

## **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, 10 October 2008.**

**Wednesday, 1 October 2008**

### **WORKING SESSION 4: Rule of Law II**

#### **Recommendations to Participating States:**

#### **The American Civil Liberties Union**

To the USA

- Given the problems with capital punishment including human error, law enforcement misconduct, inadequate and untrained counsel, racism and unfair hearings, the U.S. should end the use of capital punishment and follow the steps of the overwhelming majority of countries in the OSCE region. At minimum, the U.S. should impose a national moratorium on its use consistent with the 2007 U.N. General Assembly resolution calling for a global moratorium, because in the words of the most senior U.S. Supreme Court Justice, Paul Stevens, the time had come to reconsider “the justification for the death penalty itself.”<sup>7</sup>

#### **European Union**

- At the eve of the 60th anniversary of the universal declaration of human rights the EU encourages other participating states to join its efforts to achieve a world where human rights are fully respected in all circumstances.

EU expects participating states:

- To comply with the unconditional prohibition of torture and cruel, inhuman or degrading treatment or punishment, to take all necessary and effective legal, administrative, judicial, social and other measures to prevent torture, and not to

transfer any person to a country, where there are substantial grounds to believe that he or she would be subjected to torture or ill treatment.

- To fully cooperate with the independent preventive and monitoring mechanisms in OSCE, UN, ICRC the Council of Europe and at national level, as well as with civil society, to provide requested information and to grant them unhindered access to places of detention and unrestricted possibility to interview any person in private.

The EU recommends that participating states:

- adhere to OPCAT and other relevant international instruments such as the international convention for the protection of all persons from enforced disappearance and make the declarations provided for in UNCAT articles 21 and 22.

The EU also urges

- all OSCE participating states to ensure implementation of all UN general assembly and human rights council resolutions on torture and other cruel, inhuman or degrading treatment or punishment.

The EU expects all OSCE participating states

- to fully respect international law, in particular human rights, refugee and international humanitarian law in their counter terrorism measures.

## **The Council of Europe**

### General recommendations

- The Group and the CDCJ do not recommend at this stage the drafting of a specific legal instrument addressing non-criminal remedies be prepared. Among core recommendations entailed in the report stands the necessity of promoting and disseminating the existing Council of Europe standards.
- The importance of appropriate training and awareness raising activities is also emphasised in order to give full effect to existing Council of Europe standards, as well as of sharing and disseminating examples of good practices, a number of which are enclosed in the report.
- Another strong recommendation is that a procedure aiming at enabling the rapid payment of the state compensation to the victim be put in place, the state scheme being subsequently subrogated in the victims' rights.

## **Hands off Cain**

- We ask the US and Belarus to consider adopting a moratorium, and the OSCE member States that did not completely abolish the death penalty *de jure* yet, to finalize this process. We also recommend the OSCE institutions to work out a specific programme to achieve this result.

## **International Federation for Human Rights (FIDH) France**

To Belarus

*On the administration of justice*

- Guarantee the independence of the judiciary by establishing proper rules regarding the process of appointment, promotion and dismissal of judges; by ensuring that judges are irremovable; and by abolishing the system of “substitute judges”;
- Abolish the right of the higher courts to withdraw cases from the lower court for first-instance examination;
- Introduce judicial review of prosecutors’ decisions to place a person in custody or to extend the period of detention in custody; to provide effective remedies for people in detention when their rights are being violated by law enforcement officers; to ensure full respect of the UN basic Principles on the Independence of the Judiciary;
- Introduce the right to challenge before a court actions and decisions of investigative bodies affecting rights and liberties of suspects and accused;
- Put an end to the control of defense attorneys by the Ministry of Justice and revise the legislation regulating the Bar association in order to ensure its full independence, in conformity with the UN Basic Principles on the Role of Lawyers;
- Abolish administrative arrest, as it does not offer the necessary fair trial guarantees;
- Adopt an immediate moratorium on the death penalty, as a first step towards abolition, and refrain from instrumentalizing the supposed popular support of capital punishment in order to avoid any reform in this field; on the contrary, awareness raising campaigns should be launched focusing notably on the absence of dissuasive effect of that punishment; put an end to the secrecy surrounding executions and make the number of executions public in order to allow an informed public debate on this issue;
- Adopt all legal and administrative measures to prevent acts of torture on the territory of Belarus;
- Open independent and impartial enquiries in case of allegations of torture by a detainee ;
- Establish criminal, civil and administrative sanctions for violation of legal procedures (arrest, interrogation, treatment of detainees) ;

