

## **2014 Human Dimension Implementation Meeting**

### **CONSOLIDATED SUMMARY**

**Warsaw, 22 September - 3 October 2014**

# Table of Contents

<i>Table of Contents</i> .....	2
<b>I. EXECUTIVE SUMMARY</b> .....	4
<b>II. PARTICIPATION</b> .....	10
Link to Final List of Participants .....	11
<b>III. RAPPORTEURS' REPORTS</b> .....	12
Working session 1: Democratic institutions, including address by the Director of the OSCE Office for Democratic Institutions and Human Rights.....	12
Working session 2: Fundamental freedoms I, including freedom of expression and address by the OSCE Representative on Freedom of the Media.....	14
Working Session 3: Fundamental freedoms I (continued), including freedom of peaceful assembly and association.....	17
Working Session 4: Rule of law I.....	19
Working Session 5: Rule of law II .....	22
Working Session 6: Humanitarian issues and other commitments, including address by the OSCE Special representative and Co-ordinator for Combating Trafficking in Human Beings .....	26
Working Session 7: Tolerance and non-discrimination I, including equality of opportunity for women and men and the implementation of the OSCE Action Plan for the Promotion of Gender Equality .....	30
Working Session 8: (specifically selected topic): Violence against women and children .....	32
Working Session 9: (specifically selected topic): Violence against women and children (continued) .....	35
Working Session 10: (specifically selected topic): Rights of persons belonging to national minorities, including address by the OSCE High Commissioner on National Minorities .....	37
Working Session 11: (specifically selected topic): Rights of persons belonging to national minorities (continued) .....	39
Working Session 12: Tolerance and non-discrimination II, including prevention and responses to hate crimes, aggressive nationalism and chauvinism, and Roma and Sinti issues including the implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti .....	41
Working Session 13: Tolerance and non-discrimination II (continued), including combating racism, xenophobia and discrimination, also focusing on intolerance on religious grounds (continued).....	45
Working Session 14: Fundamental freedoms II, including freedom of thought, conscience, religion or belief.....	48
Working Session 15: Fundamental freedoms II (continued), including freedom of movement.....	50
Working Session 16: (specifically selected topic): Rights of migrants .....	53
Working Session 17 (specifically selected topic): Rights of migrants (continued) ....	55

<b>Working Session 18: Discussion of human dimension activities (with special emphasis on project work) .....</b>	<b>58</b>
<b>IV. COMPILATION OF WRITTEN RECOMMENDATIONS.....</b>	<b>61</b>
<b>V. REMARKS AND SPEECHES.....</b>	<b>161</b>
Opening remarks by Mr. Michael Georg Link, Director of the OSCE/ ODIHR.....	161
Opening address by Ambassador Thomas Greminger, Chairperson of the OSCE Permanent Council, Permanent Representative of Switzerland to the OSCE .....	166
Address by Mr. Paweł Wierdak, Deputy Director of the Department of UN and Human Rights in the Ministry of Foreign Affairs of the Republic of Poland .....	170
Address by Dr. Mehmet Sevki Kulkuloglu, Vice-chair of the OSCE Parliamentary Assembly's Committee on Democracy, Human Rights, and Humanitarian Questions .....	172
Address by Adam Kobieracki, Director of the OSCE Conflict Prevention Centre ..	174
Keynote Address by Elisa Massimino, President and CEO of Human Rights First.	176
<b>MODALITIES FOR OSCE MEETING ON HUMAN DIMENSION ISSUES .....</b>	<b>182</b>
<b>LINK TO THE ANNOTATED AGENDA .....</b>	<b>182</b>
<b>LINK TO THE TIMETABLE .....</b>	<b>182</b>
<b>LINK TO THE OVERVIEW OF SIDE EVENTS .....</b>	<b>182</b>
<b>LINK TO JOURNALS .....</b>	<b>182</b>
<b>LINK TO DOCUMENTS.....</b>	<b>182</b>
<b>INDEX OF DISTRIBUTED DOCUMENTS .....</b>	<b>182</b>

## I. EXECUTIVE SUMMARY

The eighteenth **OSCE Human Dimension Implementation Meeting (HDIM)** took place in Warsaw from 22 September to 3 October 2014, at the hotel Sofitel Victoria. This year, it attracted a record number of 1234 participants, representing OSCE participating States, Partners for Co-operation, OSCE institutions and executive structures international organizations and representatives of the civil society. Organized by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in co-operation with other OSCE executive structures as well as with the Swiss OSCE Chairmanship, it aimed at reviewing the implementation of the full range of OSCE human dimension commitments.

The HDIM provides a unique opportunity for representatives of the civil society, OSCE participating States and OSCE structures to meet and exchange ideas, not only with their civil society counterparts from other countries, but also with government representatives and international organizations.

### Organization of the Meeting

The discussions were organised in 20 sessions – Opening and Closing Plenaries and 18 Working Sessions. Apart from the official sessions, 82 side events were organised, on different topics.

The Opening Plenary was chaired by Mr. Michael Georg Link, the Director of the OSCE/ODIHR, who also gave an opening statement. The opening plenary also featured statements from: Mr. Paweł Wierdak, Deputy Director of the Department for United Nations and Human Rights, Ministry of Foreign Affairs, Poland; Ambassador Thomas Greminger Chairperson of the OSCE Permanent Council, Permanent Representative of Switzerland to the OSCE; Ms. Dunja Mijatović, OSCE Representative on Freedom of the Media; Ms. Astrid Thors, OSCE High Commissioner on National Minorities; Mr. Mehmet Sevki Kulkuloglu, Vice-Chair of the Committee for Democracy, Human Rights and Humanitarian Questions, OSCE Parliamentary Assembly; and Ambassador Adam Kobieracki, Director of the OSCE Conflict Prevention Centre, who gave a statement on behalf of the OSCE Secretary General.

The keynote address was delivered by Ms. Elisa Massimino, President and CEO of Human Rights First.

Ten delegations of participating States also delivered statements in the Opening Session.

There were nine working sessions in the first week of the HDIM from 22 to 26 September and they focused on the following topics:

- **Working session 1:** Democratic institutions, including address by the Director of the OSCE Office for Democratic Institutions and Human Rights. The session addressed Democracy at the national, regional and local levels, Citizenship and political rights and Democratic elections.

- **Working session 2:** Fundamental freedoms I, including freedom of expression and address by the OSCE Representative on Freedom of the Media. Apart from freedom of expression, the session addressed also the role of civil society in the protection of human rights.
- **Working session 3:** Fundamental freedoms I (continued), including freedom of peaceful assembly and association. The session addressed also the national human rights institutions.
- **Working session 4:** Rule of law I, included also such topics as Protection of human rights and fighting terrorism; Prevention of torture; and Exchange of views on the question of abolition of capital punishment.
- **Working session 5:** Rule of law II, addressed the topics of Democratic Law-Making; Independence of the Judiciary; and Right to a Fair Trial.
- **Working session 6:** Humanitarian issues and other commitments, including address by the OSCE Special Representative and Co ordinator for Combating Trafficking in Human Beings.
- **Working session 7:** Tolerance and non-discrimination I, including equality of opportunity for women and men and the implementation of the OSCE Action Plan for the Promotion of Gender Equality.
- **Working sessions 8 and 9:** They focused on Violence against women and children as the specifically selected topic. The morning session addressed domestic violence and the afternoon session focused on violence against women belonging to vulnerable groups.

In the second week, 29 September to 3 October, there were also nine Working Sessions which addressed the following topics:

- **Working sessions 10 and 11:** They addressed the specifically selected topic of Rights of persons belonging to national minorities, including address by the OSCE High Commissioner on National Minorities. The morning session focused on the education rights of persons belonging to national minorities and the afternoon session on the right of persons belonging to national minorities to effective participation.
- **Working session 12:** Tolerance and non-discrimination II, focused on prevention and responses to hate crimes, aggressive nationalism and chauvinism, and Roma and Sinti issues including the implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti.
- **Working session 13:** Tolerance and non-discrimination II (continued), addressed combating racism, xenophobia and discrimination, also focused on intolerance on religious grounds.
- **Working session 14:** Fundamental freedoms II, included freedom of thought, conscience, religion or belief.
- **Working session 15:** Fundamental freedoms II (continued), including freedom of movement. The session addressed also the human rights education.

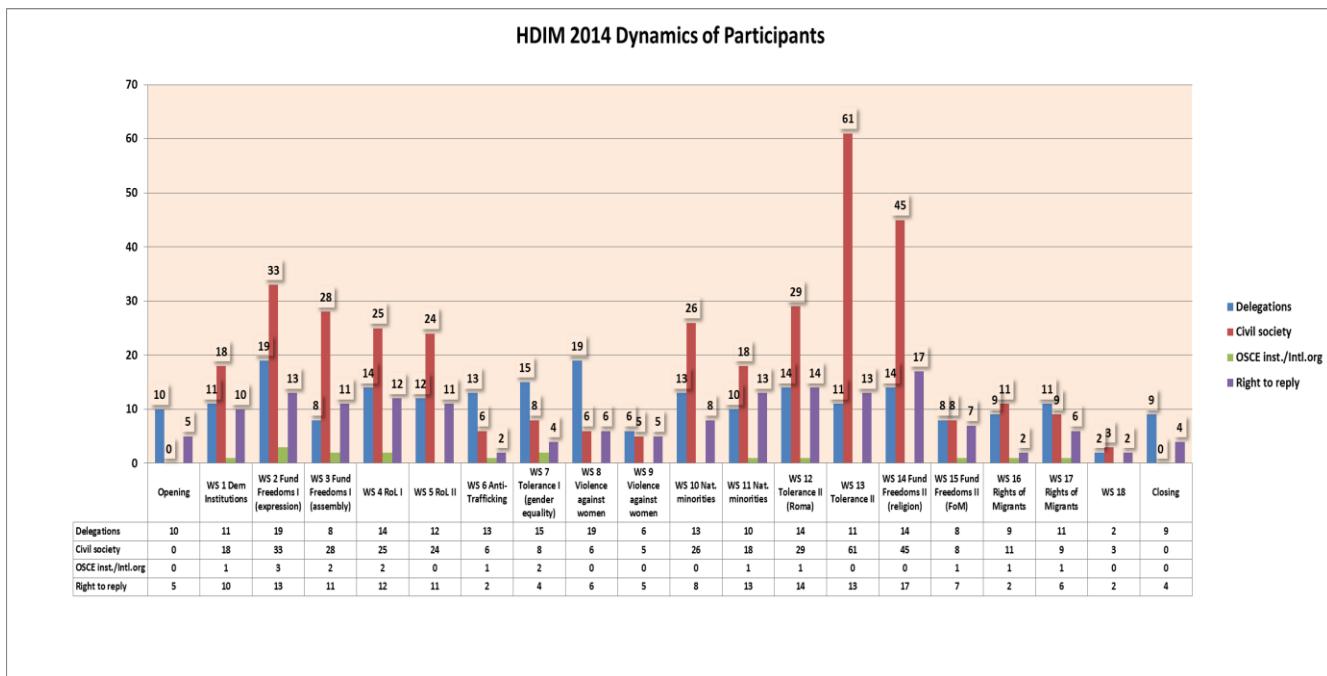
- **Working sessions 16 and 17:** They were devoted to the third and last specifically selected topic: Rights of migrants. The morning session focused on migrant workers, the integration of regular migrants as well as the treatment of citizens of other participating States and the afternoon session on the situation of refugees and internally displaced persons.
- **Working session 18:** It was devoted to the discussion of human dimension activities with special emphasis on project work.

