

## COMPILATION OF WRITTEN RECOMMENDATIONS

*(Covering Working Sessions 1-3)*

*This compilation contains recommendations submitted to the HDIM Documentation Centre in accordance with the established procedure. The compilation is organized by Working Sessions and by what was submitted by Delegations / International Organizations / NGOs to participating States and, separately, to OSCE Institutions / Field Missions or other International Organizations. Recommendations are compiled in original language. This compilation contains recommendations from all documents received at the HDIM Documentation Centre by the end of Working Session 3; documents received after this time will be included later in the Consolidated Summary.*

**Monday, 24 September 2012**

### **WORKING SESSION 1: Fundamental Freedoms I**

*Recommendations to participating States*

#### **Switzerland**

- Wir rufen die Teilnehmerstaaten dazu auf, die OSZE-Verpflichtungen zur Sicherheit von Journalisten zu aktualisieren und zu konkretisieren.
- Die Schweiz legt allen Teilnehmerstaaten nahe, ihre Pflichten zum Schutz der freien Meinungsäußerung in ihre nationale Gesetzgebung zu integrieren und entsprechend umzusetzen.

#### **Association for Cultural Interaction**

The Turkish minority in Bulgaria encourage the Bulgarian authorities:

- To take effective measures, including the adoption, in conformity with constitutional systems and international obligations, of such laws which can be necessary to provide protection against any acts that constitute discrimination, racism, incitement to hatred;
- To enact or make amendments to the Media law that makes enable to establish broadcast and media in mother language.
- To engage in partnerships with private media, including Internet providers, in order to prevent the dissemination of prejudice, stereotypes and hatred;
- To guarantee that public broadcasting services avoid stereotyping of individuals and groups, and report fairly on individuals and groups in conformity with the highest professional and ethical standards including during election periods and public gatherings;
- Make efforts to abolish the ban on use of mother language in the electoral law
- To ensure that public officials at all levels, including ministers, refrain from making statements that incite to violence and discrimination;
- To develop codes of conduct for political representatives in unequivocally and publicly condemning manifestations of hate in public discourse and acts of violence based on bias and refraining from making discriminatory statements;

## **European Union**

### Participating States should:

- reaffirm the existing principles and commitments in the field of freedom of expression and freedom of the media as well as their determination to implement them,
- consider how to enhance the implementation of commitments with regard to freedom of the media as well as to examine the updating and strengthening of those commitments including to reflect technological developments such as the internet,
- extend open invitations to the Representative and her office,
- ensure that media laws are in line with international standards and OSCE commitments and are implemented subsequently,
- strengthen their commitment to ensure freedom of opinion and expression, and especially to protect journalistic activities from an inappropriate application of criminal law,
- ensure that journalists in the OSCE area can work safely and without being threatened by physical violence, persecution, detention, harassment, intimidation, direct or indirect economic pressure or any other form of interference,
- act decisively to investigate thoroughly all acts of violence against journalists and bring offenders to justice, and fight the climate of impunity,
- ensure that press freedom is guaranteed by an independent judiciary to which journalists can appeal in cases of alleged violations,
- ensure the right of journalists to keep their sources of information confidential by enacting appropriate legislation (“shield laws”),
- ensure that these commitments equally apply to journalists who are also Human Rights Defenders.

## **Western Thrace Minority University Graduates Association**

### We call upon the Greek State

- To respect the right to freedom of expression and the press freedom, in particular smaller and minority press in order to protect and enrich diversity of opinion in the media,
- To put an end to selective penalization of media institutions and press by ethnic, sectarian, and political motives,
- To uphold the principle of fair and proportional punishment in judicial process,
- To guarantee that the legal amount of compensation should not enrich the claimant in an unjust way, but compensate the moral loss of the claimant,
- To reconsider and revise the relevant legislation and ensure that the principle of equality is guaranteed for each element in society, including the Turkish minority of Western Thrace.

The access to media of different opinions and Minorities' voices should be considered as a key element of the freedom of the media and free flow of information.

