

COMPILATION OF WRITTEN RECOMMENDATIONS (Covering Working sessions 10-15)

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 15; documents received after this time will be included later in the consolidated summary.

Monday, 23 September 2019

Working Session 10

Recommendations to participating States

European Union

To participating States:

- Participating states should undertake all efforts to safeguard human rights and fundamental freedoms through promoting democracy and the rule of law.
- Participating States should preserve judicial independence and counter any attempts to limit the ability of courts and judges to perform their duties free of influence or control by other actors.
- While recognizing the importance of national ownership in rule of law activities, we encourage participating States to request support in order to improve and strengthen democracy and the rule of law in their respective countries.
- Participating States should further promote the principles of non-discrimination, gender equality and women's empowerment in order to foster peace, sustainable democracy and economic development.

Czech Republic

To participating States:

- We encourage Participating States to use the Guidelines as a practical tool when integrating civic participation as a human right and a key governance principle and into their laws and policies. The Guidelines can also be instrumental in the implementation of the 2030 Agenda at the national level. Since the elaboration of the Guidelines, States may request from the Office of the High Commissioner for Human Rights technical cooperation and capacity building regarding the use of these Guidelines.

All-Ukrainian European Foundation "The League of Law"

To Ukraine:

- необходимо установить ответственность за создание полумилитарных структур под видом общественных организаций, за участие политиков в их противоправной деятельности.
- необходимо урегулировать порядок передачи дел от ликвидированных судов к созданным. Усовершенствовать положения ч. 3 ст. 319 Уголовного процессуального кодекса Украины, которая противоречит другим нормам законов и Конституции Украины.

Amnesty International

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;
- 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;
- 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.

ICLaw-Armenia

To participating States:

- We urge all the Parties to condemn the practices of misusing anti-corruption institutions and debasing the relevance of fight against corruption for the purposes of enslaving judges to politicians.

Paris Bar Association

To participating States:

- to support the international days of the lawyer in danger on the 24th of January 2020 which will be dedicated to lawyers in Pakistan in 2020
- to guarantee the independence of Bars and Lawyers and to consider it as a pillar of the rule of Law

Public Organization "Public Advocacy"

To Ukraine:

- to arraign on a criminal charge persons who are illegally influence the judicial system and force judges to make designedly unjust decisions;
- criminal prosecution of judges for making designedly unjust decisions;
- disciplinary action against judges: imposition of severe disciplinary penalty if preclusion of the execution of judgment will be detected;
- improvement of the institute of disciplinary responsibility of judges: the term of disciplinary proceedings should be realistic, it is necessary to simplify the procedure of disciplinary proceedings without impairment of procedural safeguards for participants.

Salut et Misericorde

To participating States:

- Ma recommandation demande aux états, non encore soumis à la charia, de condamner fermement la violation du droit à la liberté d'expression par la CEDH

Western Thrace Minority University Graduates Association

To participating States:

- To monitor and identify the problems regarding the rule of law and judicial independence in Greece,
- To encourage the Greek authorities to review her minority policies and to be more inclusive

Recommendations to the OSCE Institutions

Amnesty International

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.
- Support the monitoring or jointly with the Hungarian judiciary and authorities undertake the monitoring of administrative justice in Hungary according to the OSCE/ODIHR Handbook for Monitoring Administrative Justice²⁷ to determine whether the current system of administrative justice is in line with Hungary's OSCE commitments, and eventually the areas for further development.

To the OSCE Representative on Freedom of the 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 should the governing majority move ahead with setting up the new administrative court system.

Commission of Protection of the Illegally Accused

To the OSCE:

Соблюдение существующих норм законодательства всеми участниками уголовных дел, а нарушителей – привлекать к ответственности, в том числе судей, правоохранителей. Усовершенствовать законодательство, а именно:

- Конкретизировать основания для отвода
- Установить права на обжалование незаконных решений о проведении негласных следственных действий
- Установить персональную ответственность судей за нарушение правил подсудности

ICLaw-Armenia

To ODIHR:

- We call on the OSCE Office for Democratic Institutions and Human Rights to closely follow the developments and review the draft in light of Armenia's OSCE human dimension commitments, specifically, the OSCE-ODIHR Kyiv Recommendation on Judicial Independence.

Institute of Legal Policy and Social Protection named in the honor of Iryna Berezhna

To ODIHR:

- I ask the ODIHR to adopt a resolution addressed to the state of Ukraine to comply with directives of the Cabinet of Ministers of the Council of Europe and the ECHR and to resume immediately payment of pensions and social benefits to Ukrainian citizens dwelling at the uncontrolled territory of Donbas.

International Platform "Global Rights of Peaceful People"

To the OSCE:

- на Украине самым беспепелляционным способом нарушено право миллионов граждан на равное участие в политической и общественной жизни страны. Рекомендации: отправить на Украину специальную мониторинговую миссию.

Recommendations to the International Organizations

Independent Human Rights Protectors (IHRP)

- Использовать все рычаги воздействия на официальный Душанбе, что бы оно выполнило рекомендации комитета ООН по произвольным задержаниям, и освободить политических заключенных Махмадали Хайита, Бузургмехра Ёрова и Зайда Саидова.

Paris Bar Association

To the countries - members of the Council of Europe:

- support the adoption of a European Convention on the profession of lawyer according to the recommendation of the Parliamentary Assembly of the Council of Europe (24 January 2018).

Monday, 23 September 2019

Working Session 11

Recommendations to participating States

European Union

To participating States:

- The EU recommends all participating States to review counter-terrorism laws and national security related policies, online and off-line, and reverse all measures that do not live up to OSCE and international commitments.