- Implement the recommendations of the UN Human Rights Committee and other UN treaty bodies as well as those of the UN Human Rights Council's human rights mechanisms (in particular of the UN Special Rapporteur on Human Rights in Belarus and of the Working Group on Arbitrary Detention);
- Ratify the UN Convention for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment; to ratify the Optional Protocol (Istanbul Protocol) to CAT, establishing a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment;
- Ratify the UN International Convention for the Protection of All Persons from Enforced Disappearance;
- To submit the State report to the UN Committee against torture and the UN Human Rights Committee;
- Issue a standing invitation to UN special procedures, and reply positively in particular to the requests to visit by the UN Special Rapporteur on Torture (request dating back to 2005, renewed in 2007), the Special Representative of the Secretary general on the situation of human rights defenders and the UN Special Rapporteur on freedom of opinion and expression (request dating back to 2003);
- Ratify the Council of Europe Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.
- Cooperate fully with the OSCE mechanisms on Human Dimension, notably ODIHR, and with the OSCE office in Minsk.
- Conform with the OSCE Human Dimension commitments in particular in the field of Rule of Law and relating to civil and political rights.

*On conditions of detention*

- Ensure that conditions of detention, both in pre-trial detention facilities and for convicted detainees, conform to international human rights standards, in particular the prohibition of cruel, inhuman or degrading treatment or punishment (Art. 7 of the ICCPR); the UN Standard Minimum Rules for the Treatment of Prisoners, the UN Basic Principles for the Treatment of Prisoners and the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment should guide the government's policies in that field.
- Separate the functions of investigation and supervision over detainees, and transfer detention facilities to the jurisdiction of the Ministry of Justice;
- Ensure that visits to detention places by Prosecutors take place in a systematic and regular way;
- Immediately revise the special rules governing the conditions of detention of death row prisoners, in order to avoid unnecessary suffering for them and their family;
- Guarantee access to all detention facilities by both international and local independent NGOs;
- Ensure a proper compensation for human rights violations occurring in detention, including negative impact on health;
- Ensure permanent human rights training of law enforcement officers, including prison guards;

- Fully comply with the ILO Convention concerning Forced or Compulsory Labour (n° 29, 1932).

#### To the European Union

- Address the issue of conditions of detention in the framework of its dialogue at various levels with the authorities of Belarus and especially on the occasion of EU troika meetings with Belarussian authorities; make a demarche towards the Belarusian authorities under the EU Guidelines on Torture, based on the findings of the present report; including:
  - request for information on allegations of torture and ill-treatment in prison,
  - specific actions on individual cases documented in this report,
  - recommendations for the “adoption and implementation of safeguards and procedures relating to places of detention”.
- Address the issue of human rights defenders and arbitrary restrictions to local NGO's activities and existence under the EU Guidelines on human rights defenders.
- UN general Assembly Member states should renew their resolution concerning the human rights situation in Belarus, including prison conditions.