The HDIM was concluded by a Closing **Plenary Session**. Closing addresses were delivered by the Secretary General of the OSCE, Ambassador Lamberto Zannier, the Chairperson of the OSCE Permanent Council Ambassador Thomas Greminger and by the Director of the OSCE/ODIHR Mr. Michael Georg Link, Nine participating States also delivered statements at the Closing Sessions.

The exact timetables can be found here: <http://www.osce.org/odihr/123789>

Participants, all together, delivered more than 770 statements during all sessions. See the statistics below.

	<i>Delegations</i>	<i>Civil society</i>	<i>OSCE inst./Intl.org</i>	<i>Right to reply</i>	<i>Total</i>
<b>Opening</b>	10	0	0	5	<b>15</b>
<b>WS 1 Dem Institutions</b>	11	18	1	10	<b>40</b>
<b>WS 2 Fund Freedoms I (expression)</b>	19	33	3	13	<b>68</b>
<b>WS 3 Fund Freedoms I (assembly)</b>	8	28	2	11	<b>49</b>
<b>WS 4 RoL I</b>	14	25	2	12	<b>53</b>
<b>WS 5 RoL II</b>	12	24	0	11	<b>47</b>
<b>WS 6 Anti-Trafficking</b>	13	6	1	2	<b>22</b>
<b>WS 7 Tolerance I (gender equality)</b>	15	8	2	4	<b>29</b>
<b>WS 8 Violence against women</b>	19	6	0	6	<b>31</b>
<b>WS 9 Violence against women</b>	6	5	0	5	<b>16</b>
<b>WS 10 Nat. minorities</b>	13	26	0	8	<b>47</b>
<b>WS 11 Nat. minorities</b>	10	18	1	13	<b>42</b>
<b>WS 12 Tolerance II (Roma)</b>	14	29	1	14	<b>58</b>
<b>WS 13 Tolerance II</b>	11	61	0	13	<b>85</b>
<b>WS 14 Fund Freedoms II (religion)</b>	14	45	0	17	<b>76</b>
<b>WS 15 Fund Freedoms II (FoM)</b>	8	8	1	7	<b>24</b>
<b>WS 16 Rights of Migrants</b>	9	11	1	2	<b>23</b>
<b>WS 17 Rights of Migrants</b>	11	9	1	6	<b>27</b>
<b>WS 18</b>	2	3	0	2	<b>7</b>
<b>Closing</b>	9	0	0	4	<b>13</b>
<b>Total</b>	<b>228</b>	<b>363</b>	<b>16</b>	<b>165</b>	<b>772</b>



The most popular session, in terms of statements, was Working Session 13 on Tolerance and non-discrimination II (continued), including combating racism, xenophobia and discrimination also focusing on intolerance on religious grounds, with 85 statements (11 from Delegations, 61 from NGOs and 13 rights to reply).

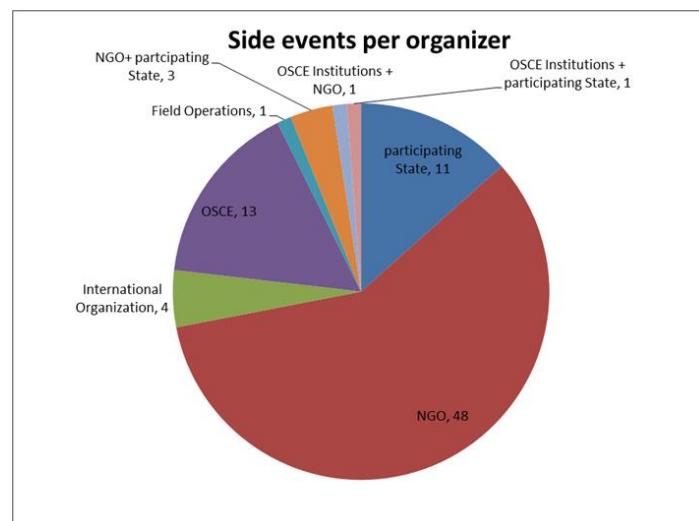
Second most popular was Working Session 14 on Fundamental freedoms II, including freedom of thought, conscience, religion or belief with 76 statements (14 from Delegations, 45 from NGOs, and 17 rights to reply).

And the third most popular was Working session 2 on Fundamental freedoms I, including freedom of expression, and addressed by the OSCE Representative on Freedom of the Media with 68 statements (19 statements from Delegations, 33 from NGOs, 3 IOs and 13 rights to reply).

## Side events

An unprecedented number of 82 side events were organized on the margins of the HDIM, meant to highlight and address a wide range of human dimension topics.

The side events provided opportunities for governments, IOs and NGOs to present best practices, to brief on their activities and for a more in-depth and focused discussions, on various issues related to democracy and human rights, in the OSCE area.



## **Recommendations**

Participating States as well as NGOs provided also a wide range of recommendations on human dimension issues that addressed the implementation of OSCE commitments in participating States and relevant programmes for OSCE Institutions. These recommendations were compiled thematically by ODIHR for each working session and distributed to all participants. The final compilation of written recommendations is included in this report.

## **Reports from the Working Sessions**

Written summaries by rapporteurs of all of the Working Sessions, apart from WS 18, were submitted and distributed in advance of the Closing Plenary Session. Their reports were distributed to all delegations and posted online. This new practice, introduced in 2012, increased transparency, by providing an opportunity for the delegations of participating States to familiarize themselves with the Rapporteurs' summaries before the Closing Plenary Session, which was dedicated to the dialogue on review of the HDIM results and recommendations.

## **Livestreaming**

For the first time, the plenary sessions were livestreamed on-line on 2014 HDIM website. Below some statistics:

Total views

HDIM 2014	Total Views
Date	Views
22/09/2014	233
23/09/2014	178
24/09/2014	149
25/09/2014	129
26/09/2014	82
29/09/2014	116
30/09/2014	115
01/10/2014	91
02/10/2014	124
03/10/2014	53
Total	1270

Unique views

HDIM 2014	Unique Views
Date	Views
22/09/2014	122
23/09/2014	106
24/09/2014	102
25/09/2014	69
26/09/2014	51
29/09/2014	72
30/09/2014	62
01/10/2014	51
02/10/2014	69
03/10/2014	34
Total	738

### **Documents Distribution System**

As in previous years, ODIHR used its electronic Documents Distribution System (DDS). This tool allowed all documents and recommendations, to be immediately displayed in electronic form on terminals available at the conference venue and accessible through the OSCE website. With the possibility of sending documents via e-mail directly from the terminals, the system facilitates additional input to and feedback from the debate. It also significantly reduces costs of the Meeting. This year participants submitted almost 500 statements in the system. The list of documents distributed during the HDIM is attached to this report.

### **TANDIS, Legislationline and Hate Crime Reporting website**

During the Meeting, participants also had the possibility to familiarize themselves with other main tools developed and offered by ODIHR – the Tolerance and Non-Discrimination Information System (TANDIS), Legislationline and the Hate Crime Reporting website. TANDIS is a tool allowing ODIHR to serve as a collection point for information related to tolerance and non-discrimination as tasked by the 2003 Ministerial Council. Legislationline is a free-of-charge online legislative database assisting the participating States in bringing their legislation into line with relevant international human-rights standards. Both databases can be accessed through ODIHR's website. Finally, the Hate Crime Reporting website presents information from OSCE participating States, civil society and inter-governmental organizations about hate crime.

### ***LINK TO THE AGENDA***

English: <http://www.osce.org/odihr/123351?download=true>

Russian: <http://www.osce.org/ru/odihr/123547?download=true>

## **II. PARTICIPATION**

Total number of participants - **1234**, including:

**425 participants from 53 participating States** from: Albania (3), Andorra (1), Armenia (2), Austria (8), Azerbaijan (10), Belarus (4), Belgium (6), Bosnia and Herzegovina (1), Bulgaria (5), Canada (9), Croatia (3), Cyprus (2), Czech Republic (8), Denmark (2), Estonia (5), Finland (5), France (6), Georgia (10), Germany (7), Greece (6), Holy See (3), Hungary (8), Iceland (1), Ireland (3), Italy (23), Kazakhstan (3), Kyrgyzstan (6), Latvia (4), Liechtenstein, (1), Lithuania (11), Luxembourg (2), Malta (1), Moldova (6), Montenegro (1), Netherlands (11), Norway (4), Poland (31), Portugal (1), Romania (10), Russian Federation (31), Serbia (19), Slovakia (8), Slovenia (4), Spain (5), Sweden (11), Switzerland (19), Tajikistan (8), the former Yugoslav Republic of Macedonia (1), Turkey (9), Ukraine (30), United Kingdom (5), United States of America (37), Uzbekistan (5)

**5 representatives from 4 Partners for Co-operation:**

- Egypt (1)
- Israel (1)
- Thailand (2)
- Tunisia (1)

**24 representatives of 10 International Organizations:**

- Community of Democracies (4)
- Council of Europe (10)
- Council of Europe; European Commission against Racism and Intolerance (1)
- Council of Europe; European Youth Centre Budapest (1)
- International Organization for Migration, Regional Office for South-Eastern Europe, Eastern Europe and Central Asia (1)
- Office of the United Nations High Commissioner for Human Rights (2)
- Organization of Islamic Cooperation (OIC) (1)
- Regional Cooperation Council (1)
- United Nations High Commissioner for Refugees; Liaison Office in Austria (2)
- United Nations High Commissioner for Refugees; Branch Office in Warsaw (1)

**31 participants from the 11 OSCE Institutions (not counting ODIHR):**

- OSCE Secretariat (4)
- OSCE Secretariat, Conflict Prevention Centre (2)
- OSCE Secretariat; Action against Terrorism Unit (1)
- OSCE Secretariat; Strategic Police Matters Unit (2)
- Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (2)
- Office of the Co-ordinator of OSCE Economic and Environmental Activities (1)
- Office of the Representative on Freedom of the Media (7)
- OSCE High Commissioner on National Minorities (7)
- OSCE Parliamentary Assembly, OSCE Parliamentary Liaison Office (1)
- OSCE Parliamentary Assembly (1)
- OSCE Parliamentary Assembly; Grand National Assembly of Turkey (2)

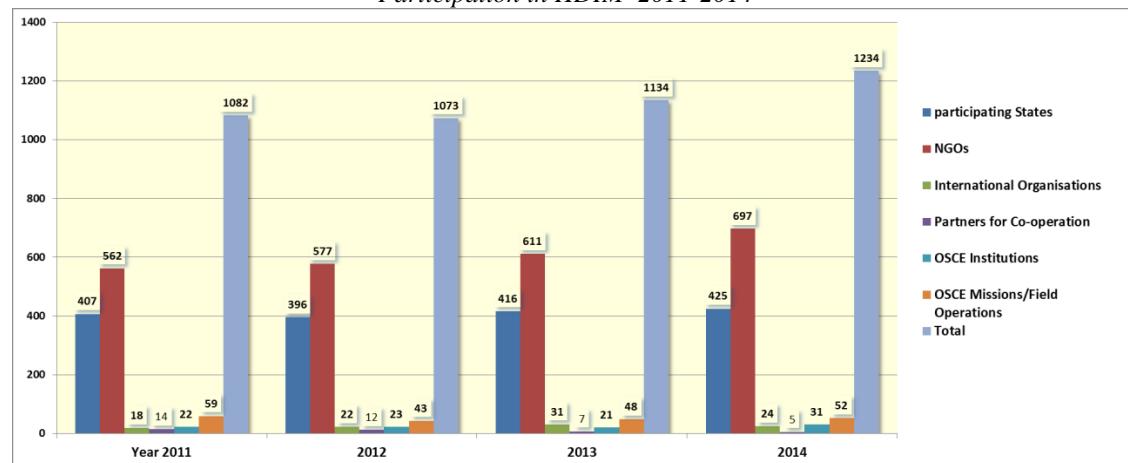
## **52 representatives from 13 OSCE Missions/Field Operations:**

