. В связи со спорами о регламенте и сомнительном статусе некоторых организаций (созданных на непризнанных территориях, ГОНГО и фейковых организаций, государственных структур, работающих под вывесками государственных медиа) на предварительной стадии регистрации консультироваться с международными организациями и платформами

гражданского общества, такими, как платформа «Гражданская солидарность», объединяющая около 70 НГО стран региона ОБСЕ.

Turkmenistan Helsinki Foundation for Human Rights

- В этих условиях у большинства туркменистанцев вся надежда остается на международное сообщество. Они предлагают ОБСЕ давать оценку действиям туркменских властей по реальным результатам, а не по обещаниям, декларациям, отдельным указам и законам, которые на деле не работают.
- ОБСЕ и БДИПЧ взяли на себя обязательство следить за выполнением своих Руководящих принципов, за выполнением государств-членов ОБСЕ своих обязательств. Мы предлагаем давать оценку режиму по количеству зарегистрированных и работающих независимых СМИ, НПО, по возможностям, которые власть дает им для полноценной деятельности. По конкретным фактам, например количеству блогеров, фрилансеров или по конкретным шагам в деле отмены черных списков невыездных, по возможности захватить диссидентам в страну, по созданию условий для туркменистанцев обжаловать несправедливые обвинения ...

Youtube-channel 'Olga Sharij'

To OSCE:

- Поэтому моя рекомендация для ОБСЕ – присмотреться внимательнее, контролировать украинскую власть. Потому что только такие организации боятся в Украине. Потому что только вы способны нас защитить.

Tuesday, 11 September 2018

Side Event: Crime and punishment engendered by the armed conflict in Donbas (Tuesday, 11 Sep, 18:15)

Recommendations to participating States

Center for Civil Liberties

To Ukraine:

- Continue the transfer of detainees from NGCA to the controlled territory
- To regulate the legal status of persons serving a sentence in the temporarily occupied territory
- To provide access for the representatives of international organizations to sentenced in penal institutions
- Take measures to investigate and prosecute those responsible for leaving prisoners at risk in the temporarily occupied territories of the Donetsk and Lugansk regions, guilty of the deaths and injuries of prisoners

Wednesday, 12 September 2018

Working session 4: Rule of law I

Recommendations to participating States

United States of America

To Albania:

- We encourage Albania to bolster its efforts to address systemic corruption, tackle organized crime, and ensure that justice institutions function properly and fairly

To Azerbaijan;

- After prominent opposition leader Ilgar Mammadov served five and a half years of his seven year sentence, an appeals court in August ordered his release, with two years' probation. We note the European Court of Human Rights rulings that determined Mammadov had been illegally detained and denied a fair trial. We urge Azerbaijani authorities to release all those incarcerated for exercising their fundamental freedoms and to lift foreign travel bans on Mammadov and other opposition figures such as Ali Kerimli, lawyers like Intigam Aliyev, activists such as Anar Mammadli, and journalists like Khadija Ismayilova. We also call for thorough investigations into credible reports of abuse in custody, including torture. For example, there was no investigation after prominent blogger Mehman Huseynov stated police had abused him in custody; instead he was charged with criminal defamation and sentenced to two years in prison. Nor has there been accountability for the reported torture last year in prison of Muslim Unity Movement figures Abbas Huseynov and Jabbar Jabbarov.

To Kazakhstan:

- We encourage the government of Kazakhstan to comply with the Working Groups' opinion and recommendations.

To the former Yugoslav Republic of Macedonia:

- to continue its progress in improving the integrity of its judicial system, especially by strengthening the independence of its judiciary and prosecuting corruption wherever it is discovered.

To Romania:

- we are concerned that changes in June and July to Romania's criminal code and code of criminal procedure will weaken the rule of law and the ability to fight crime and corruption, including human trafficking.

To Serbia:

- The United States encourages Serbia to remain focused on judicial reform, utilizing its European Union accession negotiations as a catalyst to improve the independence of the judiciary and to address concerns about lengthy pre-trial detention.

To Turkmenistan:

- We repeat our call for access to and information on disappeared prisoners in Turkmenistan

To Turkey:

- We urge Turkey to immediately release unjustly detained persons, especially U.S. citizens Pastor Andrew Brunson and NASA scientist Sekan Golge, as well as three Turkish national employees of the U.S. Mission in Turkey.