#### **International Rehabilitation Council for Torture Victims**

- The IRCT recommends that all states sign and ratify the Optional Protocol to the Convention against Torture and ensure swift implementation of the establishment of independent national visiting mechanisms.
- The IRCT further encourages states to include experienced and independent forensic medical experts with training in the Istanbul Protocol as part of the national preventive mechanisms.
- All states should enact national legislation that ensures torture – as defined according to the UN Convention against Torture – is a criminal offence, with no statute of limitations for prosecuting perpetrators.
- The IRCT encourages all states to ensure professional support and appropriate training on the prohibition against torture for all law enforcement and medical personnel working within the police and penitentiary systems, in order that they can fulfil their responsibilities to prevent torture in accordance with international law and medical ethics.
- States should ban the practice of extraordinary rendition flights, prohibit the transit of such flights on their territories and to fully investigate rendition cases to ensure appropriate justice.

- The IRCT urges for all detention facilities to operate according to the rule of law and international human rights standards. States should sign and ratify the Optional Protocol to the Convention against Torture as a way to demonstrate their commitment to preventing torture in places of detention.
- Civil servants in reception authorities receive training in identification of and interaction with victims of violence and make referrals to rehabilitation and other support programmes as appropriate.
- States should not extradite asylum seekers before completion of a full examination of their asylum claim, and should never extradite persons at risk of torture or other human rights abuses, in accordance with the principle of *non-refoulement*.
- States should not rely upon diplomatic assurances when expelling terror suspects, as these are not legally binding mechanisms and victims have no recourse should torture and ill-treatment occur.

### **Rainbow – Organisation of Macedonian Minority in Greece**

To Greece

- We demand that Greece guarantees the right to freedom of movement of all of its citizens, including those who identify as ethnic Macedonians. The best way to do this is to implement its commitment to paragraph 9.5 of the Copenhagen document.

### **The World Organisation Against Torture (OMCT)**

- In this same positive spirit, the OMCT now proposes that all participating States of the OSCE make a similar undertaking to prioritise the eradication of torture and other forms of ill-treatment across their 56 participating States and also worldwide. Such a determined contribution to bring an end to these illegal practices would provide a good example to the rest of the world and could inspire further important progress in this field.

### **The Home of Macedonian Culture**

To Greece

- Guarantee in all circumstances the physical and psychological integrity of Mr. Dimitras and other activists.
- Put an end to all acts harassment, including at the judicial level, against Mr Dimitras, as well as all human rights defenders in Greece;

- Comply with the provisions of the Document of the Copenhagen Meeting.
- Comply with all the provisions of the United Nations Declaration on Human Rights Defenders, in particular with Article 1, which provides that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”, as well as with the above-mentioned Article 12.2;

### **Kazakhstan International Bureau for Human Rights and Rule of Law**

To the Republic of Kazakhstan

К ст. 1 Конвенции

- Привести определение «пытки» в ст.347-1 УК РК в соответствии с Конвенцией.

К ст. 2 Конвенции

- Ввести в законодательство адекватные меры, которые гарантировали бы защиту от пыток;
- Усилить гарантии защиты прав граждан при задержании либо в ходе иных действий, в соответствии с чем считать лицо, подвергнутое задержанию, ограниченным в свободе с момента его фактического задержания. Для чего:
  - а) ввести в законодательство гарантии права всех лиц на адвоката при любом контакте с правоохранительными органами, ограничивающим их законные права и интересы, независимо от процессуального оформления их статуса;
  - б) ввести в законодательство четкие процедуры, регулирующие осуществление задержания и дать определение понятиям «задержанный», «момент задержания» и другим относящимся к процедуре задержания.
- Ввести в действующее уголовно-процессуальное законодательство и законодательство об административных правонарушениях требование к сотрудникам правоохранительных органов незамедлительно информировать любое фактически задержанное лицо о сути подозрений или обвинений в отношении него; праве на молчание и праве не давать показания, которые могут быть использованы против него; праве на адвоката (защитника); праве на информирование родных и близких о задержании.
- Ввести в законодательство положение о праве задержанного на адвоката за счет средств государства с момента фактического задержания.
- Ввести в законодательство положение, в соответствии с которым подозреваемый или обвиняемый может быть подвергнут принудительному помещению в медицинское учреждение для производства судебно-

медицинской экспертизы только по решению суда. Предусмотреть дополнительные гарантии для соблюдения прав подозреваемых или обвиняемых, помещаемых в медицинские учреждения, включая право обжаловать методы, продолжительность и объем медицинского воздействия.