Recommendations:

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- To guarantee that the legal amount of compensation should not enrich the claimant in an unjust way, but compensate the moral loss of the claimant,
- To reconsider and revise the relevant legislation and ensure that the principle of equality is guaranteed for each element in society, including the Turkish minority of Western Thrace,
- To respect the letter and the spirit of the Treaty of Lisbon along with all other European covenants and declarations while implementing article 14 of the Constitution of the Hellenic Republic on freedom of expression and press.

### **Institute for International Research at the Ukrainian Academy of Sciences**

General recommendations:

- Governmental structures should strengthen their responsibilities in timely highlighting all necessary efforts on investigation of reported cases of corruption, crimes against journalists and other problems. In doing so, they should refrain from providing purely statistical and formal update.
- The exercise of many fundamental rights may be enhanced by the Governmental structures through the use of social networks and other new technologies, altering the landscape in which human dimension commitments are implemented.
- The particular attention of the OSCE Chairmanship should be focused on the media freedom in the context of developing necessary legal framework with direct involvement of all actors, including national journalists, editors, publishers and broadcasters.
- NGOs and other international institutions could improve existing media freedom assessment mechanisms by using a kind of prevailing targeted customer evaluation approach.
- In order to support new cross-dimensional cyberspace initiatives the NGOs and other international institutions should supplement the existing Internet usage rate by additional qualitative data and potential estimates, including those related to economic and social activities of the prospective audiences.

### **Amnesty International**

- Respect and protect the human rights of independent civil society activists and journalists, ensuring that they are able to carry out their peaceful activities free from harassment and without threat of detention and imprisonment and other human rights violations.
- Refrain from passing—or, where already in place, abolish—any legislation, which exceeds the permissible restrictions on the right to freedom of expression under international law, and leaves the way open for the criminalization of a wide range of peacefully-expressed dissenting opinion.
- Release all prisoners of conscience jailed for expressing their political, religious or other conscientiously-held beliefs.

### **Turkmen Initiative for Human Rights, International Partnership for Human Rights and the Netherlands Helsinki Committee**

Recommendations to the authorities of Turkmenistan:

- Stop intimidating and harassing civil society activists and other representatives of civil society (including those in exile) who criticize official policies.
- Stop conducting systematic monitoring of internet use and refrain from blocking websites simply because they contain information that does not please authorities, such as information critical of current policies.
- Take effective measures to promote internet access, ensuring that access is widely available, affordable and meets reasonable quality standards.
- Abolish excessive control of the work of state media, refrain from using these media as tools of ideological propaganda and abolish the practice of compulsory subscriptions to state publications.
- Promote the growth of privately owned media and ensure that such media can operate independently of the state.

### **Initiative Group of Independent Human Rights Defenders of Uzbekistan, International Partnership for Human Rights and the Netherlands Helsinki Committee**

Recommendations to the authorities of Uzbekistan:

- Put an end to censorship in state media and respect the right of citizens to seek, obtain and disseminate information and ideas of all kinds.
- Stop persecuting independent journalists and human rights defenders and immediately and unconditionally release all journalists and human rights defenders who have been imprisoned on politically motivated grounds.

## **Kazakhstan International Bureau for Human Rights and Rule of Law, International Partnership for Human Rights and the Netherlands Helsinki Committee**

Recommendations to the authorities of Kazakhstan:

- Establish upper limits for the amounts of moral damages that can be awarded in any defamation lawsuits, and provide protection for statements of opinions and reasonable publication of information in the public interest.
- Ensure impartial and thorough investigations into all physical attacks against journalists with a view to holding accountable those responsible.
- Stop using the vaguely worded criminal offense on “inciting social hatred” and other similar charges against opposition members and civil society activists who have exercised freedom of expression and other fundamental rights in a peaceful and legitimate manner.

### **International Partnership for Human Rights**

- Where relevant, use existing means of leverage to encourage the authorities of individual OSCE participating States to take concrete steps to remedy violations of internet freedoms in accordance with recommendations made by international human rights bodies, including the OSCE Representative on Freedom of Media (such as in a 2011 study on freedom of expression on the internet commissioned by this office<sup>3</sup>).
- Use high-level meetings, public statements and other means to raise issues of concern regarding freedom of expression in the internet and to defend victims of online repression in the OSCE region in a visible and prominent way.
- Support programs to promote internet use in those parts of the OSCE region where it is currently limited, and facilitate the use of specialized technology to circumvent government imposed internet censorship and to ensure protection against cyber attacks among citizens of states where online expression is under attack.