To Ukraine:

- Ukraine must do more to address systemic corruption and move forward with other necessary reforms.

To participating States:

- We urge the governments of Serbia, Kosovo, Croatia, and Bosnia to stop politicizing justice, engaging in historical revisionism regarding the 1990s, and protecting those responsible for atrocities.
- The need to bolster the rule of law and root out corruption must remain significant reform priorities for the countries of the Western Balkans. We also urge the governments of the region to ensure equal access to justice for all, resist historical revisionism, promote reconciliation, and fully prosecute those responsible for war crimes and other serious crimes.

Commissioner for Human Rights of Poland

To Poland:

- immediately stop the nomination procedure in the Supreme Court and repeal all recent changes regarding the Supreme Court;
- start the real discussion on the necessary changes in the judiciary in Poland,
- avoid actions and discourse which may discredit the judiciary or undermine its independence, including actions aimed at initiating disciplinary proceedings against those judges who just make use of all procedural possibilities to protect the rule of law.

Association of Central Asian Migrants

To Russia:

- усовершенствовать уголовный кодекс и привести в соответствии с международными правами и прекратить произвольные аресты, необоснованные осуждения невинных лиц, фальсифицировать уголовные дела и перейти от статистики на реальные оценки ситуации.
- Соблюдать взятые на себя обязательства от ОБСЕ в области защиты прав и основных свобод граждан РТ.
- Освободить всех политзаключенных.
- Обеспечит реальную независимость, судебной власти от исполнительной власти.

Centre de la protection international

To participating States:

- Centre de la protection internationale calls upon all the OSCE contracting States to use every and all means to urge the Russian authorities to change the practices against Russian lawyers and fully respect their professional rights, as otherwise, protection of internationally recognized human rights and freedoms in the territory of the Russian Federation will be under risk.

Commission of Protection of the Illegally Accused

To Ukraine:

- состав преступления в ст. 375 определен ревниво, с помощью оценочного суждения, создавая таким образом условия для злоупотреблений. Этот недостаток законодательства может быть устранен путем внесения соответствующих изменений в ст. 375 УК Украины.

Crude Accountability

To Turkmenistan:

- We call on the Government of Turkmenistan to immediately halt this abhorrent practice and on international governments and members of the OSCE to hold Turkmenistan to account for its flagrant violations of its international human rights commitments.

Federazione Italiana Diritti Umani - Comitato Italiano Helsi

To participating States:

- The Italian Federation for Human Rights appeals to all OSCE member states to make a constant monitoring of the situation with the restriction of rule of law in the Republic of Kazakhstan to prevent systematic violation of the international obligations, and deliberately use torture and politically motivated prosecutions.

Freedom House

Calls on the governments of Azerbaijan, Tajikistan, Kazakhstan, the de facto authorities of occupied Crimea, as well as other States that are considering statutory and punitive restrictions of the legal profession to:

- immediately restore licenses and bar memberships to lawyers disbarred or suspended due to their professional assistance to victims of human rights abuses and abuse of power;
- immediately cease prosecution and fully restore the constitutional and professional rights of lawyers prosecuted or convicted on spurious charges and through faulty adjudication processes because of their work with human rights defenders, journalists, civic or political actors critical of the government;
- live up to the commitments made under the Final Helsinki Accord, by developing justice systems that guarantee the respect of everyone's fundamental rights and freedoms in a fair and independent manner;
- seek assistance from the Office for Democratic Institutions and Human Rights to review existing and draft legislation seeking to reform the justice system or regulate its actors, and implement proposed recommendations in good faith;
- make every effort possible to guarantee full independence of lawyers in accordance with the UN's Basic Principles on the Role of Lawyers.

Human Rights Vision

To participating States:

- We call upon the OSCE participating countries to pay attention to Tajikistan's failure to comply with its obligations regarding the UN Basic Principles on the independence of the judiciary, non-interference in the activities of the courts, open access to court information and court sessions, the possibility of giving equal rights to lawyers and public prosecutors, participating in the trial in accordance with the principle of adversariality of the parties.