- OSCE Centre in Astana (2)
- OSCE Centre in Bishkek (2)
- OSCE Centre in Bishkek/OSCE Academy in Bishkek (1)
- OSCE Mission to Bosnia and Herzegovina (2)
- OSCE Mission in Kosovo (4)
- OSCE Mission to Moldova (7)
- OSCE Mission to Montenegro (3)
- OSCE Mission to Serbia (10)
- OSCE Mission to Skopje (2)
- OSCE Office in Tajikistan (7)
- OSCE Project Co-ordinator in Ukraine (7)
- OSCE Project Co-ordinator in Uzbekistan (3)
- OSCE Office in Yerevan (2)

## **697 representatives of 460 NGOs from:**

Afghanistan (1), Albania (1), Armenia (5), Austria (14), Azerbaijan (11), Belarus (16), Belgium (16), Bosnia and Herzegovina (2), Bulgaria (3), Croatia (2) Czech Republic (3), Denmark (3), Estonia (4), Finland (3), France (14), Georgia (4), Germany (15), Greece (3), Hungary (11), Ireland (3), Israel (1), Italy (5), Kazakhstan (33), Kyrgyzstan (16), Latvia (10), Lithuania (7), Malta (1), Moldova (6), Netherlands (10), Norway (5), Poland (45), Portugal (1), Romania (6), Russian Federation (58), Serbia (10), Spain (3), Sweden (4), Switzerland (15), Tajikistan (15), the Former Yugoslav Republic of Macedonia (2), Turkey (2), Ukraine (30), United Kingdom (15), United States of America (17), Uzbekistan (9)<sup>1</sup>.

*Participation in HDIM 2011-2014*



## **Link to Final List of Participants**

<http://www.osce.org/odihr/125073?download=true>

<sup>1</sup> Country of NGOs as registered to HDIM.

### **III. RAPPORTEURS' REPORTS**

#### ***Working session 1: Democratic institutions, including address by the Director of the OSCE Office for Democratic Institutions and Human Rights***

*Rapporteur: Mr. Chad Wilton, United States Mission to the OSCE*

**No. of statements:**

**Delegations: 11**

**Civil Society: 18**

**OSCE Inst./Int'l Org: 1**

**Rights of Reply: 10**

*ODIHR Director Michael Georg Link* delivered opening remarks. He stated that ODIHR encourages openness and accountability of democratic institutions. Link encouraged parliaments to engage with civil society, particularly civil society from underrepresented groups like Roma, youth, and LGBT. In discussing ODIHR's upcoming elections work, Link listed election observation missions that have been canceled this year for lack of funds, including in Georgia, Belgium, the United States, and the elections to the European Parliament. Chronic underfunding as well as two (and possibly three) unexpected and costly Ukraine election observation missions is jeopardizing the observation of late in the year elections like Romania and Uzbekistan. Link called upon participating States to second election observers and make extra-budgetary contributions to the diversification fund and the sustainability fund. Director Link praised participating States that follow up with ODIHR on election recommendations and present voluntary reports in the Human Dimension Committee.

30 interventions were delivered, including 18 by non-governmental organizations (NGOs), 11 by participating States, and one from other international organizations. In addition, ten participating States exercised their right of reply.

A discussion of democratic elections, and ODIHR's election observation work, dominated the session. Most participating states praised ODIHR and the OSCE PA for their election observation work. ODIHR was described by several participating States as exemplifying the "gold standard" for international election observation for both its methodology and the rigor to which it applies its methodology. Nearly all participating States called for the implementation of ODIHR's election recommendations. Two participating States dissented from the majority, claiming that ODIHR was "biased" and engaged in "double standards" but failed to provide concrete examples of such bias or double standards apart from failing to observe several legally dubious referenda.

ODIHR received praise from several participating States for its election observation in "difficult environments". Here participating States were referring to elections in which the government was hostile toward ODIHR both during the election and in the election's aftermath. Several participating States and some organizations expressed concern regarding the difficulty of observing election elections in Ukraine, including in Crimea and the Donbas given the armed insurrection. Most thanked ODIHR for its work monitoring Ukraine's election given the difficult environment.

An organization asked why ODIHR did not observe referenda in Scotland and Crimea. In a right of reply, the more than one participating State explained the many differences between these referenda, including the need to follow domestic law for such referenda to be constitutionally valid. Some participating States noted that entities holding referenda must be recognized by the international community before they can be observed by ODIHR.

Several participating State bemoaned the state of ODIHR's budget and observed that a lack of resources was hampering ODIHR's ability to carry out its mandate – including in election observation and supporting democratic values. Several participating States highlighted a trend among some states away from democratic principles and toward elections that lack a level playing field.

A few participating States described their efforts to implement ODIHR's election related recommendations as well as their intent to invite ODIHR to observe future elections.

Some organizations decried the problem of statelessness. Other organizations spoke to a lack of free and fair elections in several participating States.

Several organizations raised concerns regarding jailed political opposition leaders and called upon ODIHR to monitor their treatment post-election.

**Recommendations to OSCE participating States:**

- Engage with ODIHR in the follow-up of electoral recommendations;
- Consider voluntary reporting at the Human Dimension Committee;
- Invite OSCE in a timely manner to observe elections;
- Ensure that all OSCE 'rules' apply to all OSCE participating States;
- Fund ODIHR so that it can carry out its mandate.

**Recommendations to OSCE institutions and field operations**

- Enhance co-ordination with other institutions on electoral reform;
- Focus attention to the issue of non-citizenship and issues of statelessness;
- Monitor the situation Karakalpak;
- Maintain ODIHR's autonomy;
- Continue the successful deployment of election observation activities;
- Highlight the importance of follow-up activities to observation;
- Support election observation methodology and application;
- Note the refinement of observation methodology, in particular on new technologies;
- Request for greater ODIHR engagement/involvement on referenda;
- Pay additional attention to resolutions offered in support of political prisoners.

## ***Working session 2: Fundamental freedoms I, including freedom of expression and address by the OSCE Representative on Freedom of the Media***

*Rapporteur: Ms. Natalia Kravtsova, Permanent Mission of the Russian Federation to the OSCE*

### **No. of statements:**

**Delegations: 19**

**Civil Society: 33**

**OSCE Inst./Int'l Org: 3**

**Rights of Reply: 13**

The Working Session II was devoted to the freedom of expression, free media and information. It was opened by the address of the OSCE Representative on Freedom of the Media Ms.Dunja Mijatovic. The Representative on Freedom of the Media focused on main problems the Organization is facing today in terms of the implementation of the OSCE commitments on freedom of expression, free information and freedom of the media. She underlined that free speech is targeted in numerous OSCE participating States. Many journalists are being harassed, intimidated, persecuted, assaulted, abducted and even killed. Six journalists were killed doing for doing their work this year.

The Representative on Freedom of the Media expressed her concern that impunity of perpetrators has become a norm, investigation is occasional. The journalists are stopped when they try to provide the information to public. Ms.Mijatovic stressed that this practice is unacceptable and must be stopped. Ms. Mijatovic urged participating States to step up efforts towards safe working conditions for journalists and the full implementation of the respective OSCE commitments.

She underlined that without the political will the freedom of speech will continue to suffer. Ms.Mijatovic said that the freedom of expression plays an important role in democratic societies as a multiplier for other human rights. She put a particular focus on the need to ensure that the freedom of expression is upheld also in situations of crises and social unrest. The Representative of Freedom of the Media called to refrain from information war which leads to distortion of facts and can have a chilling effect on freedom of expression.

The OSCE Representative on Freedom of the Media also stressed that propaganda can play a negative role since it prevents people from forming their own opinion. But it is not an easy task to decide who and how can make a clear distinction between free speech and propaganda. The RFoM advocated for ensuring media plurality and media freedom as an antidote to propaganda.

Ms.Mijatovic underlined the importance of combating harmful content in the media through encouraging more free speech.

The RFoM also pointed out that irreversible changes in ways of receiving and spreading information offer greater access to news and information, and empower people to become part of the news-making process as such. With this regard social,

legal, regulatory, ethical questions arise. These are new challenges for the participating States to solve in terms of ensuring freedom of expression.

The RFoM drew attention to the fact that in some OSCE participating States libel and defamation are not decriminalized. She expressed the opinion that this could be used as an instrument to influence journalists.

The OSCE Representative on Freedom of the Media pointed out that in some OSCE participating States excessive restrictions are being posed on line and restrictive laws, regulating media, are being adopted. She also expressed her concern on blocking of Internet sites, social networks and platforms in some OSCE participating States. The practice of filtering and blocking websites in some parts of the OSCE are often aimed at silencing critical voices under the pretext of national security and\or other reasons, pointed out Ms.Mijatovic.

Numerous speakers commended the RFoM efforts in the field of promotion and protection of freedom of expression and free media. Some participants underlined their good cooperation with the Office of the RFoM. A number of delegations named the freedom of expression as one of the main priorities of their respective governments.

A number of delegations called to stronger assistance to participating States in implementing their OSCE commitments on freedom of expression. Many delegations aligned themselves with the call of the OSCE Representative on Freedom of the Media to the OSCE participating States to foster safe working environments for journalists and to carry thorough investigation of cases of attacks on journalists in order to end impunity.

Some participants pointed out that State owned media are incapable to be critical.

Many delegations and representatives of the NGOs described negative trends in terms of respect of freedom of expression and freedom of the media in some OSCE countries. A number of participants were alarmed at frequent attacks on journalists in the OSCE area. Harassment and intimidation of journalists, imprisonment, assaults and killings are clear signs of disregard of human rights and OSCE commitments.

Many representatives of the NGOs complained the freedom of expression cannot be fully enjoyed in their countries. They illustrated examples of intimidation, beatings, harassment, imprisonments of journalists and other examples of violations of freedom of expression and freedom of the media in their respective countries.

Some participants called to decriminalize libel and defamation. Others argued that freedom of expression is not an absolute term, libel is not acceptable, much attention should be paid to the spread of propaganda of violence and hate, pornography and other harmful information.

A number of participants pointed out to the conflicting relation between the freedom of expression and the need to prevent and combat intolerance, non-discrimination and hate speech. With this regard some speakers expressed their concern over the restricting effect that can have some anti-hate crime laws on the freedom of

expression in some OSCE participating States. Other speakers stressed the need for the media to contribute to a respectful environment. Some participants said that restrictions of the freedom of the media may be justified in exceptional cases to prevent hate speech or in case of security concerns of the State. Others argued that self-regulation could be the best solution.

Some delegations and representatives also expressed concern over mass surveillance practices, violation of right to privacy and other risks related to the digital era and pointed out the need to combat such human rights violations.

**Recommendations to the participating States:**

- To repeal provisions criminalizing and restricting the exercise of the freedom of expression;
- To create safe working conditions for journalists and protect them from undue restrictions and intimidation;
- To release imprisoned journalists;
- To ensure due and thorough investigation of attacks on and killings of journalists with the aim of putting an end to impunity;
- To take all appropriate measures aimed at making anti-hate speech legislation consistent with the freedom of expression;
- To take all appropriate measures to ensure that the right to freedom of expression is respected in situations of ongoing conflicts, social unrest, and in the fight against terrorism;
- To promote respect for the right of every individual to seek, receive and impart views and information;
- To promote conditions when all individuals can freely choose their sources of information;
- To co-operate with RFoM with the aim to more effectively ensure freedom of expression;
- To ensure that the Internet remains an open and public forum for free exchange of views.

