

COMPILATION OF WRITTEN RECOMMENDATIONS

(Covering Working Sessions 1-3)

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, 10 October 2008.

Monday, 29 September 2008

WORKING SESSION 1: Rule of Law 1

Recommendations to Participating States:

European Union

- **OSCE participating states shall have sufficient legal and structural institutions allowing for judicial independence from government influence the judiciary has a unique position in a democratic society.**
- Independence pre-supposes a separation of powers in which judiciary is institutionally protected from undue influence. The importance of judicial independence extends beyond the political. It is important to have an independent and impartial judge, in a stable and prosperous economy. Individuals and institutions must be able to rely on a predictable justice, free of the vagaries of any influence in the adjudication of their claims. The confidence that court decisions will be fair and in a short period (timely) contributes to the security and predictability of economic transactions as noted, the EU considers the guarantee of judicial independence as an important element of human rights protection.
- There is also **an imperative need to guarantee this independence in practice and to set up necessary mechanisms to achieve it.** Some of the practical safeguards include the terms of appointment, the specialization of judges, the need for guaranteed tenure, the requirement of efficiency, fair and independent disciplinary proceedings, the duty of our States to provide adequate resources as salaries and training to promote and facilitate the judiciary's freedom of expression and association, and to cooperate through dialogue, contacts and exchanges in order to identify where problem areas exist.

Freedom House Europe

- encourages the OSCE and the participating States to keep issues of judicial independence, separation of powers, and legislative transparency on the agenda of the organization and to implement the relevant OSCE decisions including the Decision Number 12 of 2005 OSCE Ljubljana Ministerial Council Number 12 which rightly stresses that rule of law is “justice based on the recognition and the full acceptance of the supreme value of the human personality and guaranteed by the institutions providing a framework for its fullest expression.”
- recognizes that most of the OSCE participating States are also members of the Council of Europe. The European Court for Human Rights has played an important role in strengthening rule of law in the region. Therefore, Freedom House calls upon the State Duma of the Russian Federation to join the Parliaments of other 46 Council of Europe member states in ratifying Protocol 14 of the European Convention on Human Rights which would enable the European Court for Human Rights to operate more effectively.

Tuesday, 30 September 2008

WORKING SESSION 2: Fundamental Freedoms 1

Recommendations to participating States:

European Union

Participating states should:

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

Polish Falun Dafa Association

POLAND:

- We urge the Eutelsat's members, shareholders and governments to help restore NTDTV broadcasting to China without delay and further excuse.

FIDH and Turkmen Initiative for Human Rights

Recommendations to the government of Turkmenistan:

- Rapidly implement the recommendations of the UN committees, particularly the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Rights of the Child, and the Committee on the Elimination of Discrimination Against Women;
- Allow all UN Rapporteurs and experts who have so requested to visit the country, particularly the Special Rapporteurs on Torture, on Independence of Judges and Lawyers, on Human Rights Defences, and on Violence Against Women;
- Rapidly submit all overdue periodic reports to the UN treaty bodies;
- Launch the process of reviewing politically motivated criminal cases, giving the process maximum transparency;
- Immediately cease action against family members, and release all prisoners held on the grounds that they are family members;
- Lift all arbitrary prohibitions on entry and exit from Turkmenistan;
- Lift prohibitions on independent media and unrestricted access to the Internet;
- stop prosecutions of journalists and social activists; develop national legislation on the media that complies with international standards;
- Develop national legislation on the rights of national minorities that “respects and protects the existence and cultural identity of all national and ethnic minorities” in accordance with the recommendations of the CERD2;
- Develop general legislation on the protection of workers’ rights (collective rights);
- Develop national legislation on NGOs compliant with international standards and Turkmenistan’s international obligations;
- Guarantee access for representatives of the Red Cross to detention centres;
- Enable representatives of human rights organisations and journalists to enter the country and work independently.

FREEDOM HOUSE EUROPE

- We call on the authorities of the Kyrgyz Republic and of those participating States that are in the position to provide relevant information to bring to justice those who took the life of the *ferghana.ru* journalist Alisher Saipov. And we call on the Russian authorities to bring to justice those who perpetrated and carried out a recent murder of Magomed Evloev, the owner of the *ingushetiya.ru* website.

Georgia

- We call on Russia to stop unsuccessful attempts to misinform the International Community and strictly adhere to international law in foreign policy.