### **Chernivtsy Regional NGO 'Human Rights'**

Рекомендации:

- не возвращать цензуру;
- не запугивать журналистов перед выборами;
- отклонить законопроект № 11013 от принятия во втором чтении

### **Foundation of Regional Initiatives**

Общей рекомендацией является полная декриминализация клеветы.

- К примеру, в Великобритании клевета никогда не считалась уголовным преступлением, а за клевету предусмотрена только административная ответственность в виде финансовых компенсаций, если клевета нанесла ущерб репутации человека.
- Обращаясь к делегациям стран-участниц ОБСЕ, мы призываем оказывать всяческое давление на власти Украины с целью недопущения принятия

закона о криминализации клеветы в целом. Это особо актуально по той причине, что Украина должен продемонстрировать не только отсутствие негативных тенденций, но и продемонстрировать улучшения существующих стандартов в свете грядущего председательствования в ОБСЕ.

### **Almaty Confederation of NGOs 'Ariptes'**

Для стран ОБСЕ

- Медийные НПО имеются в каждой стране. Как живет эта часть гражданского общества, каков ее вклад в продвижении свободы СМИ и информации? Какие есть достижения?
- Может провести on-line конференцию по этому вопросу? Здесь и актуальные вопросы, просветительского и образовательного характера, социальных сетей и др. Вообще, как нам двигаться дальше? Можно ли этот вопрос включить в повестку дня ОБСЕ 2013 года?

### Recommendations to the OSCE

### **Almaty Confederation of NGOs 'Ariptes'**

Для ОБСЕ

- Предлагаю взять индикаторы по свободе СМИ и информации в странах ОБСЕ за последние пять лет и посмотреть эффективность вопроса. Есть ли движение вперед, стоим ли мы на месте или все же имеется откат назад.
- Конечно, то, что самые острые вопросы всегда на виду и обсуждаются, так и должно быть, так и есть сейчас в Представительстве ОБСЕ по вопросам свободы СМИ, но нет целостной картины эффективности действий всего сообщества ОБСЕ в вопросе свободы СМИ и информации. Если мы не называем годами ту или иную страну, так ли там хорошо?
- С чем сравнивать, у кого брать пример, где есть положительный опыт?

### **Switzerland**

- Wir empfehlen, die Gültigkeit der freien Meinungsäußerung und der Informationsfreiheit für Medien jeder Art im OSZE-Besitzstand zu bestätigen und gemäss den besonderen Möglichkeiten und Herausforderungen im Bereich der digitalen Medien zu ergänzen.

### **Association for Cultural Interaction**

My recommendation to OSCE is:

- OSCE to observe closely the process of combating intolerance and discrimination against Turks and Muslims and to suggest to Bulgarian authorities specific measures on that issue.

### **European Union**

The OSCE Representative on Freedom of the media should:

- continue to assist participating states in achieving full implementation of the OSCE commitments,
- continue efforts to promote adoption of legislation which is in line with OSCE and other international standards notably in the field of libel and defamation,
- continue to elaborate how comprehensive and non-discriminatory access to information in particular to the internet can be ensured,
- continue to strengthen freedom of the media through capacity building in the framework of training activities and media conferences,
- in coordination with the ODHIR's Point of Contact on Human Rights Defenders, assist the participating states in delivering on their commitments to protect the journalists who are also Human Rights Defenders,
- continue to develop new media, including internet and digital broadcasting, as a focus area,
- continue to cooperate with other regional and international organisations such as the Council of Europe or the United Nations on freedom of media issues.

**Tuesday, 25 September 2012**

## **WORKING SESSION 2: Fundamental Freedoms II**

*Recommendations to participating States*

### **Western Thrace Minority University Graduates Association**

Therefore we call upon the Greek State:

- To respect and implement its duties from the international instruments in which the freedom of association is safeguarded,
- To recognize and implement the ECtHR decisions.

### **Norwegian Helsinki Committee**

- The Norwegian Helsinki Committee calls upon all participating states to familiarize themselves with the newly adopted UN Declaration on Human Rights Education and Training, and take all possible measures to strengthen their countries' implementation of the obligations stated therein.