**Recommendations to the OSCE/RFoM:**

- The RFoM should continue to observe and document violations of the freedom of expression and assist participating States in fulfilling their commitments in line with her mandate;
- The RFoM should continue to co-operate closely with other international organizations such as the CoE and the UN in fulfilling her mandate.
- RFoM should continue to stimulate actions of participating States on how freedom of expression can be advanced through the Internet;
- RFoM should continue to bring implementation issues to the attention of participating States with a focus on violations of freedom of expression.

## ***Working Session 3: Fundamental freedoms I (continued), including freedom of peaceful assembly and association***

*Rapporteur: Mr. Patrick O'Reilly, permanent Mission of Ireland to the OSCE*

**No. of statements:**

**Delegations: 8**

**Civil Society: 28**

**OSCE Inst./Int'l Org: 2**

**Rights of Reply: 11**

Working Session 3 examined the implementation of OSCE commitments in the area of freedom of peaceful assembly and association, and the role of National Human Rights Institutions. The great majority of the 38 interventions and 11 Rights of Reply focused on the former issue.

Introducing the issue, *Ms. Katerina Hadzi-Miceva* Evans of ECNL stressed that democracy, as its most basic level, is about providing individuals with the space to be able to shape their community. She highlighted the crucial role that a healthy and vibrant civil society can play to this end and pointed to ongoing efforts at the Human Rights Council to agree a Resolution on Civil Society Space. However, despite the clear link between the freedom of peaceful assembly and association and the enjoyment of other fundamental freedoms, she drew attention to a worrying trend in some participating States to try to restrict the space for civil society through the use of restrictive legislative and administrative measures. Examples of such measures include creating administrative, technical and legal barriers to register organizations seen as critical of the authorities, unjustified inspections and audits of organizations, imposing disproportionate fines or other sanctions on organizations or individuals associated with them, requiring certain organizations that receive funding from outside of the country to register as “foreign agents”, harassing individuals or their families, and using security concerns, such as counter-terrorism legislation, to restrict rights.

She called on participating States to reverse this negative trend by enhancing international norms to respond to emerging trends and to engage in a constructive dialogue with civil society. She also stressed the potential of ICTs to promote the freedom of peaceful assembly and association.

Participants noted the essential role that civil society plays in the healthy development of all States. Nevertheless, a great many specific examples of bad practices in restricting the freedom of peaceful assembly and association in a range of participating States were highlighted, citing many of the measures that the Introducer had referred to in her remarks. Several speakers spoke of harassment of individuals associated with civil society groups, including, in severe cases, by imprisonment.

Certain participating States were repeatedly referred to during the session as being of particular concern.

A number of speakers spoke out against a trend in the promulgation of so called “propaganda” and “foreign agent” laws, designed to target and damage civil society, in particular where the legislation was broadly worded and ill-defined. Some speakers noted that transparency in funding of civil society organizations was important, although others countered that the laws did not always seem to be uniformly applied to all organizations.

Several speakers expressed concerns at the unnecessarily complex and overly burdensome administrative procedures applied in some participating States which can have a chilling effect on civil society organizations and make it difficult for them to operate.

Speakers agreed that peaceful assemblies should not be subject to harassment from the authorities, while recognizing that law enforcement authorities had a duty to protect law and order when assemblies became violent.

A large number of speakers welcomed ODIHR’s recent publication of Guidelines on Human Rights Defenders, its Guidelines on Peaceful Assembly (developed in conjunction with the Venice Commission) and looked forward to the upcoming joint Guidelines on Freedom of Association, which were cited as valuable contributions to assisting participating States meet their commitments.

A small number of interventions addressed the issue of National Human Rights Institutions, highlighting the important contribution they make as an interface between States, their people, and their international human rights commitments. The increasing interaction between independent and pluralistic NHRIs and various international reporting and review mechanisms was cited as a positive development that added value all round.

### **Recommendations to the participating States**

- To fully implement their OSCE commitments in the areas of peaceful assembly and association, including permitting civil society to seek and receive financial support from domestic and foreign entities;
- To engage in an ongoing and constructive dialogue with civil society, including on any legislation or other measures that deal with the freedom of peaceful assembly and association;
- To allow civil society to maintain contacts and to cooperate with organizations from within and outside the countries where they are based;
- To ensure that laws or procedures that deal with associations do not impede the peaceful work of civil society;
- To speak out against cases where individuals have been persecuted because of their work as members of civil society;
- To release political prisoners and human rights defenders;

- To develop mechanisms to monitor the freedom of peaceful assembly and association and to review legislation in this area against international law and standards. To this end, a Special Representative on freedom of peaceful assembly and association could be created;
- To avoid using force in the policing of demonstrations, and where excessive force has been used, to hold those responsible liable;
- To ensure that any restrictions on assemblies are prescribed by law and consistent with international standards;
- To take advantage of OSCE tools and assistance, including the Guidelines on Human Rights Defenders and the ODIHR/Venice Commission Guidelines on Freedom of Assembly.

### **Recommendations to the OSCE, its institutions and field operations**

- To monitor and report on violations of the freedom of peaceful assembly and association;
- To continue to work with other international and regional organizations on the issue of freedom of peaceful assembly and association;
- To engage with civil society organizations from across the OSCE region, including from Transnistria, South Ossetia, Abkhazia and Nagorno Karabakh.

### ***Working Session 4: Rule of law I***

*Rapporteur: Mr. Paul Welsh, United Kingdom Delegation to the OSCE*

**No. of statements:**

**Delegations: 14**

**Civil Society: 25**

**OSCE Inst./Int'l Org: 2**

**Rights of Reply: 12**

Working session 4 addressed the issues of torture prevention, human rights in the fight against terrorism and the abolition of capital punishment.

*The First Deputy Director of ODIHR, Ms. Beatriz Balbin* recalled that participating States are under an obligation to protect human rights while countering terrorism. However, some participating States continue to implement security measures that undermine human rights including in their responses to issues such as the emergence of “foreign fighters”. Ms. Balbin noted that all participating States have committed to prohibit torture and other cruel, inhuman and degrading treatment. This year’s Supplementary Human Dimension Meeting on Torture Prevention had taken stock of important progress since the topic was last addressed through such a meeting in 2003. But much remained to be done including the need to ensure prompt, effective and impartial investigations. Genuine political will was needed for these efforts to

succeed. The First Deputy Director drew attention to the recently released ODIHR background paper on the death penalty, the aim of which is to increase transparency in the application of the death penalty and promote compliance with international standards on the imposition of capital punishment.

*The introducer, Mr. Gerald Staberock* described the three themes under discussion as being interrelated. In relation to torture prevention, he felt that participating States should adopt an ambitious agenda, pursuing not only legal measures aimed at prevention but seeking torture's total eradication. A holistic approach was needed encompassing the full integration of international standards into domestic frameworks alongside a dedicated commitment to implement UN Committee against Torture recommendations. The needs of the victim must remain at the centre of states` responses and should include rehabilitation and reparation. Whilst noting the importance of fully independent and properly resourced National Preventive Mechanisms, Mr. Starberock noted that accountability for perpetrators was also a necessary precondition for torture prevention. It was important to build a wide constituency for reforming anti-torture efforts; this needed to include public outreach and civil society engagement. He recommended that a contact point on torture issues should be established within the OSCE preferably in ODIHR. In relation to countering terrorism, the introducer stressed the importance of an approach based on the rule of law and full compliance with human rights standards. Human Rights protection should be an active component of counter-terrorism measures not simply a limiting factor. States should not make distinctions between the victims of torture. Mr. Staberock highlighted the link between the death penalty and the absolute prohibition of torture, there was a need to reform long-term detention including for inmates detained on death-row.

In the subsequent discussion, a number of speakers welcomed the Swiss Chairmanship's focus on torture prevention including the holding of a Supplementary Human Dimension Meeting earlier this year. Speakers noted that prohibition of torture is absolute and that torture could never be justified. There was a call in many interventions for participating States to sign and ratify all international conventions and protocols relating to torture. It was also stressed that the adoption of legal instruments alone was not enough. Implementation was key and several speakers called for a holistic approach to anti-torture measures including rehabilitation for victims and accountability for perpetrators including law enforcement personnel. The need for thorough documentation of allegations, proper investigation, the active involvement of civil society, the development of national strategies, the establishment of independent National Preventive Mechanisms, the use of universal jurisdiction to prosecute cases and cooperation between international organisations were all highlighted as effective measures. It was noted that human rights defenders, long-term detainees and political prisoners were often particularly vulnerable to torture and mistreatment. Several speakers drew attention to the issue of Enforced Disappearances as a persistent practice that often led to torture. They recalled the

1992 Declaration on Enforced Disappearances and called for the issue to be addressed. Several speakers cited specific examples of alleged cases of torture in their own and other participating States and called for them to be urgently investigated.

Whilst a number of speakers recognised that protecting citizens was amongst a state's primary and most important obligation, this did not justify the violation of human rights. Human Rights protection and the fight against terrorism should be complementary and mutually reinforcing. Respect for the rule of law should be fully promoted. A number of examples where it was not apparent that this had happened were highlighted including the alleged targeting of civilians in terrorist operations, the use of illegal rendition programmes, intrusive electronic surveillance and the use of drones.

Many speakers called for the abolition of the death penalty or for a global moratorium. The lack of any evidence that its use had any deterrent effect, the risk of miscarriage of justice, the traumatic impact on family members of those sentenced, wrongful conviction and the killing of innocent persons were all cited as arguments to support such moves.

#### **To OSCE participating States:**

- Take appropriate action to ensure the respect for human rights and the upholding of the Rule of Law;
- Abolish the death penalty;
- Establish National Preventive Mechanisms.
- Adopt commitments on the issue of enforced disappearance;
- Sign, ratify and implement the Convention Against Torture and its Optional Protocol.
- Ensure that allegations of torture are thoroughly investigated and when necessary prosecuted;
- Support the strengthening of civil society capacity to monitor torture allegations;
- Consider developing national torture prevention strategies;
- Ensure accountability for human rights violations occurring as a result of the rendition programme;
- Support a moratorium on the death penalty;
- Sign and ratify the 1992 UN Declaration on the Protection of All Persons from Enforced Disappearance;
- Those that have acceded to OPCAT should enhance cooperation at the international level with relevant international bodies and institutions with a view to improving the relevant provisions of the Optional Protocol;
- Provide response to the ODIHR questionnaire on the death penalty.

#### **To OSCE institutions and Field Operations:**

- ODIHR and OSCE Field Operations should systematically convene civil society and governments' representatives to discuss effective implementation

- of UNCAT's provisions as well as of the Committee Against Torture's recommendations;
- Adopt a victim-centred approach in any activity on torture and torture prevention;
  - OSCE and ODIHR should promote activities in the areas of accountability for torture acts;
  - Develop a new agenda on torture eradication;
  - Establish within the framework of OSCE institutions (possibly ODIHR) a contact point on torture.
  - Assess alleged kidnapping cases in the context of the recent security crisis affecting the OSCE.
  - Create a working group on foreign fighters;
  - Assist participating States in adopting universal jurisdiction as a legal basis to prosecute torture-related crimes;
  - ODIHR should elaborate guidelines on the torture and ill-treatment;
  - ODIHR should launch a project aimed at monitoring places of detention in the OSCE area.