- Ввести в законодательство положение, согласно которому признательные показания обвиняемого могут быть признаны допустимыми доказательствами, только если они даны в рамках судебного следствия перед судьей. Любые признательные показания, полученные органом, осуществляющим уголовное преследование, от подозреваемого, обвиняемого до суда должны признаваться как допустимые доказательства, только в случае и при условии их подтверждения данным лицом в ходе судебного разбирательства.
- Снять необоснованные и нецелесообразные ограничения на поддержание семейных связей через переписку и регулярные свидания подследственных до судебного рассмотрения дела.

В отношении прав несовершеннолетних:

- образовать специализированную систему отправления правосудия по делам несовершеннолетних в соответствии с Конвенцией по правам ребенка;
- принять незамедлительные меры по усилению контроля над соблюдением прав несовершеннолетних, гарантированных в законодательстве, путем введения особого учета и надзора за законностью по делам несовершеннолетних с участием общественных организаций;
- ужесточить меры ответственности за нарушение прав несовершеннолетних в процессе уголовного производства.

В отношении прав женщин:

- обеспечить скорейшее принятие законодательных актов о противодействии бытовому насилию и о равенстве прав и возможностей для женщин и мужчин в Республике Казахстан при участии в обсуждении общественных организаций;
- предусмотреть специальные средства в государственном бюджете, начиная с 2009 года, для поддержки полноценной работы кризисных центров и телефонов доверия для жертв бытового насилия, а также внести изменения в законодательство РК, позволяющие использовать эти средства неправительственными организациями по целевому назначению.

К ст. 3 Конвенции

- Ввести в законодательство запрет на выдворение, возвращение и экстрадицию лица в другую страну, где есть основания полагать, что это лицо будет подвергнуто пыткам.
- Ввести в уголовно-процессуальный закон судебный порядок рассмотрения вопроса о выдворении, возвращении и экстрадиции лица в другую страну. Определить законодательно перечень объективных и субъективных критериев, подлежащих выяснению при рассмотрении вопроса о выдворении, возвращении и экстрадиции лица в другую страну, которое



утверждает, что оно находится в опасности быть подвергнутым пыткам в этой стране.

К ст. 4 Конвенции

- Ввести в ст. 347-1 УК РК надлежащую меру наказания за применение пыток. Исключить возможность квалификации преступления, предусмотренного ст. 347-1 УК РК, как преступления небольшой или средней степени тяжести.
- Исключить возможность квалификации случаев пыток, повлекших смерть потерпевшего, как преступных деяний, совершенных по неосторожности. Предусмотреть соответствующее наказание за причинение смерти в результате пыток, аналогичное ст.96 УК РК (убийство, совершенное с особой жестокостью).
- Законодательно закрепить запрет на применение амнистии и возможность примирения сторон по ст. 347-1 УК РК «Пытки».

К ст. 11 Конвенции

- Привести законодательства и правоприменительную практику в Казахстане в соответствие с Минимальными стандартными правилами ООН обращения с заключенными и со Сводом принципов защиты всех лиц, подвергаемых задержанию или заключению в какой бы то ни было форме, для полного обеспечения права на свободу от пыток. Ввести изменения в законодательство и обеспечить соблюдение на практике правил применения одиночного заключения в соответствии с международными стандартами и положениями Конвенции.
- Принять дополнения в действующее законодательство, регулирующие проведение общественного контроля за соблюдением прав человека в полицейских участках и изоляторах временного содержания МВД РК и других закрытых учреждений, включая медицинские учреждения закрытого типа.
- Расширить полномочия Общественных наблюдательных комиссий, позволяющие членам наблюдательных комиссий осуществлять внезапные посещения в закрытые учреждение уголовно-исполнительной системы, в изоляторы временного содержания и в другие закрытые учреждения, находящихся как в ведении МВД, так и других ведомств, включая Комитет национальной безопасности.
- Обеспечить рассмотрение и расследование жалоб заключенных, полученных во время случаев массовых членовредительств, начиная с 2002 г., о применении к ним пыток и других жестоких или унижающих человеческое достоинство видов обращения и наказания.