**Initiative Group of Independent Human Rights Defenders of Uzbekistan,  
International Partnership for Human Rights and the Netherlands Helsinki  
Committee**

Recommendation to the authorities of Uzbekistan:

- Respect the right to freedom of assembly and allow peaceful protests to take place without participants facing dispersals, detentions, administrative sanctions and other forms of interference and punishment by authorities.

**Kazakhstan International Bureau for Human Rights and Rule of Law,  
International Partnership for Human Rights and the Netherlands Helsinki  
Committee**

Recommendations to the authorities of Kazakhstan:

- Abolish existing restrictions on freedom of assembly (in legislation and practice) that are in violation of international standards, in particular article 21 of the ICCPR. Among others, the authorities should stop requiring that organizers of assemblies obtain permission in advance, and instead allow them to simply give notice about their plans to hold such actions.
- Ensure that peaceful protests can take place without undue interference or harassment of organizers and participants.

**Human Rights Club**

Our recommendations:

For Azerbaijani government:

- Release political prisoners, and ensure reconsideration of the cases of those who were sentenced by a closed trial;
- Stop harassment of people for their political, journalistic, rights defense, social or other activities and position;
- Pay due attention to the problems of people whose houses have been demolished, take necessary measures and avoid violating people's rights during demolitions in the future.

For international community:

- Keep in focus the state of human rights in Azerbaijan, who has undertaken obligations before the Council of Europe and other international organizations regarding human rights;
- Make more efforts to release the people who are tortured or intimidated in prisons.

**The International Federation for Human Rights (FIDH)**

In view of the situation of human rights defenders in the OSCE area, the Observatory for the Protection of Human Rights Defenders urges OSCE Participating States to:

- Guarantee in all circumstances the physical and psychological integrity of human rights defenders in the OSCE Participating States;
- Put an end to the continuous repression and harassment of human rights defenders and their organisations;



- Release immediately and unconditionally all human rights defenders since their detention is arbitrary and only aims at sanctioning their human rights activities;
- Carry out immediate, thorough, impartial and transparent investigations into the threats and acts of intimidation mentioned above, in order to identify all those responsible and sanction them according to the law;
- Fully recognise the vital role of defenders in the promotion and consolidation of democracy and the rule of law;
- Review their national legislation to conform with international and regional human rights instruments, in particular regarding freedoms of association and assembly;
- Comply with the provisions of the final document of the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension, of the Conference for Security and Co-operation in Europe (CSCE) and of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly;

### **European Union**

- We call on participating States to ensure that all those seeking to uphold human rights are able to do so in a safe environment.
- Participating States to implement international standards pertaining to freedom of association and peaceful assembly.
- Participating States should follow the OSCE Guidelines on Freedom of Peaceful Assembly.
- Participating States to simplify the registration procedure for those NGOs that wish to obtain legal entity status.
- Participating States should encourage systematic human rights education and training programmes designed to promote respect for human dignity, human rights and fundamental freedoms of all.

### **Bürgerbewegung Pax Europa**

- BPE recommends that OSCE and participating States refer to and use only the Universal Declaration of Human Rights.
- BPE recommends that this important point is renewed and clarified at the next summit meeting.
- calls on the OSCE participating States to ensure that OSCE guidelines to freedom of assembly as well as its human dimension commitments are followed and implemented by governments in all instances of legal assemblies, thereby ensuring the continued legal right to the very freedoms that should be inherent in liberal democracies.
- Recommends that ODIHR reaffirm the right to peaceful assembly for **everyone** regardless of whether one agrees or disagrees with the views of the demonstrators.

## **Switzerland**

- Die Schweiz empfiehlt allen OSZE-Staaten, friedlichem Protest mit einer positiven Grundhaltung zu begegnen, ihn zu ermöglichen und diesen als Chance zu sehen, um den demokratischen Diskurs mit der Zivilbevölkerung zu pflegen.
- Im Fall von Menschenrechtsverletzungen im Kontext von friedlichem Protest muss der Staat die Verantwortung dafür tragen, dass die Täter zur Rechenschaft gezogen werden, und dass die Opfer Wiedergutmachung erhalten.