### ***Working Session 5: Rule of law II***

*Rapporteur: Mr. Umut Topçuoğlu, Permanent Mission of Turkey to the OSCE*

**No. of statements:**

**Delegations: 12**

**Civil Society: 24**

**OSCE Inst./Int'l Org: 0**

**Rights of Reply: 11**

Working Session 5 on the rule of law addressed the issues of democratic lawmaking, independence of the judiciary and the right to a fair trial.

The First Deputy Director of ODIHR, Ms. Beatriz Balbin, drew attention to the existing OSCE commitments on the abovementioned subjects. In this context she underlined that good laws must also meet the requirements of proper application, pointing out that well-made laws have good chances of being effectively implemented. She stressed that only an independent and impartial judiciary, as a prerequisite to the rule of law, can act as a guarantor of a fair trial. She pointed out that the right to a fair trial is an essential element of the rule of law.

The introducer, Mr. Nicolae Esanu, Deputy Minister of Justice of Moldova, expressed his regret that the issue of democratic lawmaking is highly underestimated. Referring to the 1990 Copenhagen and 1991 Moscow commitments, he pointed out that legislation, adopted at the end of a public procedure and accessible to everyone, is essential for the protection of inalienable rights. He stressed the need to ensure that legislation is adopted in an open process reflecting the will of the people, with an analysis of the needs of the wider public combined with an assessment of the possible impact of the proposed law. He stated that everyone, not only those affected by the law in question, should be able to participate in the lawmaking process. He

emphasized that the highest quality of draft laws can only be achieved with realistic deadlines, and indicated that in practice deadlines unfortunately remain too short. Moving on to the issue of independence of the judiciary, he stated that its purpose is to guarantee that everyone has his or her case decided in a fair trial. He pointed out that the Council of Europe's Venice Commission, while respecting the variety of legal systems of different states, recommends establishing a judicial council with a pluralistic composition. He stated that probationary periods for judges could undermine their independence. He indicated that independence of the judiciary can be analyzed from both the internal and the external viewpoints and drew attention to important issues regarding internal independence, such as the allocation of cases. He stressed that accountability of the judiciary constitutes an essential element of an efficient legal system. He emphasized that judges can only have functional immunity and that when not exercising judicial functions, they should be liable under civil, criminal and administrative law. As regards the right to a fair trial, he stressed that it constitutes a fundamental right, as also set forth in the European Convention on Human Rights. The right to a fair trial encompasses a number of elements, including but not limited to, the right to defend oneself in person or through legal assistance, free of charge for indigent defendants if the interests of justice so require, and equality of arms, including the right for the parties to call and examine witnesses

In the ensuing discussion 36 interventions were made, 24 of those by NGOs. In addition, 11 participating States used their right of reply.

A group of participating States stressed the importance of the rule of law in democratic societies, highlighted that an independent and impartial judiciary is crucial for ensuring the rule of law and guaranteeing the right to a fair trial, and indicated that the rule of law implies the need for the separation of powers. It also praised ODIHR's assistance to participating States in the area of the rule of law and expressed support for ODIHR's trial monitoring activities, stressing that ODIHR's clear and consistent methodology guaranteed impartiality and objectivity. Praise for ODIHR's work in the area of the rule of law was subsequently echoed in some other interventions by participating States as well as by NGOs.

Some participating States voiced criticisms of other participating States' standards of adherence to the rule of law and the relevant OSCE commitments. Among the issues emphasized in this context were political prisoners and their disappearance, the persecution of political activists, impunity, insufficient representation of regional interests in parliaments, excessive delays in judging court cases and pressure exerted on judges by public opinion.

Many specific allegations of commitment violations were directed towards various participating States by NGOs. These included the unlawful detention of human rights activists, government pressure on or control of the judiciary, the lack of proper legal assistance to defendants and their being hindered from taking part in court proceedings, the use of torture and ill-treatment as a method of extracting confessions, the lack of independent judicial review and the oppression of civil society by governments. Concerns were also voiced by some NGOs about corruption among members of the judiciary, the lack of transparency in judicial proceedings and low public trust in courts in some participating States. The extradition of persons to some participating States through the use of Interpol mechanisms was also criticized.

Attention was drawn by some NGOs to violations by participating States of the rights of LGBT persons during court proceedings as well as acts of violence against members of the LGBT community. In addition, one NGO emphasized the incompatibility of Sharia law with the fundamental principles underlying democracies. Another issue raised by an NGO was the insufficient attention paid to some minorities in the drafting of laws concerning national minorities.

Many speakers underlined the importance of civil society's effective participation in the lawmaking process.

Several participating States outlined their judicial reform processes and other steps being taken in their countries to further the rule of law and the independence of the judiciary.

**Recommendations to the participating States:**

- Promote a mentality within all state and government institutions to obey the law, similar to what is demanded of every citizen;
- Respect the separation of powers, in particular, although not limited to, the separation between judicial power and executive power;
- Make lawmaking processes as inclusive as possible;
- Make legislation accessible to all citizens;
- Ensure that legal conflict resolution mechanisms are accessible to all citizens, in particular, but not limited to, mechanisms to challenge government decisions;
- Guarantee the right to a fair trial;
- Improve civil society's involvement in legislative processes;
- Ensure that the promotion and protection of human rights are not criminalized, in line with obligations under international human rights law;
- Provide financial support to ODIHR's trial monitoring program and support ODIHR missions in participating States; apply the program in the national training of judges, prosecutors and lawyers;
- Support lawyers and human rights defenders in their trial monitoring activities and reporting;
- Strengthen professional guarantees to lawyers working in the field of human rights protection;
- Ensure that any personal liability of judges is regulated by precise and consistent laws and is compatible with the independence of the judiciary;
- Strengthen the ongoing training of all judges in the field of human rights;
- Take all appropriate measures to ensure that all provisions of the ICCPR relating to fair trials are fully respected and that the judiciary is able to function without undue influence by the executive or legislative branches of power;
- Ensure that all those who have been imprisoned solely to punish them for peacefully exercising their rights to freedom of expression, association, assembly, religion or belief are released immediately and unconditionally;
- Ensure that all other political prisoners are retried in proceedings which meet international standards on fairness;
- Ensure that all reports of intimidation, harassment, arbitrary detention, torture or other ill-treatment, and fabrication of charges against human rights defenders and other civil society activists, dissidents and opposition politicians, lawyers,

journalists and bloggers are investigated promptly, impartially and thoroughly and that the perpetrators are brought to justice;

- Ensure that human rights defenders, other civil society actors, dissidents, opposition politicians, lawyers, journalists and bloggers, and religious activists are able to carry out their peaceful legitimate activities without fear or threat of reprisal, unlawful restrictions and arbitrary prosecutions;
- Explicitly state the impermissibility of torture as a method of obtaining confessions in the national criminal code;
- Encourage local organizations to undertake activities aimed at strengthening the rule of law and independence of the judiciary;
- Resist attempts to introduce elements of Sharia law into national legislation;
- Include LGBT persons in the process of lawmaking;
- Ensure that persons' human rights are protected in conflicts regardless of their sexual orientation.

**Recommendations to the OSCE, its institutions and its field operations:**

- The OSCE should elaborate, together with a group of participating States, appropriate tools of cooperation to ensure the best possible exchange of knowledge, competence and practice;
- The OSCE should organize a high level special session on the existence of political prisoners in Europe, inviting human rights defenders from countries where political prisoners exist, to establish the facts and to develop a decisive plan of action for a speedy resolution of the problem;
- ODIHR should draw up guidelines on referendums based on the model of one participating State.

## ***Working Session 6: Humanitarian issues and other commitments, including address by the OSCE Special representative and Co-ordinator for Combating Trafficking in Human Beings***

*Rapporteur: Ms. Jeanne Tor-de Tarlé, Permanent Representation of France to the OSCE*

**No. of statements:**

**Delegations: 13**

**Civil Society: 6**

**OSCE Inst./Int'l Org: 1**

**Rights of Reply: 2**

This working session focused on the increasing phenomenon of trafficking in human beings (THB), its features and most recent evolutions, and on the OSCE instruments to tackle it, the Action Plan adopted in 2003 and its addendum adopted in 2013, as well as on the existing gaps in the implementation of the relevant existing commitments. It was also the first opportunity for the new Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *Ms Madina Jarbussynova*, to address the HDIM.

In the beginning of the session, the ODIHR First Deputy Director *Beatriz Balbin* recalled briefly the OSCE commitments pertaining to THB, the “4 P’s approach”, namely prevention, protection, prosecution and partnerships, and the mandate of the OSCE structures to provide assistance to participating states. She insisted more particularly on the need to address the issue of compensation for the victims, as well as their self and voluntary return and rehabilitation.

In her remarks, *Ambassador Jarbussynova* announced her intentions to raise the political profile of the OSCE to fight against THB, to enhance the cooperation between the OSCE and other international organizations, as well as NGOs, and to develop a fruitful dialog with Participating States by conducting country visits and establishing regular contacts with the delegations in Vienna, building upon the rich experience of ODIHR, the OSCE secretariat, the field operations and her office. She recalled the updated statistics released 2 years ago by the International Labor Organization : 20,9 million of men, women and children were exploited in sex industry, agriculture, construction, garment production and many other sectors of the economy be it legal, semi-legal or completely criminal activities. Of these 20,9 million approximately 3 million are exploited in the OSCE area. In 2014, ILO published another study on “profit and trafficking” which showed that approximately 150 billion USD are gained annually through exploitation of trafficked persons, among which 64,9 million USD are raised annually in the OSCE region. Ambassador Jarbussynova insisted on the fact that there was clearly an increase in the level of THB and warned the participating states against a decreased attention to this modern day slavery due to other very serious priorities. THB should be assessed not in terms of profits but in terms of social health damages – the list of after effects for trafficked persons was endless- as well as in terms of financial costs for the participating states (such as a loss in tax-income from employers, cost of rehabilitation for the victims...).

The Special Representative would continue to promote a human rights based approach in combatting THB, focusing in particular on the needs of trafficked children as well as other vulnerable populations, such as illegal migrants. Her office would continue to uphold the non-punishment principle for the trafficked persons when they are compelled to commit unlawful acts. At the same time, Ambassador Jarbussynova underlined the difficulty to implement her broad mandate and to address all the requests of participating states in terms of technical assistance while human and financial resources were decreasing (she referred in particular to the suppression of the ODIHR focal point in THB).

In this context, the close cooperation established with the Council of Europe and other international organizations was essential, as well as the cooperation between Participating states and social partners, trade unions, youth organizations and the media. Ambassador Jarbussynova announced the launching of several new publications, including a handbook on the prevention of trafficking for domestic servitude in diplomatic households, and an occasional paper on measures that businesses and governments can take to prevent exploitation in the private sector, including code of conducts. She recalled that the next Alliance conference on ethics and human trafficking would take place November 4-5 in Vienna.

The second introducer, *Ms Vera Gracheva*, currently an independent consultant on combatting THB and who served as a senior advisor at the OSCE secretariat, pointed out that the Action Plan was a major OSCE anti-trafficking document, which applied at the national level and was also promoted by other international organizations and NGOs as a strategic comprehensive plan. She emphasized the need to improve the assistance provided to victims before the prosecution of their perpetrators, as well as to take into account the safety of the family members of the victims. Close partnerships should be established with public authorities, private sector, NGO and trade-unions to contribute to the identification of the victims and protect their rights. A better use of new technologies and communication tools should be made in this regard. There was also a need to address the new forms of THB such as trafficking for organ removal or enforced begging.