United States

- In closing Mr./Madam Moderator, the United States delegation must again express its concern over the fate of journalists in many OSCE participating States. This is especially the case in the North Caucasus region, where in the space of only a few days at the end of August and early September, two journalists, Magomed Yevloyev of the opposition “Ingushetia.ru” web page and Islamic TV reporter Telman Alishaev of Dagestan were murdered and Miloslav Bitokov was severely beaten. We call on the Government of Russia to fully investigate these crimes and bring the perpetrators to justice. **In the South Caucasus, we again express our concern regarding imprisoned journalists in Azerbaijan, especially those charged with criminal libel.**

Recommendations to the OSCE:

European Union:

The OSCE Representative on Freedom of the Media should:

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

Turkish Cypriot Humans Rights Foundation and Turkish Cypriot Journalists' Union

- We encourage the OSCE Representative on Freedom of Media to take necessary steps and to pressure the government of the “Republic of Cyprus” in order to deal with the issues listed above;
- In addition we encourage the OSCE/ODIHR to establish official contacts with the “Republic of Cyprus” government in order to remove the isolations which violate the basic human rights of Turkish Cypriots. Because, human rights issues as these are not to be under a conditionality associating the recognition or not recognition of a state. Human rights are universal and derive from the nature of being human beings.

Tuesday, 30 September 2008

WORKING SESSION 3: Fundamental Freedoms 2

Recommendations to Participating States:

FIDH (International Federation for Human Rights):

To OSCE Participating States:

- Guarantee in all circumstances the physical and psychological integrity of human rights defenders in the OSCE Participating States;
- Put an end to the continuous repression of human rights defenders and their organisations;
- Fully recognise the vital role of defenders in the advent of democracy and the rule of law;
- Review their national legislation to conform with international and regional human rights instruments, in particular regarding freedoms of association and assembly;
- Comply with the provisions of the final document of the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension, of the Conference for Security and Co-operation in Europe (CSCE) and of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly;
- Support and implement all recommendations brought to them from the March 2006 Supplementary Human Dimension Meeting on Human Rights Defenders;
- Comply with the provisions of the resolution titled “Strengthening OSCE engagement with human rights defenders and national human rights institutions”, adopted by the OSCE Parliamentary Assembly in Kiev on July 10, 2007;
- Take into account the suggestions of commitments listed in the Report submitted to the OSCE Ministerial Council in response to MC Decision No. 17/05 on Strengthening the Effectiveness of the OSCE;
- Strengthen the Focal Point in order to provide it with a mechanism of alert, giving it the

ability to address individual cases, by interacting with OSCE missions on the ground and with other relevant mechanisms of protection of human rights defenders that have been developed over the past years within the United Nations, the European Union, the Council of Europe, the Inter-American Commission on Human Rights and the African Commission on Human and People's Rights.

European Union:

- To ensure the safety and protection of the rights of human rights defenders and pay particular attention to the role and situation of journalists and female human rights defenders - .,
- To ensure that human rights defenders can carry out their peaceful activities in an environment free of the fear of harassment, reprisal, intimidation and discrimination.,
- To ensure that human rights defenders are free to seek, receive, manage and administer for their peaceful human rights activities financial support from domestic, foreign and international entities.

Turkish Cypriot Human Rights Foundation (TCHRF):

- Finally, we would like to encourage the international community to end the isolations imposed upon Turkish Cypriots which by itself causes gross human rights violations as you will be able to read in the booklet "Turkish Cypriots: The Excluded Europeans" distributed and displayed during this meeting.

Western Thrace Minority University Graduates Association to Greece:

- We recommend that the Greek authorities should respect the collective usage of the right of self-identification and allow the minority to establish their own associations based on ethnic base.
- We, also, recommend Greece to ratify the Council of Europe's Framework Convention for the Protection of National Minorities that has signed in 1997 but not ratified yet.

Recommendations to the OSCE:

Turkish Cypriot Human Rights Foundation:

- The lack of international enforcement in North Cyprus does not prevent us from doing our work; but it nonetheless forces us to carry out human rights relevant activities practically without any international assistance, expertise, reporting or international pressure upon our authorities to better protect our human rights. We therefore strongly

encourage OSCE/ODIHR, participating states and other relevant international institutions or NGOs to establish direct dialogue with both Turkish Cypriot NGOs and authorities in order to address these problems.

European Union:

recognises the important work of the OSCE field presences in strengthening civil society and recommends to ODIHR and field missions:

- To assist the PS in enhancing the protection of human rights defenders, encouraging them to implement the UN declaration on the rights and responsibility of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms.,
- To continue to engage with human rights defenders across the OSCE area, to strengthen their capacity to promote and defend respect for human rights and fundamental freedoms.

Recommendations to NGOs/civil society actors:

Turkish Cypriot Human Rights Foundation:

- We would like to encourage international NGOs such as Amnesty International and Human Rights Watch to establish a bureau or branch in North Cyprus in order to monitor the human rights situation and to report on relevant practices there.