Switzerland

To participating States:

- Die OSZE-Teilnehmerstaaten sollten die Mindestgrundsätze der Vereinten Nationen für die Behandlung von Gefangenen (Nelson-Mandela-Regeln) im Strafvollzug vollständig

umsetzen. ODIHR hat diesbezüglich ein hervorragendes Handbuch in unterschiedlichen Sprachen erarbeitet und kann Unterstützung bei der Umsetzung leisten.

- Es gilt, das Monitoring von Haftorten zu verbessern. Die Schweiz empfiehlt allen OSZE-Teilnehmerstaaten, dem UNO-Fakultativprotokoll zum Übereinkommen gegen Folter OPCAT beizutreten effektive Nationale Präventionsmechanismen zu schaffen.
- Neben der Bestrafung soll der Strafvollzug in OSZE-Teilnehmerstaaten auch das soziale Verhalten der Gefangenen fördern und den schädlichen Folgen des Freiheitsentzugs entgegenwirken.

Association of Relatives of the Kremlin Political Prisoners

To the Russian Federation:

- Прекратить применение пыток, эффективно расследовать все случаи пыток и привлечь к ответственности всех виновных. Освободить более 100 политических заключенных граждан Украины, которые незаконно содержатся в тюрьмах РФ и Крыма;
- Обеспечить предоставление медицинской помощи незаконно удерживаемым по политическим мотивам гражданам Украины в Крыму и РФ;
- Разрешить международным мониторинговым миссиям проводить свою работу в Крыму.

CAGE Advocacy UK Ltd

To the United Kingdom:

- Release the data on religious profile of those stopped,
- Release the missing statistics of the first 8 years, and
- Initiate steps to repeal the law

Charity Fund "Right to Protection"

To the Russian Federation:

- We demand from Russian authorities to take full responsibility for its actions in Ukrainian Crimea and Donbas in compliance with international obligations and to make a clear and durable strategy to pay compensation for all victims of its armed aggression in Ukraine.

Crimean Human Rights Group

To the Russian Federation:

- To stop moving unlawfully the Ukrainian nationals from the occupied Crimea to the territory of Russia
- To stop using tortures, to investigate effectively the cases of torturing, to bring the guilty of using the tortures to justice, and to release immediately all political prisoners kept unlawfully in the Crimea occupied by Russia
- To allow the international institutions holding a mandate to operate in Ukraine, including the OSCE Special Monitoring Mission to Ukraine, to work in Crimea
- To allow independent medical experts to examine Ukrainian nationals kept in the places of detention in Russia and on the territory of occupied Crimea
- To stop a politically reasoned persecution of Ukrainian nationals and to release without any conditions the victims of such persecution

Najoti kudakon NGO

To Tajikistan:

- Мы хотели бы еще раз призвать Правительство Таджикистана ускорить принятие законодательства, предусматривающего уголовную ответственность за все формы гендерного насилия, включая бытовое насилие, изнасилование в браке и сексуальное насилие в браке и вне брака; разработать всеобъемлющую стратегию и план действий по искоренению всех форм гендерного насилия в отношении женщин; а также разработать эффективные механизмы реагирования, расследования и преследования случаев насилия в отношении женщин, включая программы по поддержке жертв насилия.

Open Dialog Foundation

To participating States:

- The Open Dialog Foundation urges OSCE participating States to publicly condemn acts of violations of basic human rights in Kazakhstan and Russia.

To the Russian Federation:

- We call Russian authorities to investigate the use of physical force against prisoner Vitaly Buntov and lawyer Dmitry Sotnikov.

Pantarey Foundation

To participating States:

We recommend Andorra, Croatia, Denmark, Cyprus, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Netherlands and Great Britain to adjust their national criminal law regarding so-called „parental child abductions” to the their obligation of the art. 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms by decriminalisation of the so-called „parental child abduction” changing their criminal law according to majority of the OSCE and parties of the Convention for the Protection of Human Rights and Fundamental Freedom that not punish the parent that has full parental rights or that punish only parents who have limited parental rights and are abducting in this case children illegally.

- To all OSCE states that are parties of the Hague Convention on the Civil Aspects of International Child Abduction regarding the practice of the courts not using the Convention on the Rights of the Child that is art. 10, 12, 13 by not interviewing a child during the cases we recommend to implement this articles directly in their acts on the central authority regarding the implementation of the Hague Convention on the Civil Aspects of International Child Abduction for obligatory hearing of the child by courts in cases that concern them and which the court should take into account when assessing the best interests of the child.

Paris Bar Association

To participating States:

- Call on participating States which are not party to the Second Optional Protocol to the ICCPR and to 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.
- Call on two countries where a moratorium in in place, namely Russia and Tajikistan, to become full abolitionists in law.

Political Movement "Group 24"

To Tajikistan:

- We ask to make the materials of the criminal cases of political prisoners publicly available.

Promo-LEX

To Moldova:

- The Prosecutor General shall ensure that complaints regarding acts of torture and ill-treatment that are not prima facie unfounded receive a prompt, impartial, and effective investigation following the Istanbul Protocol;
- Ensure training of medical and legal professionals in the use of the Istanbul Protocol and that medico-legal reports produced by non-state actors are afforded equal evidentiary value to those provided by government officials;
- Ensure the Judges specialized on criminal cases are sufficiently trained to deal with the torture cases and to refer and comply with the relevant ECHR and UN standards then reasoning a judgement on a torture case;
- Improve the conditions of detention in police stations and prisons that bring them to conformity with article 16 of UN CAT, and establish an independent and methodical system that monitors the treatment in practice of persons arrested, detained, or imprisoned;
- Ensure that the Government implements the principles and recommendations of the Kyiv Declaration on Women's Health in Prison;
- The Government should ensure that adequate somatic and mental health care is provided for all persons deprived of their liberty;
- The Government should ensure that all incidents of death in custody are promptly, effectively and impartially investigated and, on a finding of criminal responsibility, lead to a penalty proportional to the gravity of the offence;
- The Government should ensure the recruitment of qualified medical personnel;
- The Government should increase the budget allocated for health care in penitentiary institutions, including by developing the capacities and the infrastructure of the Pruncul Prison Hospital.
- To undertake a comprehensive reform of the criminal policy in the Republic of Moldova, to reduce the high incarceration rates; - To call the Republic of Moldova to ensure that the investigative judges enjoy full independence in practice and not only in law and to end any pressure on them concerning the application of the preventive measures;
- To ask the Republic of Moldova to improve conditions of detention in the Penitentiary System.