К ст. 12 и 13 Конвенции

- Создать независимый специализированный орган по рассмотрению заявлений и жалоб о пытках для обеспечения быстрого, беспристрастного и тщательного расследования случаев пыток. Предусмотреть возможность общественного контроля за работой вышеуказанного органа и за ходом расследования по фактам применения пыток.
- Ввести в законодательство особый порядок рассмотрения заявлений и жалоб о пытках с учетом следующих требований:
  - а) обозначить максимальный срок рассмотрения заявления о пытках - 10 дней;
  - б) предусмотреть незамедлительное проведение судебно-медицинской экспертизы при поступлении заявления или жалобы о применении пыток.
- Закрепить в законодательстве особые права заявителей о пытках, аналогичные правам потерпевших, для реализации ими в ходе доследственной проверки следующих, в частности, прав:
  - а) право быть информированным о ходе проводимого рассмотрения заявления или жалобы и знакомиться с материалами проверки;
- право давать показания, представлять доказательства, заявлять ходатайства, участвовать в проведении действий, направленных на проверку заявления или жалобы и т.д.
- Законодательно закрепить право потерпевшего при рассмотрении или расследовании его/ее жалобы о пытках иметь представителя или защитника, а в случае отсутствия средств иметь защитника за счет средств государства.
- Внедрить международные стандарты в области эффективного расследования пыток (Стамбульский протокол) в руководства по расследованию дел о применении пыток и других жестоких, бесчеловечных или унижающих достоинство видов обращения и наказания. Руководствуясь международными стандартами в области эффективного расследования пыток (Стамбульский протокол), разработать и законодательно закрепить критерии проведения медицинского освидетельствования жертвы пыток.

#### К ст. 14 Конвенции

- Предусмотреть возможность предъявления гражданского иска жертвой пыток о получении компенсации за вред, причиненный в результате пыток. При этом возможность получения компенсации не должна ставиться в зависимость от установления вины приговором. Обеспечить своевременность и адекватность процедуры выплат компенсаций жертвам пыток из государственного бюджета.
- Разработать механизм психолого-психиатрической и/или медицинской реабилитации жертв пыток.

#### К ст. 15 Конвенции

- Ввести в законодательство специальную процедуру рассмотрения судом заявления подсудимого о применении пыток и исключения доказательств, полученных в ходе предварительного следствия в результате пыток.
- Обеспечить соблюдение следующих требований в ходе рассмотрения таких заявлений:

- а) незамедлительно назначить процедуру рассмотрения жалобы подсудимого о том, что доказательства были получены путем пыток, при получении судом такой жалобы. Такое рассмотрение может быть назначено судом и в отсутствие жалобы подсудимого, когда у суда есть основания полагать, что доказательства были получены незаконно. При этом слушание в главном судебном разбирательстве должно быть приостановлено до разрешения вопроса о допустимости доказательств;
- б) бремя доказывания во время рассмотрения заявления подсудимого о применении пыток с целью получения доказательств должно быть возложено на сторону обвинения;
- с) судья должен обеспечить подсудимому, его/ее представителю или защитнику право вызывать дополнительных свидетелей, предоставлять информацию и доказательства, требовать проведения дополнительных экспертиз;
- д) в завершение процедуры рассмотрения судья должен вынести обоснованное, мотивированное решение. При подтверждении обоснованности жалобы подсудимого на применение пыток, судья обязан вынести постановление о недопустимости использования доказательств, полученных с применением пыток, и частное определение о выявленном нарушении закона с последующим незамедлительным возбуждением уголовного дела.

