

COMPILATION OF WRITTEN RECOMMENDATIONS (Covering Working Sessions 4-5)

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 / NGOs to participating States and, separately, to OSCE Institutions / Field Missions or other International Organizations. Recommendations are compiled in original language.

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

Wednesday, 26 September 2007

WORKING SESSION 4: Fundamental freedoms I:

Freedom of thought, conscience, religion or belief:

Recommendations to Participating States:

United States of America:

[To the Government of Uzbekistan:]

- Two pastors are known to have been prosecuted under these new penalties, with one, Pastor Dmitry Shestakov, sentenced to four years in a labor colony. We urge his unconditional release, as well as the release of two Jehovah's Witnesses sentenced in Samarkand to two-year labor terms for "illegally" teaching religion.

[To the Government of Turkmenistan:]

- We urge the unconditional release of Pastor Vyacheslav Kalataevsky, sentenced in May to three years in jail.

[To the Government of Tajikistan:]

The United States is concerned by government efforts to close unregistered mosques and madrassahs, as well as by difficult registration requirements for new mosques, a ban on the Muslim headscarf in public schools, a prohibition on women praying in mosques, and limitations on hajj participation.

- We urge the Government of Tajikistan to address these problems, as well as reinstate student Davlatmo Ismoilova, who was expelled from her university for wearing a headscarf. We are especially concerned about a draft religion law currently being discussed, which has the potential to be extremely restrictive, as well as restrictions on religious literature.
- We urge Tajikistan to seek technical assistance on the draft law from the OSCE Panel of Experts on Freedom of Religion or Belief.

[To the Government of Armenia:]

- We furthermore urge the Government to address the difficulties minority religious groups face in building new facilities.

[To the Government of Turkey:]

- We urge Turkey to work with the Ecumenical Patriarchate to reopen the religious school at Halki, and urge reforms of the Foundations Law that removes the power of expropriation and allows groups to recover lost properties.

[To the Government of Moldova:]

- We believe Moldova should work with the OSCE to bring the new religion law into conformity with its OSCE commitments as well as register the True Orthodox Church and two Muslim groups.

[To the Government of Romania:]

- We urge Romania to amend its new religion law and incredibly burdensome registration system, to bring it into conformity with OSCE standards.

[To the Government of Slovakia:]

- The Slovak Republic should consider creating a simple path for religious registration, as the newly-amended registration requirement of 20,000-members is burdensome and discriminatory.

Associazione “Dossetti: i Valori” Observatory for Religious Freedom and Tolerance:

- Urges the OSCE participating States to fully respect and guarantee the religious freedom through the compliance with all the OSCE commitments in the area of this freedom.

European Association of Jehovah’s Christian Witnesses:

We appeal to these countries [Armenia, Turkmenistan, South Korea], in harmony with international standards, to:

- Pardon the conscientious objectors presently in jail;
- To institute a purely civilian service which is not under military supervision; and
- To have a dialogue with our representatives who are present at this meeting.

Federation of Western Thrace Turks in Europe:

- International society should consider this situation and make some attempts by Greek Government in order to cure those injustices. Because, violations explained before cause

not only anti-democratization of Greece but also give harm to European democracy and human rights values which are accepted globally.

- European society which always defends democracy and human rights should intervene to those anti-democratic practices. If not, it should be known well that European values will be wounded seriously and inexpially.

Human Rights Without Frontiers:

Recommends to the government of Uzbekistan

- to adapt its religious legislation to the standards of the OSCE in matters of freedom of association, freedom of assembly, freedom of worship, freedom of education and freedom of expression.

Recommends to the government of France

As the U.N. Special Rapporteur on Freedom of Religion or Belief Ms Asma Jahangir said in par. 91 of her report about her mission in France in 2005 that she had concerns about the neutrality of MIVILUDES and in par. 111 that she would closely monitor the activities of MIVILUDES,

- to transfer the competences of MIVILUDES to the Ministry of Interior which is the natural state body in charge of religious affairs and whose activities were not questioned by the U.N. Special Rapporteur.

Moscow Patriarchate:

- the Russian Orthodox Church urges the OSCE member-states to take morals into consideration while implementation all human rights obligations.