## *Recommendations to the OSCE*

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

- Поэтому необходимо обеспечить уведомительный порядок организации и проведения мирных собраний с четким закреплением в законе исчерпывающего перечня мест, где проведение таких собраний запрещено с точки зрения обоснованных причин, связанных с обеспечением безопасности.
- В завершение, хочу еще раз подчеркнуть, что, по моему глубокому убеждению, без отмены обязательной регистрации общественных объединений и замены разрешительного на уведомительный порядок проведения мирных собраний трудно рассчитывать на то, что право на свободу ассоциации и мирных собраний будет соблюдено.

### **Russian Federation**

- Призываем наших партнеров по ОБСЕ подходить к выстраиванию отношений с Россией на гуманитарно-правочеловеческом треке на основе взаимовыгодного партнерства. Необходимо повышать уровень взаимопонимания и доверия, а не заниматься нравоучительством, «консервируя» устаревшие шаблоны и стереотипы времен «холодной войны».

## **Switzerland**

- Die Koordination zwischen der OSZE und anderen regionalen und internationalen Organisationen und Mechanismen soll verstärkt werden, um guten Praxen zum Schutz der Versammlungsfreiheit zu fördern.
- Wir möchten anregen, dass die einschlägigen OSZE-Institutionen auf Basis ihrer Erfahrungen und der Resultate des erfolgten „Monitoring“ von Versammlungsfreiheit eine Anleitung für den (polizeilichen) Umgang mit Versammlungen zusammenstellen. Ein solches „Guidebook“ für Praktiker könnte eine gute Ergänzung zu den „Guidelines on the Freedom of Peaceful Assembly“ darstellen.

**Tuesday, 25 September 2012**

## **WORKING SESSION 3: Humanitarian Issues**

### Recommendations to participating States

#### **Human Rights Centre**

- Правительству страны необходимо увеличить обеспечение Миграционной службы необходимыми финансовыми и людскими ресурсами, позволяющими ей оперативно и эффективно решать вопросы, связанные с миграцией, т.к. сегодня возможности этой службы весьма ограничены для предпринятия эффективных и достаточных мер, в том числе по информированию трудовых мигрантов. Вместе с тем, деятельность по информированию трудовых мигрантов в основном выполняют НПО при грантовой поддержке, что не гарантирует устойчивости этой деятельности. Азалхон Алимов НПО «Центр по правам человека» Таджикистан
- Стране необходимо существенно доработать рассматриваемые сейчас проекты законов «о трудовой миграции» и «Частных агентствах занятости», которые будут регулировать миграцию в страну и из страны, и в этом плане прислушаться к рекомендациям гражданского общества. В этих законпроектах используется такой термин, как "нелегальные мигранты", что является несовместимым с положениями Конвенции о защите прав трудящихся мигрантов. Проект закона о частных агентствах занятости имеет существенные пробелы в отношении механизмов осуществления этой деятельности, а также механизмов по защите прав мигрантов, которые набираются через агентства по трудоустройству.
- Правительству необходимо разработать механизмы и законодательную базу для социального и пенсионного обеспечения трудовых мигрантов, заключить соответствующие соглашения по этому вопросу с основными странами назначения трудовых мигрантов. Принять меры по социальной защите оставленных жен и детей трудовых мигрантов.
- Правительству страны необходимо активизировать сотрудничество с правоприменительными органами Российской Федерации для расследования причин смерти своих граждан и обеспечения преследования в судебном порядке виновных в убийстве таджикских мигрантов и их наказания.
- Правительству страны особое внимание нужно уделить деятельности своего посольства и консульств в Российской Федерации, с тем чтобы с их стороны обеспечить более эффективную поддержку и защиту своих граждан в этой стране.
- Правительству необходимо предпринять решительные шаги по борьбе с вымогательствами денег, с которыми встречаются трудящиеся-мигранты и члены их семей, выезжающие из страны и въезжающие, за услуги, которые являются бесплатными.