Hungarian Helsinki Committee

To participating States:

- Continue monitoring the situation of judges and the independence of the judiciary in Hungary and support judicial self-administration bodies as well as members of the judiciary who face public shaming for publicly criticizing interference into the independence of the judiciary.
- Engage with the Government of Hungary to encourage meaningful dialogue between the Government, all affected parties within the judiciary, legal professionals and civil society, in order to ensure that institution-building, development and other programmes are human rights compliant.
- Monitor the impact of legislation as well as other measures and related actions (including communication) by state actors and the media targeting judges, judicial self-administration and operations of civil society organisations in Hungary.

To Hungary:

- Urge the Government of Hungary to fully comply to its Human Dimension commitments, including the 1991 Moscow Document as well as to fully implement OSCE-ODIHR's 2010 Kyiv Recommendations on the independence of the judiciary. Most notably, the government should be urged to (1) make meaningful public consultations on new laws on courts inclusive and open for all affected parties (including the general public, members of the judicial self-administration bodies and civil society) and (2) publicly condemn accusatory and labelling rhetoric against judges and independent civil society organisations who speak up for the protection of judicial independence; moreover, it should be encouraged to take proactive steps to counter discrediting of judges and human rights defenders by political leaders and the media.

Non-Government and Non-Commercial Organizations' Association

To participating States:

- to recommend the OSCE countries making some proposal to the legislation to conduct, when adopting the laws, an expert evaluation on the possible exclusion of dangerous norms that may indirectly or directly affect the political decisions.
- to consider the issues on supporting projects implemented not by one NCO, but by a block of NCOs protecting human right within the country, involving internationally-known lawyers and representatives of the international organizations to monitor cases similar in this statement. To provide maximum support at the level of the OSCE countries to open and mass information among the population.

Ordre des Avocats de Paris

To the authorities of Belarus:

Concerning the protection of human rights defenders in Belarus:

- End all forms of judicial harassment against human rights defenders in Belarus, including human rights lawyers.
- End restrictions on freedoms of expression, association and peaceful assembly of human rights defenders in Belarus, including human rights lawyers.
- Allow relevant Special Procedures of the United Nations Human Rights Council access to the country, including the Special Rapporteurs on the Situation of Human Rights Defenders, on the Situation of Human Rights in Belarus and on the Independence of Judges and Lawyers.
- Comply with the provisions of the UN Declaration on Human Rights Defenders, adopted by the United Nations General Assembly on 9 December 1998, in particular Articles 1 and 12.2.

Concerning the protection lawyers and human rights lawyers in particular:

- Allow bar associations to operate without any interference from the authorities relating to the regulation of the profession, including access to the profession, application of disciplinary measures and the organisation of training.
- While it is permissible to have a qualification or certification procedure, it should only relate to the professional skills of lawyers and sanctions must only be applied by professional bodies without interference from public authorities. This is fundamental to ensure the independence of lawyers.
- Allow free elections of presidents of bar associations in Belarus by their peers without interference from or control by the Ministry of Justice, including by approving the list of candidates as currently required.
- Ensure that lawyers can exercise their professional duties free from any obstruction, intimidation or pressure.

- Guarantee the confidentiality in all circumstances of both verbal and written communications between lawyers and their clients.
- Ensure lawyers have access to relevant information, files and documents in sufficient time to allow them to provide effective legal support.
- Work in consultation with NGOs, both registered and unregistered, as well as other civil society actors, to identify areas in need of reform, and prepare and implement recommendations to improve the judicial system in accordance with international standards.

To the European Union and its Member States:

- Implement the European Union Guidelines on Human Rights Defenders, including by taking all protective, preventive and response measures necessary, in particular:
 - by meeting human rights defenders on a regular basis and providing visibility to the activities of independent civil society;
 - by meeting, as and when possible, human rights defenders who have been harassed and criminalised;
 - by attending all public hearings in proceedings against human rights defenders, including human rights lawyers.
- Continue monitoring the situation of human rights defenders in Belarus, including human rights lawyers, and systematically and publicly condemn any act of harassment carried out against them.
- Plan enhanced financial and technical support for the benefit of such actors and in particular strengthen the capacity of bars and lawyers' associations, in coordination with the Council of Bars and Law Societies of Europe (CCBE).
- Reaffirm the European Union's expectations at the highest level, two years after the conclusions of the EU Foreign Affairs Council of February 2016 which identified "tangible steps taken by Belarus to respect universal fundamental freedoms, rule of law and human rights" as "key for the shaping of the EU's future policy towards Belarus".
- Make clear in future Council conclusions and the political dialogue held within the EU-Belarus Coordination Group that relations cannot be normalised (including by lifting the outstanding sanctions and finalising the Partnership Priorities) as long as the following measures have not been achieved:
 - the adoption of a moratorium on the death penalty;
 - the release of political prisoners;
 - the reform of laws and practices restricting the activities of NGOs, human rights defenders and lawyers;
 - the reform of the judicial system, in particular putting an end to unfair trials;
 - the reform of the electoral framework as recommended by the OSCE.
- In accordance with the request of the European Parliament (Resolution of 19 April 2018 on Belarus), work with the authorities of Belarus on setting up a roadmap in the form of benchmarks and a timeline for the implementation of such commitments to precisely define progress expected within the framework of the Partnership Priorities which are currently being negotiated. This roadmap should be defined in consultation with civil society and international mechanisms (including the United Nations Special Rapporteur on Belarus). The European Union should also ask the authorities of Belarus to publish details of progress achieved and the future stages of implementation of the Inter-Agency Plan on Human Rights (2016-2019) to identify the opportunities for coordination with the roadmap.
- Concerning the reform of the justice system in particular, within the framework of the definition of the "governance" component of the Partnership Priorities, recommend that the authorities of Belarus set-up a consultation process open to all relevant actors:

judicial authorities at all levels, experts (including the UN Special Rapporteur on the Independence of Judges and Lawyers), bars, lawyers' associations, NGOs from Belarus and the EU. This consultation process should serve as a basis for identifying the reforms necessary to ensure the conformity of the judicial sector and regulations governing the legal profession. This is a prerequisite to any judicial cooperation between the EU and Belarus and to the provision of any technical or financial support to the State of Belarus in this field

To Member States of the OSCE:

- Implement the OSCE Office for Democratic Institutions and Human Rights (ODIHR) Guidelines on human rights defenders, including by taking all protective, preventive and response measures necessary, in particular:
 - by meeting human rights defenders on a regular basis and providing visibility to the activities of independent civil society;
 - by meeting, as and when possible, human rights defenders who have been harassed and criminalised;
 - by attending all public hearings in proceedings against human rights defenders, including human rights lawyers.

Penal Reform International

To participating States:

- Penal Reform International therefore calls on States to implement the Mandela Rules by reviewing and reforming prison rules and regulations, investing in staff training and prioritising significant gaps in their systems accordingly.

Public Organization Porada

To Ukraine:

- We call on you to support Ukraine and take under personal control the situation with violation of the right to a fair trial in the Crimea, and Russia - to adhere to its international obligations, including the provisions of the Geneva Convention, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention for the Protection of Human Rights rights and fundamental freedoms.

To Russia:

- We also call on Russia to stop the massive political and cultural persecution of Ukrainians and Crimean Tatars in the Crimea.

Religious Society Path Guru Jara

To Czech Republic:

My recommendations for the Czech Republic in the case of Jaroslav Dobes (aka Guru Jara), Barbora Plaskova and former Poetrie esoteric institute:

- Take immediately effective measures for the fulfilment of fair trial guarantee such as the right to access the court, the case to be judged by an independent and impartial court, court hearing to be public, and right to effective defence.
- The court should without delay decide about cancellation of the arrest warrant as its prolongation is against EU jurisprudence and is causing arbitrary detention of Jaroslav Dobes (aka Guru Jara), Barbora Plaskova for more than 3 and half years.
- Promote and assure between judges respect of the European Convention of human rights; judgements of ECHR and rule of law respecting democratic principles and not repeat practices reminding treatment of cases in the communist era

Recommendations to the OSCE Institutions

Freedom House

- urges the OSCE to hold the responsible governments accountable for this systematic harassment of lawyers. In particular, the OSCE should utilize trial monitoring to strengthen fair trial guarantees and encourage participating States to implement reforms based on rule of law.