*20 interventions were made during the discussion, including 6 by non-governmental organizations and 1 international organization. 2 delegations used their right of reply.*

Many delegations welcomed Ambassador Jarbussynova in her new capacity as the OSCE Special Representative and Co-Ordinator for Combating Trafficking in Human Beings and expressed their willingness to continue their cooperation with her office, based on the OSCE Action Plan and its 2013 addendum. One delegation insisted on the importance of effective cooperation with the Council of Europe, referring to the next training session which would be organized for judges and law-enforcement agencies. Another delegation reaffirmed its commitment against trafficking in children for sex tourism, regretting that many of the citizens of its country were responsible for this criminal abuse, and highlighted that its country had taken the lead at international level to alert destination countries in order to prevent child sex tourism. One group of delegations presented its strategy towards the eradication of trafficking in human beings and the numerous projects it had funded in this regard. Several delegations paid tribute to the conference “not for sale” as well as its follow-

up. The need to protect the victims and to prevent THB among the vulnerable groups of society was underlined by several NGOs and delegations. One NGO pointed out that in some participating states trafficking in human beings for sexual exploitation was unduly considered as a form of legal prostitution. Another NGO underlined the difficulty to define labor exploitation in countries where there was not a legal definition of decent work.

One delegation expressed the concern that there was an increase in demand in western countries for trafficked persons. Several delegations presented the measures taken in their country to protect the victims of human trafficking, such as access to medical, psychological and legal help, attribution of a minimum wage or of a temporary residence permit, as well as the interministerial bodies put in place to combat THB. Several delegations and NGOs underlined the need to tackle the root causes of trafficking, such as poverty and unemployment and the importance of launching broad campaign of awareness-raising among vulnerable populations. One delegation informed about the guidelines to diplomatic missions concerning the employment of private domestic staff in order to prevent exploitation and to assist victims.

In her concluding remarks, *the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings* highlighted that THB is a widespread violation of human rights, which does not recognize borders or ethnicities, and welcomed the fact that most of the delegations agreed upon the importance of taking concerted action on this issue.

*Dr.Vera Gracheva* highlighted the importance of not making a distinction between transit, host and destination countries, since all participating states can be considered now as at the same time transit, host and destination countries. She also expressed the need to integrate the issue of THB into national programs in the spheres of education, tolerance and non-discrimination and migration.

*The moderator Ambassador Tichy-Fisslberger called for the OSCE to conduct more work on human rights and business, to engage businesses and pS against human trafficking.*

### **Recommendations to the participating States:**

- Respect the international commitments in ensuring the rights of victims of the THB;
- Translate commitments into practice and address the ever evolving patterns of the THB - crimes;
- Pay more attention to new forms of trafficking, including to trafficking for the purpose of organ removal;
- Promote a victim-focused approach;
- Identify individuals as trafficked persons, who have suffered human rights abuses as soon as there are reasonable grounds to believe that they have been trafficked and in accordance with the national law to ensure that victims are provided with assistance even before the investigation is initiated;
- Take measures ensuring that relevant NGOs initiate referrals for victims of all kinds of trafficking irrespective of their nationality;

- Provide for compensation for victims of trafficking irrespective of their legal status and nationalities;
- Implement the guiding principles on human rights in the return of trafficked persons;
- Uphold the Principle of non-punishment of victims of human trafficking;
- Build effective partnerships at national, regional and international levels with relevant NGOs to facilitate dialogue and cooperation with public authorities, NGOs, trade unions and other institutions engaged in anti-discrimination projects and protection of rights of women, children and migrants;
- Prevent domestic servitude in diplomatic households and provide help to such victims;
- Take measures to prevent human trafficking in supply chains of businesses, including through government regulations to ensure that the procurement of goods and services do not contribute to any form of THB.

**Recommendations to the OSCE and its institutions:**

- Make better use of technology to raise awareness, disrupt traffickers and help victims;
- Recommendation regarding the upcoming chairmanship to continue the work on combating human trafficking;
- Concentrate on observing new patterns and tendencies of human trafficking ;
- Organise regular information sessions with employers in an attempt to hold them accountable for human rights violations;
- Recommend the OSCE Special Representative to consider possibilities of assisting participating States which lack consular missions to jointly address issues related to human trafficking;
- Continue working on issues of domestic servitude in diplomatic households.

## ***Working Session 7: Tolerance and non-discrimination I, including equality of opportunity for women and men and the implementation of the OSCE Action Plan for the Promotion of Gender Equality***

*Rapporteur: Ms. Anna Koikkalainen, Permanent Delegation of Finland to the OSCE*

**No. of statements:**

**Delegations: 15**

**Civil Society: 8**

**OSCE Inst./Int'l Org: 2**

**Rights of Reply: 4**

Working session 7 focused on the equality of opportunity for women and men and the implementation of the OSCE Action Plan for the Promotion of Gender Equality.

*First deputy director of ODIHR, Ms Beatriz Balbin* noted in her introductory remarks that women continue to be under-represented in public institutions in many OSCE participating States. Furthermore, women's rights continue to be undermined in the name of political expediency, tradition and economic necessity. Ms Balbin briefly introduced ODIHR's ongoing efforts aiming to enhance women's participation in all aspects of democratic governance as well as in the security sector. She highlighted the tenth anniversary of the adoption of the 2004 OSCE Action Plan for the Promotion of Gender Equality and underlined the need to improve gender mainstreaming within the OSCE.

*The Moderator, Ambassador Miroslava Beham, Senior Advisor on Gender Issues of the OSCE,* called for joint efforts and joint solutions to advance gender equality. She urged participating States to consider the draft Ministerial Council Decision on the Addendum to the OSCE Action Plan for the Promotion of Gender Equality. *The Introducer, Ms Wanda Nowicka, Deputy Speaker of the Polish Sejm* briefly introduced the deliberations on gender equality issues in the Polish parliament. She referred to the ongoing work of the United Nations in evaluating achievements as regards the Beijing Platform for Action, including women's political participation, economic rights as well as combating violence against women. Ms Nowicka called for effective implementation of gender mainstreaming and highlighted in particular the need to advance women's political participation.

In the discussion it was widely stated that the OSCE needed to step up its work towards gender equality, including by offering improved tools to support participating States in their national efforts. Several delegations underlined the need to improve the implementation of the OSCE 2004 Action Plan for the Promotion of Gender Equality. Many delegations welcomed the proposal by the Swiss Chairmanship-in-Office for an Addendum to the Action Plan.

Protection and promotion of the human rights of women and girls was regarded as a prerequisite for democracy, stability and sustainable development. Several participants underlined the crucial importance of advancing women's political participation. In this respect, many delegations shared information on their national measures, including on the introduction of quotas.

Several delegations underscored the need for a better involvement of women in conflict prevention and resolution efforts. A number of participants noted the upcoming 15<sup>th</sup> anniversary of the UN Security Council Resolution 1325 on Women, Peace and Security and highlighted the need for a comprehensive implementation of the resolution within the OSCE. Many delegations urged the participating States to adopt an OSCE-Wide Action Plan on Women, Peace and Security.

Numerous participants called for redoubling of efforts to eradicate violence against women. In this respect, the key importance of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as the Istanbul Convention, was underscored.

Several participants underlined the need to pay particular attention to vulnerable groups, such as Roma, Sinti and traveler women and girls, immigrant women, HIV positive women or women prisoners. It was stated that women belonging to these groups often face multiple forms of discrimination.

Access to quality education was widely considered to be of key importance in empowering women and girls. Many participants also underlined the need to tackle discrimination in employment. A few delegations presented their national measures in this regard. One delegation called for the inclusion of economic, social and cultural rights in the OSCE gender equality work.

Many participants highlighted the need to engage men and boys in the efforts of combatting discrimination against women and girls. Furthermore, it was considered important to tackle gender stereotypes.

#### **Recommendations to the participating States:**

- To take meaningful steps to recognize and address the barriers that women and girls continue to face and ongoing inequality between women and men;
- To introduce measures that will result in increased representation of women in political and public life and, as relevant, seek support from ODIHR and other OSCE structures in this regard;
- To adopt an OSCE-Wide Action Plan on Women, Peace and Security;
- To adopt an Addendum to the 2004 OSCE Action Plan for the Promotion of Gender Equality;
- To enhance efforts to eradicate violence against women, including by ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

## **Recommendations to the OSCE institutions, executive structures and field operations:**

- To ensure that the rights of women and girls are promoted, protected and fully and effectively integrated into the work of OSCE structures;
- To ensure strong and sustainable institutionalization of gender issues in the OSCE, including by facilitating a gender equality network of the participating States, convening regular Gender Equality Review Conferences as well as taking all necessary measures to ensure that a gender perspective is integrated and mainstreamed in the policy and operational work of the OSCE;
- To improve by concrete measures the implementation of the 2004 OSCE Action Plan for the Promotion of Gender Equality and report on the progress made;
- To continue providing assistance to the participating States in matters relating to gender equality.

### ***Working Session 8: (specifically selected topic): Violence against women and children***

*Rapporteur: Mr. Donatas Butkus, Permanent Mission of the Republic of Lithuania to the OSCE*

#### **No. of statements:**

**Delegations: 19**

**Civil Society: 6**

**OSCE Inst./Int'l Org: 0**

**Rights of Reply: 6**

Working session 8 focused on prevention of and combating all forms of domestic violence in OSCE participating States, including violence against women and children. OSCE participating States and non-governmental organizations in their interventions identified main challenges in this area and shared good practices from across the OSCE region. Ms. Beatriz Balbin, First Deputy Director of ODIHR, stressed that Domestic violence [DV] is underreported. DV and Violence against women [VAW] cannot be tolerated by the OSCE. Legal authorities should address all violence acts and provide adequate response.

*Moderator, Mr. Thomas Vennen, Head of ODIHR Democratization Department,* stressed that it is important to look at root causes of violence in families and understand economic dependency of women when working on combating VAW.

The first introducer, *H.E. Sergey Kyslytsya, Deputy Minister for Foreign Affairs of Ukraine*, emphasized that VAW is a major obstacle for full participation of women in democratic processes. Conflict related violence, especially sexual violence, affects primarily women. In this regard acknowledged UNSC important role that it has played in the last few years by adopting UNSCR 1325 and other relevant resolutions. Council of Europe's Istanbul Convention entered into force as a first legally binding instrument to combat VAW which was a sign that VAW will no longer be seen as private matter. He encouraged all the OSCE participating States to accede to Istanbul

Convention. Acknowledged, that the OSCE has taken steps to combat VAW and one important novelty was the establishment of Men Engage OSCE network. Mr. Kyslytsya expressed his concern that in some OSCE states there is no systematic documentation on VAW. Encouraged not to manipulate statistical data and called to look beyond figures and see how VAW is defined. Invited ODIHR to add to ODIHR's 2012 NHRI manual on Gender Equality reference to Istanbul Convention.

The second introducer, *Ms. Rosa Logar, Executive Director of the Domestic Abuse Intervention Abuse Program Vienna and President of the WAVE Network, Women against Violence Europe*, called to encourage [including by financial means] work of NGOs working on VAW and DV issues. Special needs for victims of VAW need to be taken into account such as proper accommodation and specialized services [legal and medical] to assist victims. Trainings, awareness raising and dialogue are important in addressing VAW and DV.

In the debate that followed, it was widely stated that women and children still faced discrimination and violence and therefore efforts should be doubled in fighting impunity. At the same it was agreed that special attention should be given on prevention through awareness raising programs in schools and media and by engaging men and boys. 25 interventions were made of which by 19 participating States and 6 by non-governmental organizations. In addition, 6 participating States used their right of reply in response to prior interventions.