## **Istanbul Kemerburgaz University**

### **Conclusions and Recommendations**

- Just as migration itself is characterized by transnationalization, migration policies of the OSCE member states should also be transnationalized increasingly.
- The securitization of migration and obstacles to political participation have given rise for migrants to engage in activities of ethnic, cultural and religious resurgence. This could be counterbalanced with appropriate policies of inclusion and increased opportunities for political participation.
- Citizenship laws should not be based on prescribed cultural, religious, linguistic and ethnic qualities. Access to double and multiple citizenship should be eased and not be viewed as an obstacle to integration.
- IDPs are in need of special protection, and OSCE member states should work out more efficient ways to ensure this. More academic research is needed in this area and close cooperation should take place between the academia, NGOs and governmental institutions. Such cooperation would, of course, also be beneficial in other areas of migration as well.
- The OSCE member states should be aware of the externalities and potential spill-over effects of the conflict in Syria into neighboring countries.
- More generally speaking, the capacity to develop empathy for migrants and refugees needs to be considerably strengthened through improved opportunities for the receiving society to have more insights into the lifeworlds of migrants and refugees.
- The political discussion on migration and integration should shift away from multiculturalism to interculturalism, a concept that engages both sides – migrants and the receiving society – and which conceives of culture not as a static but as a constantly changing phenomenon and process.

### **Switzerland**

- Fortführung der guten Beziehungen, welche die von interner Vertreibung betroffenen Staaten mit dem Mandat des UNO-Sonderberichterstatters für IDPs haben;

### *Recommendations to the OSCE*

#### **Switzerland**

- Fortführung der Thematisierung der internen Vertreibung im Rahmen der OSZE in Abstimmung mit dem UNHCR; u.a. im Komitee zur menschlichen Dimension der OSZE;
- Aktualisierung der bestehenden Instrumente bezüglich interner Vertreibung sowie Entwicklung neuer Massnahmen, u.a. zu Vertreibung infolge von Naturkatastrophen;

## **Ukrainian Independent Maritime Trade Union**

Поэтому наш профсоюз предлагает БДИПЧ ОБСЕ **провести следующие действия** по проблеме прав моряков в период 2013-2014 гг.:

- организовать мониторинг ситуации по морякам гражданства государств-участников ОБСЕ, трудоустроенным в международном судоходстве, путем направления разработанных опросных листов участникам трехстороннего диалога на национальном уровне;
- провести исследование национальных механизмов подготовки, найма и трудоустройства моряков, их организации, ведению коллективных переговоров и их результатов в государствах ОБСЕ;
- составить методические рекомендации по обеспечению прав моряков-мигрантов в условиях нарушения их прав, обобщить национальную практику механизмов их защиты с выделением наиболее удачного опыта как разрешения специфических проблем (борьба с захватом моряков пиратами, повышение качества рядового и командного состава) так и в рамках имплементации стандартов Конвенции 2006 г.;
- способствовать распределению ответственности за обеспечение прав моряков-мигрантов в регионе ОБСЕ между МОТ, ОБСЕ, национальными правительствами, профсоюзами моряков, организациями морских работодателей, иными структурами гражданского общества;
- для реализации указанных задач создать в рамках БДИПЧ ОБСЕ специальную экспертную группу и определить ее мандат;
- Кроме того, учитывая удобство программно-правового подхода, следует рекомендовать ОБСЕ разработку Плана действий, возможно, совместного с МОТ, для обеспечения реализации в регионе ОБСЕ международных стандартов обеспечения трудовых и социальных прав моряков. Для реализации подобного Плана действий следует привлечь общественные структуры, профсоюзы, профильные учебные заведения государств региона ОБСЕ.
- Также следует рекомендовать миссиям ОБСЕ в государствах, играющих значительную роль в поставках рабочей силы на мировой рынок морского труда, учесть проблематику защиты прав моряков в соответствующих программах и проектах, с учетом приоритетов, указанных в вышеупомянутом Плана действий; в этом случае пилотной миссией для разработки такого рода программ можно считать Координатора проектов ОБСЕ в Украине;
- Считаю нужным обсуждение возможности возложения функции координатора соответствующей деятельности на Председательствующего в ОБСЕ, особенно учитывая председательствование в 2013 г. Украины, как государства, существенно заинтересованного в обеспечении прав моряков-мигрантов и одновременно испытывающего определенные сложности в имплементации современных международных стандартов защиты прав моряков (см. приложение).