To the Russian Federation:

- We recommend the Russian government to provide civil remedies and rehabilitation for victims of torture and ill-treatment in the Transnistrian region and to ensure that victims obtain redress in its legal system.
- We recommend the Russian Government to use their influence over the de facto administration and to call upon them to collect disaggregated, statistical data regarding the observance of the right not to be subjected to torture, and statistical data regarding the health in the penitentiary systems.
- We recommend the Russian Government to call upon international actors and the participants of the 5+2 talks for the settlement of the Transnistrian conflict and to insist on including the issue of the rights of persons deprived of liberty in the context of psychiatric care on the Agenda, in particular in the Vhvatintsi hospital.

Russian LGBT Network

To the Russian Federation:

- to adhere to its responsibilities on the prevention of torture and other forms of inhumane treatment in collaboration with national NGOs and international organizations;

- to show good faith and invite an OSCE social monitoring mission for monitoring and investigating torture, assisting victims, and prevention of arbitrary, unlawful detention, torture and inhuman treatment on the territory of the Chechen Republic;

To participating States:

- to continue systemic monitoring and documentation of human rights violations in the Chechen Republic and other regions of the Russian Federation;
- to cooperate on the previous matter with non-governmental human rights organizations and to support their work;
- to provide international protection for the refugees from the Chechen Republic, LGBTI people, in particular, taking into account their special security needs;
- be careful when considering issues related to the extradition of immigrants from the Chechen Republic, given that there is a lack of in-country flight options for them.

Salut et Misericorde

- En vertu de principe de précaution qui veut que l'on s'abstienne en cas de doute, et parce qu'il n'y a pas de reconnaissance universelle de ce qu'est l'être humain, que soit suspendue toute législation de l'avortement

Recommendations to the OSCE Institutions

Eurasian Dialogue Institution

To the OSCE:

- Думаю, что необходимо ОБСЕ наконец то выработать какие-то механизмы воздействия на страны нарушающие свои международные обязательства в сфере прав человека и основных свобод. Всякие систематические нарушения прав человека, превращение демократического строя страны в диктаторский режим негативно влияют на безопасность не только в Таджикистане, но и на всё пространство стран ОБСЕ.

Open Dialog Foundation

To the OSCE:

- We recommend the OSCE to organize regular monitoring missions to places of confinement in Kazakhstan and Russia.

Russian LGBT Network

To the OSCE Chairperson:

- to send their representatives to the Russian Federation with a mission to establish facts of gross human rights violations in the Chechen Republic for the subsequent development of OSCE response measures

To the OSCE Permanent Council:

- to continuously review the situation with human rights in the Russian Federation, taking into account the recommendations of the report presented in the framework of the Moscow Mechanism

Working Session 12

Recommendations to participating States

European Union

To participating States:

- We encourage participating States to make full use of the rich body of advice thematic guidelines provide. We look forward to the 20th anniversary in November of “The HCNM Lund Recommendations on the Effective Participation of National Minorities in Public Life”.
- We reiterate that the protection of the rights and freedoms of persons belonging to national minorities forms an integral part of the international protection of human rights, therefore they should be able to exercise fully and effectively their human rights and fundamental freedoms without discrimination and in full equality before the law.
- We reiterate that States have a duty to respect internationally recognized human rights and the rule of law, which allow for the full development of civil society in conditions of tolerance, peace, and prosperity. When specific institutions are established to ensure the effective participation of minorities in public life, which can include the exercise of authority or responsibility by such institutions, they must respect the human rights of all those affected, as mentioned in the Lund Recommendations.

Hungary

- The European states and institutions should deal with the situation and rights of autochthonous national minorities since this is one of prerequisites of European peace and stability.
- The basis/core element of national minority protection is the safeguard of the right to identity. It derives from the protection of human dignity and represents the basis of national minority protection.
- Since identity has individual and collective dimensions, both individual and collective rights should be ensured. The often highlighted and promoted need for integration leads to assimilation for sure, without collective rights.
- National identity and citizenship are separate notions but they are not necessarily antagonistic ones.
- The autochthonous national minorities living on a certain territory should be considered as constituent elements of the state. Since they have been living on the same territory for centuries, they created values thus contributing to the development of the state regardless of the respective political powers.

Switzerland

To participating States:

- Primèrent, la Suisse recommande aux Etats de s’inspirer des Lignes directrices de Tallin dans leur pratique et de les adapter aux contextes locaux ;
- Deuxièmement, la Suisse invite l’OSCE à continuer et à renforcer sa coopération avec le Conseil de l’Europe, ainsi qu’avec les Nations Unies. Elle salue, en ce sens, la tenue de l’évènement sur la question des minorités à New York en marge du Forum politique de haut niveau pour le développement durable.

Association of Lawyers of Russia

To participating States:

[...] it is important to respect the following principles:

- combating discrimination against minorities through reforms in education, that is introduction of lessons on negative consequences of bullying and discrimination against adolescents and children belonging to minorities into the curriculum of secondary educational institutions;
- promoting better integration of children of minorities into public life;
- ensuring and providing social, economic, political rights to members of national minorities residing in a state on an equal basis with the citizens thereof;
- preventing discriminatory policies against linguistic minorities, in particular against Russian-speaking minority in certain European countries;
- special protection and guarantee of the right to citizenship of children whose parents belong to national and other minorities.