A large number of delegations suggested to put - the rights and the empowerment of women and girls, gender equality and preventing and combating violence against women - on the OSCE agenda for 2015 and encouraged all participating States to ratify the Istanbul Convention to further prevent VAW. Additionally several delegations raised concern that VAW is becoming increasingly a problem in the conflict affected areas and therefore invited the OSCE to adopt the OSCE wide action plan on women, peace and security.

One delegation expressed concern that in some OSCE countries there are still no clear provisions on DV. Several speakers called the OSCE to pay bigger attention in combating VAW and children in detention centers. Another delegation called not to use children, especially orphans, as a tool for political manipulation.

Several speakers emphasized that Romani communities, especially women and girls, have been victimized in many countries. It was also stressed that VAW is a problem since many countries hold on to their cultural values and established role of men and women. Therefore number of speakers invited to pay bigger attention to the issues of forced marriage, maltreatment, spousal rape, economic dependence of women and etc.

Many delegations stressed the importance of cooperation with NGOs in addressing VAW and DV, through – strengthening of monitoring, complaint and identification of victims mechanisms, as well as by providing comprehensive assistance to victims.

Several delegations encouraged the OSCE to pay bigger attention for the protection of children, including protection from physical and sexual exploitation.

**Recommendations to the participating States:**

- Participating States are encouraged to sign and ratify the Council of Europe's Istanbul Convention;
- Call for the adoption of the OSCE Ministerial decision on the addendum to the 2014 OSCE Action Plan for the Promotion of Gender Equality, which addresses issue of DV and impunity;
- Issues of - the rights and the empowerment of women and girls, gender equality and preventing and combating violence against women – should be reflected in the OSCE agenda for 2015;
- Laws with clear definition of DV should be adopted;
- Work of NGOs on prevention and combating VAW should be continuously recognized and supported especially taken into account a role they can play in local communities;
- Additionally, sufficient financial sources need to be provided to ensure their independence and adequate assistance to victims of VAW;
- Continue the mainstreaming of gender issues in the OSCE policies and activities, with a focus on VAW;
- Strengthen the initiatives to tackle VAW and girls, focusing particularly on those forms of gender-based violence that are most prevalent, such as DV;
- Engage men and boys in gender equality promotion activities and encourage awareness-raising on importance of ending VAW and girls among them;
- All forms of contemporary slavery must be adequately addressed;
- Investments in education, training and awareness raising programs should be increased.
- Legislation needs to be put into place to protect children from different forms of violence where such acts do not exist. OSCE Ministerial decision on this issue would be welcomed.
- The OSCE wide action plan on women, peace and security for the implementation of UNSCR 1325 should be adopted;
- Strengthen efforts in combating impunity and sexual stereotypes;
- OSCE should update its commitments in line with UN Bangkok Rules from 2010, with special focus on prevention of violence against women in detention centers;
- Special attention should be given for ensuring the rights of indigenous women, women with disabilities and Romani women and girls;
- Issues of VAW should be discussed in the OSCE high-level meetings.

**Recommendations to OSCE institutions, executive structures and field operations:**

- OSCE institutional capacities in addressing the issues of VAW and DV should be strengthened;
- ODIHR should consider publishing a second edition of NHRI manual on Gender Equality with inclusion of references to the Istanbul Convention;
- ODIHR could become more active in combating sexual exploitation of children;
- OSCE Special Monitoring Mission in Ukraine should be involved in combating VAW in conflict affected areas.

## ***Working Session 9: (specifically selected topic): Violence against women and children (continued)***

*Rapporteur: Ms. Stephanie Winkler, Permanent Mission of Austria to the OSCE*

### **No. of statements:**

**Delegations: 6**

**Civil Society: 5**

**OSCE Inst./Int'l Org: 0**

**Rights of Reply: 5**

Working session 9 focused on prevention of violence against women and children belonging to vulnerable groups.

*Ms. Beatriz Balbin, First Deputy Director of the OSCE Office for Democratic institutions and Human rights (ODIHR) introduced the topics of the session reiterating that women and children from vulnerable groups face multiple forms of discrimination, which can lead to violence against them. She noted that this was recognized in Ministerial Council Decision 4/13 on enhancing OSCE efforts to implement the Action Plan on improving the situation of Roma and Sinti within the OSCE area, with a particular focus on Roma and Sinti women, youth and children.*

The first Introducer, *Ms. Soraya Post, Member of the European Parliament for Sweden*, noted that violence against women and children is a symptom of an unequal society. There is therefore a need to address root causes and underlying structures, such as the lack of access to education, and social welfare, the unaffordability of housing as well as unemployment rates, which are particularly high among women of vulnerable groups. Participating States should address all forms of discrimination. Additionally, she called for the provision of improved legal services and funding for women's organizations and shelters.

The second Introducer, *Dr. Jemma Hasratyan, President of the Association of Women with University Education, Director of the Gender Studies Center*, highlighted that much of the violence against women and children of vulnerable groups is invisible because of the difficulties victims face in reporting such crimes or accessing victims' services. A firm legislative basis is required to tackle this issue as well as improved data collection. Perpetrators must be brought to justice and victims must be protected. Targeted and strategic approaches are needed to combat multiple forms of discrimination.

In the following debate it was widely stated that women and children still face discrimination and violence in the OSCE area. 11 interventions were carried out of which 5 were made by non-governmental organizations. In addition, 5 participating States made use of their right to reply in response to prior interventions.

Several participants highlighted that women and children from groups such as Roma and Sinti and migrant communities, women and children with disabilities as well as women and children in conflict situations are susceptible to multiple forms of discrimination which make them particularly vulnerable to violence and less able to

access support services. It is the responsibility of participating States' authorities to be aware of these barriers to access and to work actively to lower and remove them. This requires adequate funding, awareness raising and training of public servants and can be most effectively carried out in close coordination with relevant civil society organisations.

A number of participants shared their best practices in combating violence against women and children. Several referred to the importance of ratification and implementation of the Council of Europe's Istanbul Convention in this respect. One NGO highlighted the need to protect women detainees as they were a group particularly vulnerable to violence and harassment. One delegation expressed concern about the abuse, sale and trafficking of children after adoption.

Many speakers stressed that effective implementation of United Nations Security Council Resolution 1325 (2000) and subsequent resolutions, would make a significant contribution to addressing the issue of violence against women and children in conflict and post- conflict situations.

Furthermore, several speakers call attention to the importance of combating practices that harm women and girls including forced marriage and honour killings.

**Recommendations to the participating States:**

- Condemn violence and address all forms of discrimination against women and children, especially those belonging to vulnerable groups;
- Support and provide funding to hotlines and shelters, as well as eliminating obstacles in the access to services;
- Adopt specific laws against domestic violence and establish adequate networks for victim assistance as well as rehabilitation measures;
- Establish a comprehensive disaggregated data collection system to ensure the adequate registration of the situation women and children from vulnerable groups face;
- Effectively protect children from all forms of violence and abuse, i.e. through adequate legislation and prevention programmes;
- Co-operate in combating sexual violence in conflict, taking into account United Nations Security Council Resolution 1325 (2000) and subsequent resolutions on Women, Peace and Security;
- Step up national and regional efforts to eradicate all forms of violence against women and girls and in this context ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence.
- Co-operate with women's associations to better address remaining challenges regarding violence against women belonging to vulnerable groups.

**Recommendations to OSCE institutions, executive structures and field operations:**

- Develop policies and training to address discrimination in all forms;
- Continue to assist participating states in their efforts to address these issues.

## ***Working Session 10: (specifically selected topic): Rights of persons belonging to national minorities, including address by the OSCE High Commissioner on National Minorities***

*Rapporteur: Mr. Davit Knyazyan, Delegation of the Republic of Armenia to the OSCE*

### **No. of statements:**

**Delegations: 13**

**Civil Society: 26**

**OSCE Inst./Int'l Org: 0**

**Rights of Reply: 8**

The working session 10 was devoted to reviewing implementation of OSCE commitments in the field of rights of persons belonging to national minorities, the current state of affairs in that regard and main challenges, with particular focus on the education rights and effective participation of persons belonging to national minorities.

*Ms. Astrid Thors, the OSCE High Commissioner on National Minorities* focused her introduction on such challenges as increasing of aggressive nationalism and ensuring full respect for the commitments under the Helsinki Final Act. She recalled the Bolzano/Bozen Recommendations, reiterating that while minority rights are a matter of legitimate concern to the international community they should be addressed within the framework and in compliance with the principles of international law. The necessity for better use of multilateral international mechanisms, including the HCNM institution was underlined. Ms. Thors referred to the Hague Recommendations and Ljubljana Guidelines in the context of education of persons belonging to national minorities and integration policies, stressing that education should be the platform for communication across and between ethnic, linguistic and cultural groups. The HCNM stressed the need for education of national minorities in their mother tongue, at the meantime pointing out that it should be complemented by gradual introduction of state language, thus ensuring that education system promotes integration of diverse societies. Ms. Thors highlighted the importance of full and effective participation of persons belonging to national minorities in public affairs, underlining enhancement of good governance in that regard. Finally, she drew the attention to promoting participation of minorities in electoral processes, referring to recent launch of respective Handbook jointly by ODIHR and HCNM.

39 participants made statements in the Session, out of which 26 intervened as Non-Governmental Organizations. 8 delegates made use of their right to reply.

A number of participants welcomed and supported the HCNM, in particular its activities relating to the recent crisis in the OSCE area in the context of monitoring rights of national minorities. The importance of the HCNM activities for conflict

prevention was stressed. One delegation called to the HCNM to avoid double standards and drew attention to problems in different parts of the OSCE area. Another delegation recalled positive cooperation with the HCNM and the OSCE field operation in promoting rights of national minorities.

The discourse also concentrated on the problem of finding balance between the objectives of preserving ethnic identity of minorities and promoting integration of multi-ethnic societies. Several OSCE participating States shared their best practices to that end, such as linguistic pluralism, promotion of official use of languages of national minorities at the national and regional levels, opening of cultural centres, involving national minorities in the process of elaboration of school textbooks, financial assistance to schools providing education in minority languages as well as legislative protection of national minority education. One Delegation expressed concern that integration policies may lead to forced assimilation and loss of identity and underlined the need to distinguish between forced assimilation and integration. It called to take into account the recommendations and resolutions of the Council of Europe. Several participants supported implementation of the Bolzano/Bozen and Hague Recommendations and Ljubljana Guidelines.

A number of participants expressed concern on negative trend in parts of the OSCE area in the field of protection of rights of persons belonging to national minorities, in particular referring to such problems as discriminatory practices in the field of education in minority languages, rise of aggressive nationalism, extremism, xenophobia, exclusion of national minorities from public life through invoking citizenship policies. Other participants refuted the raised criticism and highlighted the steps taken to uphold and protect the linguistic and other rights of the persons belonging to national minorities, including legislative reforms.

In the right of reply section the allegations regarding violation of rights, including linguistic rights and discriminatory practices targeting national minorities were refuted. Delegates underlined their commitment to protect persons belonging to national minorities and recalled their respective legislations as well as referred to improvements in their educational systems for better protection of minority languages.

### **Recommendations to the OSCE participating States:**

- Ensure full and comprehensive implementation of commitments to respect and protect the rights of persons belonging to national minorities;
- Include multilingual teaching as part of the obligatory curriculum;
- Promote education in minority languages at all levels;
- Make use of Bolzano/Bozen and Hague Recommendations and Ljubljana Guidelines, and the potential of the HCNM institution;
- To support the HCNM mandate, including by ensuring unimpeded access to the whole of the OSCE area to monitor implementation of commitments in the field of protection of rights of persons belonging to national minorities.