Order of St. Andrew:

- The OSCE participating states should demand of the Turkish authorities that, prior to a vote on accession to the European Union, religious discrimination against the Ecumenical Patriarchate must cease and the consequences of past discrimination must be remedied.

Western Thrace Minority University Graduates Association

- We recommend Greece to respect minority's right to elect its own religious leaders.
- We recommend Greece to fully apply the provisions of the agreements that she signed and ratified for the protection of human and minority rights in Western Thrace.

Recommendations to the OSCE:

Associazione “Dossetti: i Valori” Observatory for Religious Freedom and Tolerance:

- Urges the ODIHR to pay attention to the effective implementation of the OSCE commitments to fight discriminations against Christians and to ensure the religious freedom in the whole OSCE Region.

Christian Solidarity Worldwide (CSW):

Central Asia is an area where OSCE has particular expertise and experience not to mention a strong practical presence on the ground.

- In light of the new EU strategy on Central Asia, EU and OSCE and its member states should strive to strengthen and develop further the co-operation between the two institutions.
- To ensure that any action plans on the implementation of the EU Central Asia strategy should be guided by OSCE working principles and incorporate existing OSCE commitments in the field of all human rights including freedom of thought, conscience and belief.
- To promote complementarity of policies especially in the field of human rights.
- To ask the OSCE Advisory Council on Freedom of Religion or Belief to produce policy paper on practical ways in which EU could *promote dialogue with civil society and respect for freedom of religion* in the context of the Central Asia Strategy.

Church of Scientology International:

- **Our first recommendation** is to widen the mandate of the Panel of Experts so that it can determine its own priorities and make public (or private) pronouncements on activities of religious intolerance or discrimination that is brought to its attention.
- Secondly, the OSCE has instituted a system of Special Assistants to the Chairman-in-Office to deal with a range of subjects relating to religious freedom. This is an excellent initiative, but the Assistants are part-time and have a very heavy work load. Funding should be provided to provide full time staff for the Special Assistants.
- **Our second recommendation** is that additional funding be provided in the form of full time staff to the Special Assistants to facilitate their activities to combat religious discrimination.
- Thirdly, no current formal complaint procedure exists for concerned groups and individuals who are victims of religious discrimination in OSCE Member States. A clear and simple complaint procedure should be initiated so that religious groups, targeted individuals and NGOs could raise religious discrimination complaints against states for investigation and remediation.
- **Our third recommendation** is that a complaint procedure should be created so that concerned religious groups, their members or NGOs would be able to lodge a religious

discrimination complaint against OSCE states for investigation and remediation by the Special Assistants.

- **Our final recommendation** is that a High Commissioner for Religious Freedom be established with a mandate over all OSCE religious issues. This position would be similar to and complement the OSCE High Commissioner for Minorities.

Human Rights Without Frontiers:

To the Advisory Board of Experts on Freedom of Religion or Belief of the OSCE/ ODIHR.

- We recommend to the Advisory Board to extend the OSCE/ODIHR mechanisms identifying and monitoring the activities of anti-Semitic anti-Muslim non-state actors to other communities of faith and belief which are also targets of intolerance and non-discrimination.
- We recommend to the Advisory Board to create an enquiry commission so as
 - to identify the non-state actors whose activities create a climate of suspicion and intolerance towards other communities of faith and belief;
 - to monitor such activities;
 - and to propose remedies to curb such a trend.

Institute on Religion and Public Policy:

- [Consequently,] it is vital that the OSCE continue to dedicate the time, energy, and resources necessary to advance democracy and fundamental rights throughout the Balkans in particular and the OSCE region writ large
- Would like to encourage a significant increased investment of resources into the Advisory Panel of Experts on Freedom of Religion or Belief of the Office for Democratic Institutions and Human Rights of the OSCE. With a larger staff and further capacity to investigate, review, and recommend actions regarding religious freedom throughout the region, the issues covered in this testimony would be more quickly and effectively managed.
- Would like to recommend that the mandate of the Special Representatives of the Chairman in Office be amended slightly. In particular, the mandate of the Personal Representative of the Chairman-in-Office on Combating Racism, Xenophobia, and Discrimination, also focusing on Intolerance against Christians and members of other religions is too broad to be maintained by one office/person.
- In order to guarantee the greater protection and promotion of fundamental rights, the Institute on Religion and Public Policy encourages that a mandate for Intolerance against Christians and members of other religions be carved out of the current position and established as a separate and independent mandate in the person of another Special Representative.
- Recommends that the Office for Democratic Institutions and Human Rights provide full-time support staff to each of the Special Representatives for the fulfilment of their mandates.