Catalan National Assembly (ANC)

To Spain:

- calls on Spanish authorities to respect, protect and promote the rights of the Catalan minority, including the right to self-determination.

Constantinopolitan Society

To Turkey:

- Turkey is called upon to take seriously into consideration the recommendations by EU and international organizations pertaining to human rights and act upon them and make more strenuous efforts to prevent discrimination and intolerance.
- The Turkish government should not only fully abide by its constitutional and international obligations, as far as the protection of human and minority rights is concerned, but also initiate measures and policies of affirmative action that would guarantee the survival, the well-being and the future of the Greek Minority.

Ecumenical Federation of Constantinopolitans

To Turkey:

- Republic of Turkey is urgently called upon to take all necessary legal and administrative measures for elections to be carried out in the Minority Welfare Foundations respecting in full the democratic principles.

Human Rights Movement "Bir Duino-Kyrgyzstan"

To Kyrgyzstan:

- Усиление контроля над реализацией международных обязательств и норм национального законодательства по недопущению дискриминации и насилия в частной и публичной сферах, а также национальных документов в сфере достижения межэтнического согласия такими государственными органами Кыргызской Республики, как Жогорку Кенеш, Правительство, Государственная кадровая служба, Генеральная прокуратура и т.д.;
- Принятие эффективной политики в сфере межэтнических отношений, с включением в ее разработку представителей различных этнических групп, гражданских организаций;
- Рассмотреть возможность передачи разработки Концепций по межэтническим отношениям в ведение ГАМСУМО, обеспечив необходимой технической

- поддержкой. Разработка политик и программ в сфере межэтнических отношений ГАМСУМО вовлечет широкий круг гражданских организаций, этнических групп;
- Обеспечить ГАМСМО необходимыми полномочиями, технической поддержкой и экспертным потенциалом для возможности своевременного, эффективного реагирования на конфликтные ситуации через мониторинги и общественные приемные, созданные в 18 районах и 5 городах;
 - Разработать и принять комплексное антидискриминационное законодательство, запрещающее все формы дискриминации и дающее ясное определение расовой дискриминации, в соответствии с международными стандартами и документами КЛРД ООН.
 - Запретить должностным лицам публично выражать нетерпимость и неуважение к любым группам по признакам расы, цвета кожи, этнической и национальной принадлежности, религии или верований.
 - Обеспечить правовую защиту лиц, принадлежащих к этническим меньшинствам, беспристрастное применение закона без какой бы то ни было дискриминации в отношении граждан различной этнической принадлежности при осуществлении государственными и муниципальными органами и организациями своей деятельности;
 - Прекратить этническое профилирование со стороны правоохранительных органов, приводящей к произвольным задержаниям представителей этнических меньшинства;
 - Вести кадровую политику с учетом этнического разнообразия населения Кыргызстана; обеспечить представительство этнических меньшинств в государственных органах, органах местного самоуправления, судебных органах, уделив особое внимание представительству в правоохранительных органах (милиции, прокуратуре).
 - Защитить представителей этнических меньшинств от всех форм дискриминации в сфере образования, трудоустройства, социальных услуг; от преступлений на почве ненависти и языка вражды, в том числе в СМИ.

Miko Imre Association for the Protection of Minority Rights

To participating States:

- When devising language policies for national minorities always take into consideration the specific needs and wishes of minorities. Harness local experiences and model policies to address specific local needs and problems.

Salut et Misericorde

To participating States:

- Reconsidérer la politique européenne d'immigration en provenance des pays musulmans, et faire de la promotion des droits de l'homme une condition sine qua non de tout accord.
- Interdire la diffusion du Coran, et l'immigration de quiconque professe l'islam

Western Thrace Minority University Graduates Association

To Greece:

- To respect the minority's right to self-identification and to promote its collective usage,
- To have a sincere dialogue and cooperation with the minority representatives in order to build mutual trust,

To participating States:

- To monitor Greece in terms of minority policies and encourage the Greek authorities to implement the provisions of minority rights protection mechanisms,

Recommendations to the OSCE Institutions

European Union

To the High Commissioner on National Minorities:

- We appreciate the HCNM's continued close cooperation with other relevant structures of the OSCE as well as with other relevant international and regional institutions. We would welcome views on how to enhance the existing cooperation, for instance with regard to Roma and Sinti issues.
- We welcome the HCNM's focus on effective implementation of legal frameworks on the rights of persons belonging to minorities, in line with international standards and commitments and also his engagement with regard to language and education issues, access to media and the right to profess and practice a religion in a mother tongue, dialogue facilitation, as well as effective participation in public affairs and property rights of persons belonging to national minorities.

Catalan National Assembly (ANC)

To the High Commissioner on National Minorities:

- to visit Catalonia and report on the situation there

Core Issues Trust

To the OSCE and ODIHR:

- To carry out a serious investigation into Chapter 567 in Maltese law, and its violation of freedom of conscience and freedom of expression, with an urgent appeal for it to be revoked.
- To publicly affirm 'Ex-Gay' as a recognized and respected minority that consequently acts as a protector and preserver of the original family as instituted by God in the Holy Bible.
- To work on an ethical framework among European governments that seeks to protect Ex-Gay reality and that leaves no room for authorities to misuse their power against this minority.
- To ensure that all respectable minorities are equally represented in government and to bring an end to minority discrimination and LGBT supremacy.