Hungarian Helsinki Committee

To ODIHR:

- closely follow the developments with regards to judicial self-administration as well as the establishment of a separate court system on administrative justice, and provide support and assistance to Hungary to promote a system for judicial administration that is in compliance with Hungary's OSCE human dimension commitments, including by observing the extent to which the right to a fair trial, the separation of powers and the independence of the judiciary are safeguarded;
- review upcoming amendments to cardinal laws on the judiciary in light of Hungary's OSCE human dimension commitments and, more specifically, the OSCE-ODIHR Kyiv Recommendation on Judicial Independence;

To OSCE Representative on Freedom of Media:

- closely follow the developments with regard to the establishment of the administrative court system and the Administrative High Court vis-à-vis its powers to adjudicate in cases relating to decisions made by the National Media and Infocommunications Authority, especially those that affect the allocation of broadcasting licenses and media pluralism.

Ordre des Avocats de Paris

To the Organization for Security and Cooperation in Europe (OSCE) and in particular:

To ODIHR

- Continue monitoring the situation of human rights defenders in Belarus, including human rights lawyers, and systematically and publicly condemn any act of harassment carried out against them.
- Monitor proceedings against human rights defenders and lawyers subject to judicial, administrative and/ or disciplinary harassment in Belarus.
- Undertake a visit to Belarus to assess the situation of human rights defenders, including human rights lawyers.

To the Permanent Council of the OSCE

- Regularly denounce violations of the rights of human rights defenders in Belarus, including human rights lawyers, and ensure regular follow-up on measures taken.

To the Ministerial Council of the OSCE

- Adopt a decision on the situation of human rights defenders in the OSCE area, with particular attention to Belarus, during the forthcoming Ministerial Council.

Recommendations to the International Organizations

Ordre des Avocats de Paris

To the United Nations:

To Special Procedures of the United Nations Human Rights Council, including the Special Rapporteurs on the Situation of Human Rights in Belarus, on the Situation of Human Rights Defenders, on the Independence of Judges and Lawyers, on the Rights to Freedom of Peaceful

Assembly and of Association and on the Promotion and Protection of the Right to Freedom of Opinion and Expression:

- Ensure follow-up, in cooperation with other relevant Special Procedures, on individual cases of human rights defenders and lawyers who have suffered harassment on the basis of their human rights activities in Belarus.
- Send a request for invitation to the authorities of Belarus with a view to conducting an official visit in the country.

To the Office of the High Commissioner for Human Rights:

- During discussions with the Government of Belarus regarding technical assistance and the establishment of a post for the provision of technical assistance, focus inter alia on priority areas for the reform of the judicial system in accordance with international standards and set benchmarks and a realistic timetable to bring internal practices in line with international standards.

To Member States of the United Nations:

- Work with the Government of Belarus to improve sharing of domestic experiences and train judicial actors including in specific training on international human rights law and implementation at the domestic level.

Paris Bar Association

To OSCE:

- Paris Bar calls on the OSCE to ensure compliance with the Basic Principles on the role of Lawyers, and in particular to encourage the independence of the Bars so that they can be strong enough to play their role of protection for individual lawyers.

Wednesday, 12 September 2018

Side Event: ‘Tajikistan 2018 – No Freedom Beyond This Point’

Global Advocates

To Tajikistan:

- Release and rehabilitate Yorov, Hayit, Saidov, and all other persons imprisoned on politically-motivated charges in the country;
- Cease torture and all cruel and inhuman treatment of detainees immediately and ensure that the perpetrators be held accountable;
- Grant Yorov, Hayit, Saidov and all other persons imprisoned on politically-motivated charges suffering in prison immediate and continuing access to necessary medical treatment, medication, and nutritious food; and
- End the harassment of family members of prisoners.

Working session 5: Rule of Law II

Recommendations to participating States

United States of America

To Russia:

- We condemn the government’s actions this year to imprison several dozen Jehovah’s Witnesses on baseless “extremism” charges, and we again call for their immediate release.
- Numerous credible reports during the year indicate that Russian law enforcement and prison personnel continue to engage in widely practiced torture and other forms of

abuse. We were particularly troubled by the emergence in July of horrifying video footage of prison guards in Yaroslavl torturing inmate Evgeniy Makarov. We urge Russian authorities to provide full accountability for this and other documented cases of torture and to ensure the safety of the human rights defenders who brought the footage to light.