## **Council of Europe**

Concerning victims of terrorism, core standards to be promoted and disseminated are:

- - the Council of Europe Convention on the Prevention of Terrorism (CETS 196)
- the Recommendation (2006)<sup>83</sup> on assistance to crime victims <sup>23</sup>
- - the Guidelines on the protection of the victims of terrorist acts (adopted by the Committee of Ministers on 2 March 2005).
- In respect of victims of terrorism and concerning compensation mechanisms, the CJ-S-VICT and the CDCJ support the need to encourage dialogue and interaction between states and insurance companies.
- The European Day for Victims of Terrorism (11 March) and the European Victim's Day (22 February) could be a focus point to publicise the latest research and national policies and could be used as a launch-pad for new initiatives in the field of victims.

Recommendations to the OSCE:

**Rainbow – Organisation of the Macedonian minority of Greece**

- We hope that in future if the OSCE High Commissioner for National Minorities should visit Greece, minority activists will not be subject to harassment on the part of the state authorities for speaking out against Greece's treatment of its Macedonian minority.

**The Italian Helsinki Committee**

- We recommend the OSCE and the ODIHR to intensify the dialogue with the US government, as well as with Belarus, in order to stress the commitment for a higher degree of respect of the human rights, including the right not to be executed, and for a consequent reduction of the level of violence in the societies.

**European Union**

- The Office for Democratic Institutions and Human Rights (ODIHR) should closely monitor the conditions of detention in Belarus, and contemplate the possibility of engaging in technical cooperation projects in the field of the human dimension; the ODIHR indeed has a broad mandate to uphold the human dimension commitments of participating states;
- The OSCE office in Minsk, in the framework of its mandate to consolidate the Rule of Law, should pay special attention to the conditions in detention facilities;
- The OSCE Parliamentary Assembly should follow-up the issues raised in this report, and invite its Belarusian members to take the relevant legislative initiatives to bring domestic law in conformity with international human rights standards in this field.

*Recommendations to International Organizations:*

**Delegation of Russian Federation**

To the Council of Europe

Российская Федерация исходит из того, что работа, проводимая международным сообществом по выявлению и изучению возможностей заполнения пробелов в международном контртеррористическом праве и практике, должна продолжаться. В этом контексте обращаем внимание делегаций 13-го ежегодного Сессии ОБСЕ по рассмотрению выполнения обязательств в области человеческого измерения на неоднократно выдвигавшееся российской стороной предложение о необходимости разработки и скорейшего принятия международно-правового инструмента, направленного на противодействие использованию террористами и их пособниками киберпространства. Такая работа могла бы быть поручена, например, Комитету экспертов Совета Европы по борьбе с терроризмом (КОДЕКСТЕР) – основному рабочему органу СЕ в вопросах международного антитеррористического сотрудничества.

**Wednesday, 1 October 2008**

**WORKING SESSION 5: Tolerance and non-discrimination I**

*Recommendations to Participating States:*

**Home of Macedonian Culture**

- urges Greece to review these discriminatory laws and practices and afford recognition to its Macedonian minority.

**European Union**

- Placing issues of aggressive nationalism, racism and chauvinism highly on the agenda of the OSCE's activities has helped to work out numerous commitments aimed at tackling those problems. Now we must concentrate on practical implementation of those commitments.