Institute of Legal Policy and Social Protection named in the honor of Iryna Berezhna

To ODIHR and the HCNM:

- Our Institute appeals to ODIHR leadership to adopt a relevant Resolution on outcomes of this meeting and to support the OSCE High Commissioner for National Minorities (HCNM) Lamberto Zannier

International Council of Russian Compatriots

To the High Commissioner on National Minorities:

- We demand the OSCE High Commissioner on National Minorities to evaluate the legitimacy of these draconian measures adopted by the governments of the European Union against peoples of Crimea, and give a public answer to the National Cultural Autonomies of Crimea – to Ukrainians, Crimea Tatars, Belarusians, Jews, Bulgarians, Greeks, Germans, Italians, Karaites, and other peoples – on what basis their rights, written down in international conventions, are being violated.

- We invite the High Commissioner to visit Crimea and not only prove its peaceful and harmonic development as a part of its historic Motherland, but also to understand the readiness of the Crimean people to stand for their free choice contrary to the pressure of our unfriends – nationalists in Ukraine and anti-Russian politics in the Western countries.

Miko Imre Association for the Protection of Minority Rights

To the OSCE and HCNM:

- Encourage and fund research that looks at specific cases and situations of certain minorities, and most importantly analyse and address the popular myths surrounding language policies (ex. they are not cost-effective etc.), which often stand in the way of their implementation.

Tuesday, 24 September 2019

Working Session 13

Recommendations to participating States

Austria

To participating States:

- Support adoption of the working definition for antisemitism employed by the International Holocaust Remembrance Alliance (IHRA), for use within the OSCE.

Canada

To participating States:

- That OSCE participating States consciously and proactively foster inclusive approaches, and go beyond reactively responding to hate and discrimination.
- Recalling our Madrid 2007 commitment to combat all forms of discrimination, that all participating States eliminate laws and policies that discriminate against persons based on their sexual orientation, gender identity or expression, or sex characteristics, and to prevent acts of violence targeting LGBTI persons.

European Union

To participating States:

- Veiller à ce que chaque individu puisse jouir, sans distinction, des droits de l'Homme et des libertés fondamentales et dispose de moyens de recours effectif en cas de discrimination ou autre violation de ses droits et libertés;
- Garantir une approche inclusive de la lutte contre le racisme, la xénophobie, l'intolérance et les discriminations, fondée sur les principes d'universalité, d'indivisibilité et de primauté des droits de l'homme, telle qu'inscrits notamment dans la Déclaration universelle des droits de l'Homme de 1948;
- Coopérer activement avec le Bureau des institutions démocratiques et des droits de l'Homme (BIDDH) et soutenir pleinement ses activités en matière de lutte contre le racisme, la xénophobie, l'intolérance et les discriminations;
- Soutenir et renforcer l'action de la société civile et sa contribution à la prévention et à la lutte contre le racisme, la xénophobie, l'intolérance et les discriminations;
- Condamner de façon systématique les appels à la haine, quels qu'en soient les auteurs, les motifs ou les individus visés ; encourager le signalement des crimes de haine;

- Coopérer activement avec le BIDDH pour prévenir et combattre toutes les formes d'intolérance, notamment en contribuant à ses statistiques sur les crimes de haine;
- S'assurer que les activités de l'OSCE en matière de lutte contre l'intolérance et les discriminations réaffirment notre cohésion sur la base de valeurs et de principes communs, dont la liberté, l'égalité et la dignité de tous les êtres humains sans exception, et tels qu'inscrits notamment dans la Charte des droits fondamentaux de l'Union européenne;
- Encourager une meilleure articulation des travaux des représentants personnels de la présidence entre eux, ainsi qu'avec le BIDDH, dans le cadre d'une approche inclusive pour permettre une meilleure cohérence et efficacité de la lutte contre l'intolérance.

Russian Federation

To participating States:

- Выполнение поручения СМВД ОБСЕ в Базеле в 2014 г. о подготовке отдельных деклараций по борьбе с нетерпимостью и дискриминацией в отношении христиан и мусульман должно стать приоритетом гум-повестки ОБСЕ. Призываем словацкое председательство сделать все воз-можное для выполнения упомянутого поручения.
- Исходим из того, что ОБСЕ и ее исполструктуры должны использовать имеющийся в их распоряжении немалый потенциал и самым активным обра-зом защищать христиан, мусульман, иудеев и последователей других кон-фессий.

Holy See

- Participating States are called upon to welcome and encourage the representatives of religious communities to give their views – based on moral convictions deriving from their faith – about everyday life.

Tajikistan

To participating States:

- Исходя из вышесказанного, мы призываем ОБСЕ, а также все остальные заинтересованные стороны обратить внимание на указанные факты и ограничить присутствие на официальных мероприятиях и площадках для организаций, чья идеология основана на принципах религиозной нетерпимости, пропаганде насилия, антисемитизме и юдофобии. Приглашение и предоставление им речи можно сравнить с предоставлением речи Эйхману и Менгеле, выдавая их за жертв и пострадавших. Символично, что этот призыв звучит сегодня на территории Польши, где Холокост свирепствовал с особой жестокостью.

Antifascist Human Rights League

To participating States:

- To adopt a proposal on abolishment of laws on glorification of the Third Reich officers and their associates addressed to the state of Ukraine and add it to the corresponding resolutions that will be adopted on the outcomes of this meeting.

B'nai B'rith International

To Participating States:

- We must continue to affirm commitments made at the landmark 2004 conference and reiterated at subsequent conferences and assess the implementation of those commitments.
- We must enhance funding for ODIHR's Tolerance and Non-Discrimination unit, which has now become a fixed and integral part of the OSCE's work. We must enable the TND

unit to sustain and expand its critical activities, which has included the Words into Action project and educational programs on anti-Semitism in more than a dozen countries.

- We must extend, for the foreseeable future, the terms of the three personal representatives on intolerance.
- Member-states must fulfill their reporting requirements with respect to hate crimes data. Far too few governments have done so until now.
- Finally, we must strongly reinforce the crucial principle declared at the 2004 Berlin Conference – That no political position, cause or grievance can ever justify anti-Semitism – and make clear that the demonization and delegitimization of the Jewish state is often none other than a pretext for the hatred of Jews themselves.