Freedom of movement:

Recommendations to Participating States:

Human Rights Without Frontiers:

Recommends to the EU and its member states:

- to drastically simplify the procedure of access to Schengen visas for Ukrainian businessmen, scholars and students, and to grant them free of charge;
- to allow applicants for visas to introduce their requests through any embassy or consulate of an EU member state across the country, to be interviewed by any of them and to receive their visa from any of them free of charge.

WORKING SESSION 5: Humanitarian issues and other commitments I:

Refugees and displaced persons:

Recommendations to Participating States:

Kurdish Human Rights Project:

Recommendations to the Government of Turkey

In light of the concerns raised by this report and the reports of other NGOs and human rights defenders, KHRP urges the government of Turkey to:

- adequately investigate and punish the perpetrators of the violence towards IDPs, both in the past and on an ongoing basis;
- abolish the village guard system and initiate an anti-landmine campaign, to include the safe removal and disposal of landmines and an educational programme about their dangers for the local community;
- create viable conditions for IDPs to return to their villages and rehabilitate themselves;
- draft a new compensation law in partnership with members of the IDP community that provides a simple, concrete structure for compensating displaced persons for both economic and non-pecuniary loss resulting from displacement, suffering and trauma;
- immediately cease the operations of the damage assessment commissions and allow an independent review of their working methods;
- agree to train the Judiciary and all compensation assessment committee members in accordance with new legislation and the principles of rehabilitating IDPs articulated by the OSCE Commitments as well as Turkey's other international obligations;

Social Programs Foundation:

The Georgian domestic legislation in general and the Georgian Law on Forcibly Displaced Persons – Persecuted (Law on IDPs) in particular does not state the principle of inadmissibility of discrimination in reference to the IDPs and local population.

- We recommend the relevant authorities to reflect Principle 4 of the UN Guiding Principles on Internal Displacement into the domestic legislation. This principle refers to the inadmissibility of discrimination not only between the IDPs and other citizens, but among IDPs as well.
- Consequently, in order to strengthen the rights of IDPs, we recommend that the UN Guiding Principles no. 14, 15 and 18 are incorporated into Georgian legislation. This is necessary in order to ensure the IDPs right to choose the place of residence, protect them from forcible return and resettlement and ensure their right to an adequate standard of living. Without discrimination, IDPs should be provided with safe housing and necessary essential assistance throughout Georgia.

Movimiento por la Paz el Desarme y la Libertad (MPDL):

The recommendations referred to the below mentioned territories could be read as follows:

BOSNIA – HERZEGOVINA:

- To made all efforts to fulfill the commitments set out under the “Sarajevo Declaration” and, in particular for immovable property, to allocate appropriate funds for (i) reconstruction of destroyed and damaged housing units in private ownership, and (ii) compensation of damages (please note that this last recommendation is addressed to both entities of Bosnia-Herzegovina).

CROATIA:

- To made all efforts to fulfill the commitments set out under the “Sarajevo Declaration” and, in particular, to (i) recognize the rights to property of the former holders of occupancy/tenancy rights to socially owned flats, and (ii) facilitate the annulment of those contracts concluded under duress and/or in contravention of the provisions of civil and international law, as well as to execute all court decisions validly adopted in Bosnia-Herzegovina referred to this matter.

SERBIA:

- To made all efforts to fulfill the commitments set out under the “Sarajevo Declaration” and, in particular, to facilitate the local integration of refugees and displaced persons willing to stay in Serbia, through a proper implementation of the National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons.