## **Constantinopolitan Society:**

### **To Turkey**

- Turkey should take immediate action so as to redress past injustices and to build, both politically and in every day life, a sense of tolerance and safety within the members of the Minority.
- Turkey should cease to interfere with the title of the Ecumenical Patriarchate, should officially recognize its legal entity and reopen the Theological School of Halki. The Ecumenical Patriarchate should have the right to call and employ priests from abroad without any residency constraints. The Ecumenical Patriarchate printing facility has to re-operate in order to perform its own spiritual mission by publishing religious journals, treatises and books.
- Turkey should relinquish its claim that the Spiritual Leader of 300 millions Orthodox Christians all over the world should possess the Turkish citizenship.
- The Churches and Community Foundations, along with their property, that have been seized (“mazbut”) by the Turkish Directorate General of Foundations, through various arbitrary and unchecked practices, should be given back promptly to the Greek Minority. An end has to be put to the administrative interventions in the Minority Foundations regarding the confiscation, by the Turkish state, of their property. In a broader context, the 5737 Law on the Vakif (charitable Institutions) should be fully implemented, in its letter and spirit, so as to avert anything of the like to happen in the future, and Turkey should proceed to additional remedial actions to address those major problems which are not solved by the above – mentioned new Turkish Law.
- The Turkish Authorities should permit without any obstacles the appointment of teachers from the Greek Minority. Also, they should review the appointment of a Turkish deputy schoolmaster in Minority Schools, and put no limitations on the registration of students in the Minority Schools.
- The officially approved schoolbooks in the public educational system should have no references to the Ecumenical Patriarchate that might evoke any hostile impressions upon the Turkish public opinion or the Turkish students against the Patriarchate and the Greek Minority, so as the latter not to become a target of terror organizations, such as *Ergenekon* and others.
- Turkey should take a series of effective measures – we believe to the benefit of its society as whole – in order to ensure the facilitation of the coming home of the expatriated members of the Minority in Istanbul and in the Gokceada (Imvros) and Bozcaada (Tenedos) islands; in compliance with the 28/6/2008 Resolution of the Council of Europe regarding Imvros and Tenedos. There should also be no limitations as far as the acquisition of property is concerned on the part of foreign citizens and last, but certainly not least, Greek citizen’s succession rights should be fully respected with the view of having them enjoyed the possession of the inherited property.

## **Culture, Arts and Sport Association “Gercek”:**

- We need more support from the international community. We see the priority areas as;
- adoption of common strategies for the support of minority communities,
- positions in administration set aside for minority representation so that the public institutions become more accessible,
- material and financial support for the education in minority languages with a special emphasis on the preparation and provision of adequate books,
- support for the founding of cultural and youth centers that can also be used by the minority associations,
- founding of language centers for minority communities,
- provision of minority community rights in the Constitution of Kosovo,
- full implementation of the Constitutional and legal provisions concerning minority communities,
- support for the minority community media.

## **Federation of Western Thrace Turks in Europe:**

### **To Greece**

- Education needs to be made available and accessible at all levels to the members of a minority group and, most importantly, it needs to adapt to the socio-linguistic and cultural needs of minority students.
- A culture of respect must be maintained to protect the right to be different and the principles of non-discrimination and equality in educational level. The accomplishment of such a goal requires a satisfactory level of education that takes into consideration the special social and cultural needs of the members of the Turkish minority in Western Thrace.
- Federation of Western Thrace Turks in Europe (ABTTF), therefore, urges the Greek government that the extension of the period of compulsory education from nine to ten years under Law No. 3518/2006 should be extended to the minority schooling system.
- We assert that the minority system of education should be reconstructed according to the principles of multiculturalism and multilingualism. In this context, we encourage the Greek government to provide Muslim Turkish students with sufficient opportunities to learn both the official language of the state and their mother tongue.

## **FIDH and ADC “Memorial”**

### *Concerning forced eviction,*

- Immediately stop forced evictions of *Kelderari* Roma;
- Adopt legal provisions against forced evictions in conformity with international law, and incorporate in particular the Basic Principles and Guidelines on Development-based Evictions and Displacement developed by the UN Special Rapporteur on the Right to Housing.
- Such legislation should prohibit forced evictions as a principle, allow evictions only in exceptional cases and provide for appropriate safeguards.
- The legislation should: integrate the Roma population in decision-making processes regarding development and infrastructure projects which affect their right to housing; provide effective remedies for persons threatened by forced eviction and legal aid for needy parties seeking redress,
- provide adequate compensation of evicted people, and sanctions in case of forced evictions being carried out;
- Where persons have been expelled from their house, due remedy including restitution, alternative housing and/or compensation should be provided in the best timeframe;
- Persons or entities responsible for violations of law and for violence during evictions should be prosecuted.