Coordination des Associations et des Particuliers pour la Liberte de Conscience

To France:

- We therefore ask the French Government to cease its support to FECRIS and its harmful activities in Russia.

Core Issues Trust

To participating States:

- That the state supported discrimination against and persecution of ex-LGBT persons or those formerly gay or homosexual in practise or identity, is halted.
- That the proposed ban of so called “Conversion Therapy” is recognised for what it is – an assault on therapeutic choice and the right to self-identity and -determination.
- That the state supported and protected the freedom of speech of ex-LGBT persons.
- That the LGBT persons, who do not accept their homosexuality and desire to change, could receive the support of both professional therapists and pastors.
- That the society had access to various sources of information (including the protestant doctrine and its perspective) in regard to sexual identity and the existence of different solutions offered to persons seeking help for unwanted same-sex feelings and behaviours.
- That the employees from all market sectors had the right not to perform the activities that would contradict their beliefs.

To the United Kingdom:

- That the UK government encourages regulation, rather than the banning of therapeutic and religious practices offered to persons seeking help for unwanted same-sex feelings and behaviours.
- That the UK government recognises that simple statements from executive managers of professional mental health bodies promoting LGBT rights, at the expense of those formerly or ex-gay, from whatever level, are discriminatory - without due care and careful scientific analysis of this marginalised group.

European Humanist Federation

To participating States:

- We urge all the OSCE participating states to take immediate action towards developing secularism in their countries, as well as addressing the numerous issues of discrimination of non-believers and of minority religions.

Human Rights Movement "Bir Duino-Kyrgyzstan"

To Kyrgyzstan:

- Государство должно гарантировать, защищать заложенные в Конституции КР права граждан на свободу вероисповедания, право каждого человека свободно выбирать и иметь религиозные и другие убеждения, запрет принуждения к выражению своих убеждений или отказу от них.
- Принять эффективные меры для прекращения агрессивных действий в отношении представителей малых религиозных групп, и привлечение к соответствующей ответственности лиц, совершающие агрессивные действия;
- Публично осуждать, расследовать, привлекать к ответственности лиц, виновных в нападениях, насилии, преступлениях в отношении представителей религиозных меньшинств, их собственности;
- Поведение информационных, профилактических работ в СМИ, социальных сетях по во вопросам повышения религиозной толерантности в обществе;
- Гарантировать равное положение для всех религиозных конфессий, групп, общин с целью недопущения дискриминации и ущемления прав их представителей;

Human Rights Without Frontiers

To Germany:

- German government immediately ban the “sect filter” and requests the assistance of the OSCE in this matter.

Muslim Community in Bulgaria

To Bulgaria:

- Develop comprehensive education policies and awareness raising strategies to combat discrimination and promote tolerance and mutual understanding.
- Governmental institutions to create and disseminate outreach materials so Law Enforcement agencies throughout the State can better engage with the citizens.
- The authorities to organize an awareness-raising campaign promoting a positive image of and tolerance for ethnic and religious minorities including Muslims and Turks. Launch public awareness activities disassociating terrorism and violent extremism with Muslims and Islam.
- Recruiting more law enforcement officials and experts with Muslim origin, who will dealing with hate crime and intolerance and facilitate the co-operation and communication between law enforcement and community;
- The governments to make enough efforts to sensitize law enforcement officers about prejudices and stereotypes against Muslims, as well as awareness-raising activities on security problems of Muslim communities;
- To resolve the case of Muslim communal properties without politicizing the issue.

Religious Society "Path of Guru Jara"

To Czech Republic:

- 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 with right to effective defense. This means also admission of evidence on the part of the defense.
- 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 4 and half years.
- Accused persons and religious communities should not be subjected to judicial harassment by unwarranted legal and administrative proceedings, or any other form of misuse of administrative and judicial authority.

- To adapt such registration system of religious community, which will be friendly, flexible, supporting religious diversity within the country and without the influence of members of the Czech anti-cult movement.
- Protect religious community Path of Guru Jara against hate-speech, discrimination and hate-crimes in Czech society with available support from the Czech state – for instance as it has committed under the adapted UN UPR recommendations in 2017. So far, efforts of members of this minor religion to be noticed, invited for dialog and be protected have been ignored.

Unconstrained Analytics, Inc.

To participating States:

- Pause to undertake an inventory of the “racism, xenophobia and discrimination” narratives to determine whether they have, indeed crossed over to the repressive tolerance application of the term. After all, delegates of participating States are supposed to represent their people, not destroy them.

Western Thrace Minority University Graduates Association

To Greece:

- To protect and promote the Turkish Minority’s religious liberties and rights enshrined by the international and bilateral treaties,
- To respect and recognize the Turkish Minority’s elected Muftis,
- To take urgent measures and make legal arrangements regarding the administration of pious foundations in line with the bilateral treaties,

Recommendations to the OSCE Institutions

Austria

To ODIHR:

- Continue to collect and disseminate good practice and positive examples of initiatives to foster tolerance and non-discrimination both at national and grass roots level with a view to strengthening our response to the existing challenges throughout the OSCE region.

Canada

To Chairperson-in-Office:

- That the Chairperson-in-Office table a draft Ministerial Council Decision on the adoption of the International Holocaust Remembrance Alliance working definition on antisemitism by the OSCE.

To ODIHR:

- For ODIHR to continue their steady work to uproot racism, discrimination and exclusion of all kinds, through innovative, holistic, and preventative approaches that advance inclusion and respect for diversity.

ADF International

To the OSCE:

- ADF International, therefore, strongly urges the OSCE to assess what follow-up measures were taken on the basis of the 2011 resolution within the OSCE area, and clearly reject a standard of religious freedom that would require individuals to live their faith privately and discreetly.