KOSOVO (please note that the following recommendations are jointly made to the main local and international stakeholders, that is, PISG, Serbian authorities, UNMIK, OSCE Mission in Kosovo, among others, unless otherwise specifically addressed to any of them):

- To guarantee the freedom of movement to all persons living in Kosovo.
- To clearly define the areas of responsibility of each of the stakeholders.
- To international stakeholders, to closely monitor the activity of local authorities when performing the activities under their responsibility.
- To clearly define the applicable legislation.
- To the Assembly of Kosovo, to approve the Protocol on the Voluntary and sustainable Return of IDPs, and to secure a further proper implementation of the same.
- To allocate sufficient resources in order to unblock the massive backlog of cases in the courts, which is in fact impeding the access to justice of citizens.
- To release the citizens from the obligation to bear the financial costs of translating into English the documents that are addressed to high instance courts.
- To secure a transparent, effective and non discriminatory procedure for the restitution and compensation of property claims and, specifically, (i) to Municipal Courts, to secure proper verification of all sales purchases of property, in order to avoid fraudulent transactions, in accordance with the existing UNMIK Instruction on this matter, which additionally requires a more fluent communication between the Municipal Courts, Department of Verification and Ministry of Justice in Serbia, (ii) to municipalities, to secure the rights of the citizens being expropriated and not to continue with illegal constructions, everything in accordance with the applicable Law on Expropriation of the Former Autonomous Socialist Province of Kosovo, (iii) to the Kosovo Police to adopt the legal measures to secure the property of the displaced persons after having a positive decision of the KPA, and finally (iv) to Kosovo Property Agency, first and above all, to extend the given deadline of December 3, 2007 to submit all claims, and, if such was not the case, to initiate an intensive information campaign, as most of the citizens are not aware of this deadline, second to transfer all the cases referred to compensation for damages in property that fall outside of the scope of KPA's responsibility to the Municipal Courts as soon as possible, third to speed up its own procedure and, fourth, to have a more fluent communications among their offices in all the territories.

Recommendations to the OSCE:

Georgia:

- We are appealing to the OSCE, to take these crimes into consideration and once again call upon all the stakeholders of the conflict to take concrete steps towards the full return to the whole territory of Abkhazia, Georgia, of refugees and internally displaced persons of all ethnicities in safety and dignity.

Kurdish Human Rights Project:

Recalling the commitment to ending the plight of IDPs it has articulated in the Lisbon, Helsinki and Budapest Documents, KHRP urges the OSCE to:

- maintain contact and initiate dialogue with NGOs and human rights defenders operating in Turkey and monitoring the situation of this country's IDP community;
- provide opportunities for participating States to discuss and examine solutions to the IDP problem, including legislation, compensation schemes and government assistance;
- send a fact-finding mission to observe compensation courts.

Migrant workers, integration of legal migrants:

Recommendations to Participating States:

International Helsinki Federation for Human Rights and the Moscow Helsinki Group:

To the Russian Federation:

The Russian authorities should urgently address the problem of rights violations, intolerance and violence facing labor migrants from other countries of the former Soviet Union. To this end, they should:

- Ensure adequate and fair implementation of the new legislation on granting work permits to citizens of visa-free countries, and closely monitor its impact on the situation of migrant workers in the country with a view to adopting additional measures to facilitate the legalization of irregular labor migrants as necessary;
- Take effective legal and practical measures to protect all migrants, including those with an irregular status, from any forms of exploitation and abuse by employers and law enforcement authorities and ensure that those guilty of violations of migrants' rights are held accountable;
- Publicly acknowledge the value of the work undertaken by labor migrants for Russian economy and society and refrain from political statements and initiatives that may serve to collectively punish or stigmatize migrants workers;
- Implement campaigns to foster tolerance toward migrants and other minority groups and make sure that racist attacks are promptly and thoroughly investigated and prosecuted with due consideration given to the motivations of the perpetrators.

To all OSCE participating States:

- Develop comprehensive strategies for preventing exploitation and human rights violations of migrant workers and other migrants, in close cooperation with NGOs representing their interests.
- Agree to organize a supplementary human dimension meeting to consider problems facing migrants in the OSCE region and to exchange best practices for the integration and protection of migrants, with a view to developing concrete guidelines on the issue. Representatives of NGOs assisting migrants as well as representatives of migrant communities should be given a visible role at such an event.