To Uzbekistan:

- We are encouraged by Uzbekistan President Mirziyoyev's reform efforts since coming to power, including abolishing the use of evidence obtained by torture, removing thousands of individuals from blacklists, and releasing dozens of prisoners of conscience. We urge further progress and encourage Uzbekistan to invite the UN Special Rapporteur on Torture to visit.

To Turkey:

- We also call on Turkey to enforce laws prohibiting torture and promote a law enforcement culture that upholds and protects human rights.

To participating States:

- The United States urges all States to address and prevent human rights violations that may result from the improper imposition and application of capital punishment.

Russian Federation

To participating States:

- Дальнейшее совершенствование международно-правовой базы сотрудничества, включая предотвращение безнаказанности и неотвратимость правосудия.
- Максимально возможное сближение национальных законодательств и реализация международных стандартов в сфере противодействия терроризму, в том числе в сфере контроля и пресечения его пропаганды в сети Интернет.
- Развитие правоприменительной практики, чтобы минимизировать основания для отказа в сотрудничестве, в первую очередь, по делам о преступлениях экстремистского и террористического характера.
- Формирование международных банков данных, содержащих сведения о признанных террористическими и запрещенных в соответствии с национальным законодательством организациях, а также о лицах, причастных к террористической деятельности.
- Взаимодействие в области подготовки кадров, передача накопленных знаний и потенциала, специализирующихся на борьбе с терроризмом национальных правоохранительных органов.

Holy See

To participating States:

- that participating States continue their discussions on a possible Ministerial Council decision on torture prevention;

Eurasian Dialogue

To Canada:

- As a Canadian with Tajik roots I urge the government of Canada, particularly, the Right Honourable Justin Trudeau, Prime minister of Canada to show his leadership, humanism, determination, courage to resettle Tajik refugees in the democratic and free Canada.

To Tajikistan:

- Without any pre-conditions to release the detainees and convicts of representatives of the Tajik opposition and their lawyers and the other political groups;

Human Rights Movement "Bir Duino-Kyrgyzstan"

To Kyrgyzstan:

- Для МВД: в основу оценки деятельности работников
- Противодействие пыткам невозможно без повышения требований к профессиональной пригодности оперативных работников, оптимизации кадровой работы
- МВД исключить из ведомственной отчетности запланированные показатели («палочную систему оценки»)
- Для прокуратуры: по заявлениям в суде о том, что были применены пытки, прокурорам провести проверки и решать вопрос о возбуждении уголовного дела.
- Верховному суду КР: Рекомендовать судьям при санкционировании ареста и в начале судебных рассмотрений по уголовным делам задавать вопрос подсудимым о том, не подвергались ли они пыткам; в случае заявления в суде о пытках, вынести определение, которым поручить прокурору провести проверку по такому сообщению.
- Омбудсмену: Обратиться в Верховный суд с предложениями о рассмотрении судебной практики и даче судам руководящих разъяснений по вопросам применения законодательства по выявлению недопустимых доказательств и их исключения по уголовному делу, обратив особое внимание на исключению доказательств, полученных под пытками.
- Для НЦПП: Внести в государственные органы - Правительство, Верховный суд, Генеральную прокуратуру КР предложения о порядке исполнения Соображения Комитета ООН по правам человека, в которых указываются о примененных пытках, произвольном аресте, жестоких, бесчеловечных и унижающих достоинство обращения в отношении конкретного лица.
- По статье 299-2 УК Кыргызской Республики: Рекомендовать Жогорку Кенешу, рассмотреть вопрос об исключении этой статьи из уголовного кодекса.
- Усиление деятельности центров оказания гарантированной правовой помощи и качества работы адвокатов для предоставления эффективной и своевременной помощи уязвимым группа населения
- По независимости деятельности адвокатов: Совету адвокатов Адвокатуры КР прекратить продвижение принятия Устава Адвокатуры КР и Кодекса профессиональной этики адвокатов КР, противодействующих принципам международного права, Конституции КР, законодательству КР.
- Для ОГО: Постоянный мониторинг исполнения рекомендаций подкомитета против пыток по установлению независимого и эффективного механизма для упрощения подачи жалоб органам власти жертвами пыток и жестокого обращения; а также обеспечение наличия механизмов подачи жалоб и осуществление на практике защиты заявителей жалоб от злоупотреблений и запугивания вследствие их жалоб или любых показаний, а также мониторинг исполнения Плана мероприятий по противодействию пыткам и другим жестоким, бесчеловечным или унижающим достоинство видам обращений и наказаний в Кыргызской Республике