Community Security Trust

To the OSCE:

- Words into Action security programmes need evaluation, in order that law enforcement agencies and other participants can comment on their effectiveness and practical outcomes. And then they need to be extended and repeated in those participating States that have engaged in the programme.

Constantinopolitan Society

OSCE / ODIHR are called upon to urge Turkey -as OSCE participating State- to:

- Grant full legal personality to the Ecumenical Patriarchate, so that the latter may enjoy, inter alia, ownership rights and exercise property ownership, administration and management.
- Reopen the Halki Seminary for the sake of the community's survival as well as for the survival of the Ecumenical Patriarchate itself.
- End Turkish citizenship requirements for the Ecumenical Patriarch and the Holy Synod of the Greek Orthodox Church, and permit them to select and appoint their leadership and members in accordance with their internal guidelines and beliefs.

Muslim Community in Bulgaria

To ODIHR:

- ODIHR to observe closely the process of combating intolerance and discrimination against Muslims, as well as the Freedom of Religion of Muslim minorities in non-Muslim countries;
- Design guidelines and compile examples of good practices to combat manifestations of Islamophobia in political discourse, including the media and political speech;
- Support civil society in monitoring, reporting on and countering discriminatory speech in the media including on the Internet, in particular through monitoring and reporting of Islamophobic speech;
- The OSCE Ministerial Council to adopt a decision according to which Islamophobia should be a specific form of racism and recognize officially and condemn it.
- The OSCE to agree on a roadmap to ensure that participating states adopt national strategies to combat Islamophobia in areas such as employment, education, health, justice and legislation etc.

Recommendations to the International Organizations

Human Rights Movement "Bir Duino-Kyrgyzstan"

- Международным организациям ООН, ОБСЕ, оказывающим техническую помощь в сфере межэтнических отношений, вести мониторинг эффективности и пользования средств государственными органами.

Wednesday, 25 September 2019

Working Session 14

Recommendations to participating States

European Union

To participating States:

- Coopérer activement avec le Bureau des institutions démocratiques et des droits de l'Homme (BIDDH) et soutenir pleinement ses activités dans la prévention des crimes de haine. A cet égard, nous encourageons vivement tous les Etats participants à communiquer au BIDDH toutes les données pertinentes pour alimenter son rapport annuel sur les crimes de haine dans l'espace OSCE, en lien avec les engagements pris dans la décision d'Athènes de 2009 sur la lutte contre les crimes de haine;
- Soutenir et renforcer l'action de la société civile et sa contribution à la prévention et à la lutte contre les crimes de haine; renforcer en particulier la coopération et la confiance entre la police, la justice, les autres autorités compétentes et les ONG concernées, notamment en échangeant des données pertinentes; instaurer des mécanismes de signalement par des tiers; former la police et les juges à la reconnaissance des crimes de haine;
- Prendre toutes les mesures appropriées pour améliorer la collecte statistique sur les crimes de haine, à savoir leur signalement et leur enregistrement, dans le but d'améliorer la connaissance du phénomène et de mieux évaluer l'action de la police et de la justice dans la lutte contre les crimes de haine;
- Favoriser l'apprentissage de la diversité, du dialogue et de la tolérance et déconstruire les préjugés en promouvant les droits de l'Homme ainsi que des sociétés inclusives et solidaires; mobiliser en particulier les jeunes pour qu'ils contribuent à la lutte contre l'intolérance et toutes les formes de discriminations;
- Renforcer la lutte contre les discours de haine sur internet dans le plein respect de la liberté d'expression, conformément notamment à la Charte des droits fondamentaux de l'Union européenne.

Russian Federation

To participating States:

- В современном мире рост ксенофобии, расизма, нетерпимости и преступлений на их основе должен стать предметом пристального внимания со стороны государств-участников ОБСЕ. Для эффективных результатов требуется системный и ответственный подход, в основе которого должна лежать осознанная неприемлемость поощрения или игнорирования этих тенденций, а также необходимость их купирования. Исполнительные структуры ОБСЕ - БДИПЧ, Представитель ОБСЕ по свободе СМИ, Верховный комиссар по делам национальностей в рамках своих полномочий должны оказывать необходимое содействие в этой сфере.

Antifascist Human Rights League

To participating States:

- I ask to include recommendations to the state of Ukraine into the general resolution that will be adopted upon completion of this Meeting: on the legislative level to appropriate weapons belonging to all persons who have no legal grounds to possess it.

Bürgerbewegung Pax Europa e.V.

- That OSCE participating States reconsider their commitment to fundamentally anti-democratic, purely statist legal standards that exist to suppress the freedoms of the people they presume to represent in this forum.

Emisco - European Muslim Initiative for Social Cohesion

To participating States:

- Renforcer le suivi des organisations terroristes a caractère religieux, ethnique ou suprématiste notamment au sein des réseaux sociaux et dans leur lien au monde politique.
- Demander la création d'un système de coopération internationale sur la vigilance vis-à-vis des organisations haineuses pourraient avoir un caractère terroriste notamment par le suivi de leur financement et leurs agissements mettant en cause la sécurité des Etats Participants au sein desquels ils sont implantés.