### *Concerning the right to housing of Roma and subsequent access to ESC rights*

- Adopt a law on the regulation of housing and land on the model of the “Dacha Amnesty” law of 2006 simplifying the privatization process and strengthening security of tenure;

### *To The Russian Federation*

- Register Roma settlements lacking recognized tenure and upgrade living conditions to ensure the dignity of the inhabitants. Secure legal access to water, electricity and gas in the Roma settlements, including the installation of meters indicating the actual consumption of each house.
- Enable registration of Roma people in the house where they live, even if their house is not duly registered, to enable them to enjoy economic, social and cultural rights, including access to education, healthcare, employment etc. More generally, eliminate the dependence of social benefits and rights (such as pension benefits, social security, access to education and employment) upon the institution of permanent registration. The loss of one's residence shouldn't lead to the loss of all social benefits. In case of resettlement, all the rights of those resettled should be preserved independently of their registration status.

### *Concerning discrimination against Roma*

- Adopt a comprehensive federal plan for the Roma community aiming at promoting and respecting their cultural identity and at eradicating social and economic marginalization, caused in particular by poor housing conditions, lack of documents, the high level of dropouts of Roma children at school and the difficulties of the Roma to access employment. The plan should also aim at sensitizing Russian society to Roma history and



traditions, in order to eliminate the negative stigma and stereotypes Roma are recurrently associated with.

- Ratify the Revised European Social Charter.
- Address a standing invitation to all UN Special Procedures, and in particular to the UN Special Rapporteur on the Right to Housing, and the UN Special Rapporteur on Racial Discrimination.

### **Minority Rights Group International:**

- We urge the governments of Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro and Serbia to engage constructively with the minority communities and civil society in these member states in order to establish and strengthen minority inclusion in their countries and thus contribute to the fulfilment of the Copenhagen political criteria as well as their OSCE commitments.

### **Recommendations to the OSCE:**

### **FIDH and the ADC “Memorial”**

- urge the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE to closely monitor the forced evictions of Roma in the Russian Federation, in the framework of its human rights mandate and in particular of its Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, adopted in 2003.
- Our organisations appeal to the office of the High Commissioner for National Minorities of the OSCE to investigate the situation of Romani people in the Russian Federation, paying special attention to the practice of forced evictions.
- The OSCE Parliamentary Assembly should follow up on the issues raised in this report, and invite its Russian members to take the relevant legislative initiatives, including our recommendations to the Russian authorities.

### **Center for Peace, Legal Advice and Psychosocial Assistance:**

- would like to invite all relevant international actors, including the OSCE, EU, UN and CoE, to continuously monitor the process and issues of relevance for minority returns to Croatia, and to contribute continuation of the process launched by Sarajevo Ministerial Declaration pursuant to its principles, and toward the full achievement of its goals.

**Public Movement “Multinational Georgia”:**

- Employ mandate of the High Commissioner on National Minorities for the timely investigation of the facts and allegations in the ethnic discrimination and ethnic-driven violence in the zone of the Georgian-Ossetian conflict, as well as to provide protection of the representatives of the all ethnic groups residing on the territories, which are not controlled by the central authority of Georgia.
- Unite efforts of the High Commissioner, respected departments of the OSCE/ODIHR and Mission of OSCE to Georgia for the support (including technical assistance) in creation of legal and institutional environment for the protection of the national minorities and deepening of their civil integration in line with their involvement in decision making process, including conflict resolution process.
- Undertake measures on monitoring of implementation of the OSCE recommendations for the effective participation of national minorities in the electoral process including OSCE/ODIHR Final Report about Parliamentary Elections in Georgia.