Human Rights Vision

To Tajikistan:

- it is necessary to resolutely demand that Tajikistan, as an OSCE member, unswervingly fulfill its obligations in the sphere of human rights protection and fight against torture, not create artificial interference in the work of a lawyer, without the participation of a lawyer, investigative actions, judges should not be taken as proof of evidence given at

an early stage of the investigation conducted without the participation of a lawyer. Each statement about the use of torture should be investigated objectively and immediately, and the responsible persons should be brought in regardless of their positions. To open access of the public and mass-media to litigations.

Independent human Rights Protectors (IHRP)

To Tajikistan:

- Немедленно освободить политических заключенных, особенно тех по ком УВКБ ООН по правам человека вынес решение обязывающее Таджикистан к их скорейшему освобождению в числе которых есть мой коллега и подзащитный Бузургмехр Ёров и моего другого коллегу Нуриддина Махкамова.
- Прекратить давление и пытки политических заключенных и других заключенных находящихся во временных изоляторах и тюрьмах Таджикистана.
- Вести строгую контроль над следственным органами по поводу насилия и пыток и виновных лиц в таких бесчеловечных отношениях к гражданам наказать по всей строгости закона.
- Я так же считаю своевременным прозвучавшего здесь предложения от моих коллег по поводу составления списка чиновников таджикских силовых ведомств виновных а практике пыток и нечеловеческого отношения к подозреваемым и осужденным, а также судьям вынесшим вердикты по заведомо ложным обвинениям следствия.

International Partnership for Human Rights (IPHR)

To Uzbekistan:

- ensure an appropriate level of transparency and public oversight regarding all trials of officials on charges of torture and ill-treatment;
- allow independent forensic medical examinations;
- and ensure that torture investigations are carried out by independent mechanisms.

Public Observation Commission for the North-Kazakhstan Region

To Kazakhstan:

- Гражданское общество в лице общественных наблюдательных комиссий предлагает Правительству Республики Казахстан сохранить общественную наблюдательную комиссию, как независимый институт общественного контроля в целях обеспечения соблюдения прав лиц, содержащихся в закрытых учреждениях.
- Комитет уголовно-исполнительной системы вывести из подчинения МВД РК в отдельное ведомство или агентство.
- Провести реформирование органов МВД РК возможно со «снятием погонов».
- Снабдить видеорегистратором сотрудников полиции с момента задержания, а также оснастить кабинеты дознавателей и следователей видеосистемой.
- Аналогично ввести видеонаблюдение в исправительных учреждениях без возможности вырезать или уничтожать фрагменты пыток и жестокого обращения с осужденными.
- Искоренить всякое поощрение сотрудников полиции за раскрываемость преступления в виде повышения по службе и материального вознаграждения.

Public Union Labrys

To Uzbekistan:

- Uzbekistan to decriminalize same-sex conduct by withdrawing article 120 from the Criminal Code.

To Tajikistan:

- The Tajik government to stop persecution and extortion of LGBT people and dismantle any official and unofficial lists of LGBT individuals.

To participating States:

- Guarantee equal access to justice and provide effective legal protection to LGBT people by law enforcement bodies.
- Develop and implement a system of awareness raising of law enforcement agencies on issues of sexual orientation and gender identity, including through the inclusion of educational blocks on SOGI in the curricula of higher education institutions that prepare law enforcement officers in cooperation with community LGBTIQA organizations.