SOVA Center for Information and Analysis

To participating States:

- Изменить систему учета преступлений так, чтобы подозрение на мотив ненависти могло быть зафиксировано на любом этапе, включая самый ранний – этап регистрации преступления. Расследование преступлений ненависти идет эффективнее в специализированных полицейских подразделениях, но оно должно вестись также и в обычных подразделениях полиции.
- Публиковать статистику по преступлениям ненависти, выделяя разные их виды, регионы, количество пострадавших. Официальная статистика должна основываться и на судебных решениях (как по доказанным случаям, так и по недоказанным), и на количестве заведенных уголовных дел.
- Активнее использовать информацию неправительственных организаций, занимающихся систематическим мониторингом активности расистских групп, а также консультироваться с НПО по проблемам правоприменительной практики. Несмотря на разногласия методологического и политического характера, такое сотрудничество может быть очень продуктивным.
- Принимать заявления от потерпевших от, предположительно, преступлений ненависти также при посредничестве таких НПО и специализированных государственных органов, занимающихся проблематикой дискриминации.
- Настроить законодательную рамку, охватывающую преступления ненависти и связанную с ними деятельность, включая публичное подстрекательство, организационную деятельность, финансирование и т.д. Законодательство должно фокусировать усилия правоохранительных органов на преследовании в первую очередь наиболее опасных преступлений против личности. Тому же должны способствовать правила и инструкции, принимаемые внутри этих органов.
- Оценить национальные законы о возбуждении ненависти и практику их применения в свете Рабатского плана действий, одобренного Советом по правам человека ООН в 2013 году.
- Следует принимать и развивать комплексное антидискриминационное законодательство или ряд отдельных актов, содержащих эффективные правила и процедуры доказывания дискриминации.
- Государственные служащие не должны иметь права выражать публично не только нетерпимость, но и неуважение к любым меньшинствам. Законодательство о государственной службе должно предполагать эффективные дисциплинарные санкции за такие действия. И эти наказания должны предаваться гласности.

To participating States:

- Reconsider hate speech and Islamophobia. As they now stand, they are attack narratives designed to suppress free expression. Certainly, implementation should be suspended until articulable definitions are provided.

United Left Party of Estonia

To participating States:

- Позволю начать себе с рекомендации. Опираясь на выступления предыдущих ораторов, могу сказать, что нашему Совещанию нужен еще один день – день, посвященный неонацизму. Потому что преступления на почве ненависти обрывают новое качество, которое было отмечено в прошлогодней резолюции Европейского Парламента как «нормализация нацизма». Говоря о преступлениях на почве ненависти, следует иметь в виду конструкцию из двух преступлений – «разжигание вражды» и собственно «преступление на почве ненависти». С юридической точки зрения эти два преступления должны отличаться составом – «разжигание вражды» должно иметь формальный состав, а «преступление на почве ненависти» - материальный. Смысл такой конструкции в том, что наказание за «разжигание вражды» должно служить общей и частной превенции «преступлений на почве ненависти»: если мы вовремя не накажем неонациста на слова о «русских вшах», то следующим его действием будет взять в руки бейсбольную битую или кусок арматуры.

Yezidi Center for Human Rights

To participating States:

- Organize minority rights training for minority organizations
- Organize training for public servants, teachers about minority rights
- Guarantee the rights of fair trial when national minorities are being discriminated

Recommendations to the OSCE Institutions

Emisco - European Muslim Initiative for Social Cohesion

To OSCE:

- Organiser un sommet sur la lutte globale contre le terrorisme afin de clarifier le caractère des organisations de ce type pour éviter le double standard tout en tenant compte des organisations terroristes de type nouveau

SOVA Center for Information and Analysis

To OSCE:

- Обобщить и распространить опыт комплексного противодействия группам,
- практикующим расистское насилие – от расследования отдельных преступлений до выявления и разрушения инфраструктуры этих групп: изоляции источников финансирования, выявления организаторов и координаторов насильственных акций и т.д. При необходимости – провести международный экспертный семинар на эту тему.
- Организовать серию семинаров для сотрудников правоохранительных органов разных стран, посвященный обобщению удачного опыта сбора информации статистического учета преступлений ненависти.
- Основываясь на имеющемся опыте сравнительного анализа законодательства стран-участников в сфере противодействия преступлениям ненависти, провести сравнительный анализ более широкого круга национальных законов в сфере

противодействия интолерантности, касающихся возбуждения ненависти, дискриминации, деятельности соответствующих группировок.

- Дополнить сравнительный анализ законодательств сравнительным анализом правоприменения в странах ОБСЕ, в первую очередь – в сферах противодействия преступлениям ненависти и возбуждению ненависти.

Wednesday, 25 September 2019

Working Session 15

Recommendations to participating States

United States of America

To participating States:

- We support the OSCE program Building a Comprehensive Criminal Justice Response to Hate Crime, Turning Words Into Action, and other ODIHR projects which build the capacity of participating States to implement their tolerance and security commitments, in part by strengthening the activities of law enforcement and justice officials to address bias-motivated crimes. With the growth of intolerance in the region, participating States must increasingly work together to address the problem.

Holy See

To participating States:

- To collect and report to ODIHR reliable data on hate crimes;
- To disaggregate the data on hate crimes motivated by religious bias or prejudice;
- Disaggregate among these data, those on Anti-Semitic hate crimes, those on hate crimes against Muslims, those on hate crimes against Christians and those on hate crimes against the member of other religions.
- Anti-Semitic hate crimes and hate crimes motivated by religious bias or prejudice are widely under-recorded and more numerous than those indicated in the annual reporting of the ODIHR. Therefore, they deserve more attention, particularly since they represent a phenomenon that could threaten the security and stability of the Region, triggering violence and conflict on a wider scale, thus putting in danger the peaceful relations among the States.

Antifascist Human Rights League

To Ukraine:

- I ask to oblige the state of Ukraine to stop interference in matters of religion and belief, to return all seized temples of the canonical Ukrainian Orthodox Church to include these obligations in a general resolution that will be adopted on the outcomes of this Meeting.

Bürgerbewegung Pax Europa e.V.

- That the OSCE participating States take a crash course on the abuse of language that brings about the abuse of power executed by those blindly following the narrative.

Unconstrained Analytics, Inc

To the participating States:

- Undertake an inventory of the “racism, xenophobia and discrimination” narratives to determine whether they have, indeed, crossed over to the repressive tolerance application of the term. After all, delegates of participating States are supposed to represent their people not destroy them.