Rights and Freedoms of Turkmenistan Citizens

To Turkmenistan:

- Необходимо прекратить практику насильственных исчезновений
- Прекратить создавать видимость соблюдения законов,
- Дать возможность проведения честных судебных заседаний
- Прекратить незаконные аресты и пытки, с целью получения признательных показаний
- Допустить международные комиссии в тюрьмы страны, особенно в концлагерь Овадан-Депе
- Прекратить умалчивать информацию о судьбе уже пропавших людей.
- Дать возможность гражданам страны спокойно въезжать и выезжать из Туркменистана не опасаясь попасть в списки невыездных

Russian LGBT Network

To participating States:

- Use all existing mechanisms to protect the victims of the crimes committed on the territory of the Russian Federation and provide these victims with access to justice

SOVA Center for Information and Analysis

To Participating States:

- provide clear and narrowly phrased definitions of prohibited activities in any specific counter-terrorism and counter-extremism legislation, with robust and transparent enforcement and independent oversight. Any restrictions on human rights (such as freedom of expression or freedom of assembly) should be proportionate and demonstrably necessary to protect the rights of others, national security or public order;
- strictly follow international standards for fair trials and for the treatment of detainees;
- end impunity for violations of human rights while fighting terrorism and extremism ensuring effective investigation of all cases of alleged violations and bring perpetrators to justice;
- promote regular independent monitoring of the quality of counter-terrorism policies and practices in all OSCE participating States against OSCE human dimension commitments, as this is a matter of concern for and may have direct impact on all States.

Recommendations to the OSCE Institutions

Holy See

To ODIHR:

- that ODIHR continue its reporting on capital punishment in the OSCE area.

Eastern-Ukrainian Center for Civic Initiatives

To ODIHR:

- To use all possible diplomatic and economic means of influence in order to stop the Russian Federation in its conduct of the hybrid war in Donbas and its support of the illegal armed groups of the so-called LPR and DPR. Such common actions of the international community are most likely to reduce gross and systemic violations of human rights, in particular, torture, sexual violence, cruel and inhuman treatment of hostages and prisoners of war.
- To constantly demand from the representatives of the armed groups of the so-called LPR and DPR, as well as the Russian Federation, compliance with the Minsk Agreements in relation to the exchange of “all for all”; to publicly condemn the disgraceful practice of taking civilians hostage, torture, sexual violence, cruel and inhuman treatment of hostages and prisoners of war.
- To conduct immediate visits to all places of illegal detention in Eastern Ukraine in order to verify information about detention of people in these places and provide prisoners with necessary assistance. There has to be a detailed inspection, categorization, and assessment of all the indicated places of illegal detention for the purpose of documenting the crimes committed in the course of the armed conflict in Eastern Ukraine.

Centre de la protection internationale

To OSCE:

- requests the OSCE to call upon Russia and Azerbaijan to guarantee the rights of arrested and detained persons under their jurisdictions as well as to identify and prosecute all the perpetrators of the violations.

Public Verdict Foundation

We believe that OSCE needs to develop a strategy for uprooting torture in the region. This strategy should include measures to increase the effectiveness of:

- monitoring of detention facilities; investigation and documentation of torture cases; system of punishment; ensuring recovery of torture victims, including compensations and implementation of their right to rehabilitation; and system for preventing new incidents of torture.

Recommendations to the International Organizations

Eurasian Dialogue

- International bodies, state-actors, to demand the Tajik government to fulfill its International obligations on the main points, especially on human rights and democratic changes;
- The UN, the OSCE and International community should demand from the Tajik government to end the shameful behaviour of the state to take hostages of children, parents and relatives of the political opponents.

- We urge the Office of the High Commissioner for Refugees of the United Nations draw attention to the situation of the supporters of former United Tajik Opposition and other opposition parties and movements.
- According to the Geneva Convention from 1951, we sincerely ask the governments of EU states to provide protection for Dr. Muhiddin Kabiri and his family.

Wednesday, 12 September 2018

Side Event: Global Magnitsky Laws and Civil Society—Informing and Strengthening

Recommendations to participating States

Human Rights First

To United States of America:

- We call on Congress to hold hearings to address Central Europe’s growing democracy deficit, its implications for NATO, and the security of the United States. Hearings should lead to appropriate policies, actions, and resources needed for countering this grave threat to U.S. interests.
- We urge Congress and executive branch to work together to put in place a comprehensive strategy that dramatically increases diplomatic engagement, development assistance, and security cooperation in support of democracy in transatlantic and NATO countries.