## **Recommendations to the OSCE and its institutions**

- The HCNM should deal with negative trends throughout the OSCE area in regard to rise of extremism, challenges in the field of education and legal status of national minorities.
- The HCNM should continue exercising her mandate in Ukraine.
- The HCNM activities should be based on “quiet diplomacy”.

## ***Working Session 11: (specifically selected topic): Rights of persons belonging to national minorities (continued)***

*Rapporteur: Mr. Frank Duhamel, Permanent Representation of Belgium to the OSCE*

### **No. of statements:**

**Delegations: 10**

**Civil Society: 18**

**OSCE Inst./Int'l Org: 1**

**Rights of Reply: 13**

*Mr. Mark Lattimer, Executive Director of the Minority Rights Group, kicked off this session on integration of minorities by citing a Bosnian court case , the 'Finci case' of 2009. Two citizens, Sejdic and Finci, resp. a Roma and a Jew complained that they could not run for parliament, since the Bosnian Constitution only allows this to ethnic Bosniacs, Serbs and Croats. The European Court of Human Rights found in 209 that this provision was in violation of the ECHR, and hence had to be changed. Many national minorities face these kinds of obstacles to integration in their society .*

This example from Bosnia & Herzegovina (BiH) was telling how carving up a country along ethnic or religious lines usually exacerbates tensions, instead of ejecting them. The *Dayton Agreement* (1995) sought a long lasting peace in BiH. The general view is that this agreement didn't focus on excluding people. However, in effect it did by consolidating dividing lines, and the exclusions this implicitly entail.

Policies for minorities always need to be taken up by the government. Creating dividing lines within a country in order not to have to deal with minority policies on the government level, is one (and the first) big misconception. Switzerland, Belgium or the UK are examples of successful inclusion policies, where National Minorities are involved in society via different policies (elections,...). In this field, the Lund (former HCNM)-recommendations in inclusion policies offer a helpful tool.

A second misconception is the view that involvement of international politics de-politicizes tensions among national minorities. Notwithstanding the usual positive influence on human rights, it sometimes adds visibility and therefore reinforces tensions. The tool is here the *Bolzano Recommendations* where kin states are discouraged of supporting (Minority-related) political parties, as this usually discourages national integration.

Designing integration-policies is the responsibility of the state. However, the citizens

from the national minority have to show their willingness to integrate. Hence, efforts must come from both sides. In some cases, we see low-integration-signals like high unemployment-rates concentrated in one minority. That has to be tackled by the state, as people have a 'right to integrate'.

Remarks of participants:

- All intervening countries agreed that the respect of National Minorities are increasingly important in a globalized world. Due to trade, a higher mobility of people, and easier communication, we will face with more rather than less minority issues. It will be more and more on the political agenda. Hence, integration policies will take a growing part in government activity as they will become critical to reach a stable and prosperous society;
- Representation was found essential for integration of minorities. A fair representation in parliament, or at least at the local level, is a cornerstone of any integration policy of the minority as a group;
- Some organizations deplored the treatment of the Ukrainian minority in the Crimea by the 'so-called dé facto authorities' there. The growing number of revelations of violations of human rights is alarming. The 'Ukrainian minority' there suffers more and more discrimination;
- This goes for many countries that suffer 'occupation of some parts of their territory'. In most of those territories, local minorities (of their original state) suffer discrimination or no right to return to their country;
- One country deplored the 'forced nationalization' of the Ukrainian minority in the Crimea. Against this, another country brought up the issue of obtaining citizenship. Allegedly, members of national minorities sometimes experienced difficulties.
- One country deplored the design of a new law on protection of minorities in Hungary that complicates the integration of the Hungarian minority in some neighboring countries of Hungary. This is e.g. particularly the case in Ukraine, where this country has to face other problems;
- Some organizations acknowledged that integration requires efforts from both sides. It's a shared responsibility between the individual and the state. Hence, citizens are also responsible;
- Language policy is found to be a very important part of integration policy, often a breaking point for the individual to make efforts and deliver good will to integrate.

**Recommendation:**

- National Minorities will become increasingly part of a globalized world. More minorities will raise issues. That means that we should avoid rather than increase dividing lines. The Helsinki Final Act already has provisions concerning national minorities, policies and recommendations that help us to avoid these practices;
- Representation: the OSCE should establish 'best practices' how to organize, particularly to involve national minorities into the electoral system;
- Property of National Minorities (and of former minorities) should be respected and, where relevant, restored. The necessary legal previsions should be established, and applied by the courts;
- Given the particularly worrying situation in the 'occupied territories', the HCNM should be more active to monitor the situation of their minorities on the ground;
- Citizenship is essential for integration. Everyone who is part of society should be

able to obtain citizenship.

- The OSCE can collaborate more with the Council of Europe, who has useful tools like their flagship 'Framework Convention on NM' – the only legally binding instrument, or the Charter on Minority languages. This is the international standard for the protection of minority languages;
- OSCE should look into specific habits/customs of minorities (like the use of particular (forbidden) products).

***Working Session 12: Tolerance and non-discrimination II, including prevention and responses to hate crimes, aggressive nationalism and chauvinism, and Roma and Sinti issues including the implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti***

*Rapporteur: Ms. Tatiana Shlychkova, Permanent Mission of the Russian Federation to the OSCE*

**No. of statements:**

**Delegations: 14**

**Civil Society: 29**

**OSCE Inst./Int'l Org: 1**

**Rights of Reply: 14**

The Working Session 12 was introduced by the *Director of ODIHR Mr. Michael G.Link*. He focused his introduction on Roma and Sinti issues, including combating racism and discrimination against them and implementing effective policy measures to bring equal opportunities for Roma and Sinti. He also stressed the importance of historical lessons in the context of the 70 anniversary of the liquidation of the so called "Gypsy camp" in Auschwitz-Birkenau" where 23000 Sinti and Roma were killed. With regards to 20 years of the creation of ODIHR Contact Point for Roma and Sinti Issues he underlined that monitoring the situation in different countries as well as collecting information, and relevant data provide good opportunities to exchange of best practices and improve Roma\Sinti policies. The Director reminded that Roma and Sinti often face evictions, residential segregation and inadequate living conditions which lead to further marginalization. He stressed the negative influence of global economic crisis, increased anti-Roma rhetoric by populist politicians. Mr.M. Link expressed concern that Roma and Sinti continue facing racism and discrimination in all areas of life. At the same time he underlined that the OSCE participating States adopted many relevant commitments, in particular the 2003 OSCE Action Plan on Roma and Sinti and MC Decision 4/2013 focused on the needs of Roma and Sinti women, youth and children, and promote measures to improve situation. Other international and regional organizations developed their strategies in this sphere. He stressed the necessity of the active participation of Roma and Sinti civil society.

The Director pointed out the importance of the implementation of OSCE commitments related to responding to and preventing hate crimes in the OSCE area, and preventing aggressive nationalism, racism and chauvinism. He concerned that individuals and communities continue to be targeted on the basis of their origin,

ethnicity or religion. He also expressed gratitude for the submissions received from 32 participating States and called the participating States to contribute to annual report on hate crimes in the OSCE region and relevant website ([www.hatecrime.osce.org](http://www.hatecrime.osce.org)). In particular he emphasized the importance of contributions by partners from OSCE field operations, UNHCR and IOM and more than 100 the civil society organizations and groups, who provided information for the annual hate crime report.

The Director also provided information related to the ODIHR training workshop, special events, ODIHR' Prosecutors and Hate Crimes Training programme (PAHCT), Practical Guide on Prosecuting Hate Crime and stressed the importance of ODIHR' cooperation with his counterparts of other international organizations.

The session introducer *Mr. Thomas Hammarberg, UN Senior Expert on Human Rights in Transnistria and EU Special Adviser on Legal and Constitutional Reform on Human Rights* focused on the systematic discrimination of Roma and Sinti in large parts of Europe, in particular issues of proportional representation in public and political life, access to housing, healthcare, employment and educational attainment, including the inclusion and protection of Roma and Sinti women. He pointed out the problem of statelessness and absence of the documents to prove their identity. Besides that he underlined that xenophobia and extreme nationalistic tendencies have worsened the situation that also affected children. He noted some progress such as the adoption of national anti-discrimination laws. At the same time he stressed that there are no significant steps toward integration and inclusion of Roma\Sinti communities *inter alia* at the local level.

He underscored the priority of education and pre schooling as well as combating segregation in special classes with focus to needs both of Roma and Sinti children and their parents. He also underlined the necessity of studying of Roma and Sinti culture and history in public schools. He called for a comprehensive approach to all issues that affect Roma and Sinti and for political will to change the situation.

He expressed his concerns related prejudices against Roma and Sinti, in particular used by some politicians during elections campaigns, and called the participating States to reflect the countering anti-Gypsyism in action plans and strategies. He noted the Sweden experience in this field and his study visit in Romania.

44 participants made statements in the Session, out of which 29 intervened as Non-Governmental Organizations and 1 international organization. 14 participants made use of their right to reply.

Several participants stressed the importance of historical lessons, including Holocaust and mass-extinction of Roma and Sinti. They underscored that hate speech leads to hateful acts and sends the negative message to society.

Some participants pointed out the Roma\Sinti issues, the enhance efforts to their inclusion, access to education, housing and healthcare. They provided information related implementation national programmes of integration of Roma\Sinti, concrete measures aimed on social inclusion, political participation, access to education and protection of victims of hate crimes. The educational programmes related to history and culture of Roma\Sinti as well as their tragedy during World War II noted by some

participants as a factor of promoting tolerance and mutual understanding. They welcomed the data collection in addressing hate crimes and the website realized by ODIHR.

A number of participants stressed that TND is a cornerstone of human dimension and has link to security. They brought up the issues of Islamophobia, Anti-Semitism, Christianophobia as well as other forms of religious intolerance. Recent cases of human rights violations affected persons belonging to religious and ethnic minorities were a cause for concern expressed by certain participants. Some participants stress the importance of social dialogue within society and dialogue with authorities to combat xenophobia and prejudices and to promote reconciliation. Several participants told of promoting both tolerance and non-discrimination and the freedom of expression.

Some participants described a negative trend in parts of the OSCE region related to rise of aggressive nationalism, neo-Nazism, xenophobia and chauvinism. They noted that the prevention of aggressive nationalism is not properly addressed and it is affected the rights of national minorities and violent manifestation of extremism. They also underlined that societies are losing immunity to chauvinism and aggressive nationalism. They concerned of the rise of extreme radical groups used Nazi ideology, stressed that it is unacceptable to allow meeting and assembly of neo-Nazis and encouraged to take concrete measures to counter these phenomena. One participant urge to do not associate state linguistic policy with aggressive nationalism.

Several participants raid issue of persecutions of and attacks on anti-fascist activists, human rights defenders. Some participants called to release all political prisoners.

Several participants encouraged for close consultations with ethnic and religious communities. The needed of anti-discrimination legislation was noted by some participants. They stressed that no one should suffer violence for any grounds. They pointed out that politicians are responsible for the negative rhetoric. They also noted that LGBT need for protection against discrimination and disappointed of absence of relevant OSCE commitments.

Several participants noted that attacks against minorities are common in the conflict area. They concerned of cases of persecution of some ethnic groups. Besides that they mentioned that Middle eastern conflict patterns are replicated to OSCE region. Also, several delegations pointed to the need to counter hate speech and hate crimes in order to prevent raising tensions and a culture of impunity. They stressed that perpetrators of hate crimes should be brought to justice.

Some participants raise problem of foreign fighters and risks of spreading extremist ideas as well as heighten terrorism.

In the right of reply section, some of the allegations regarding discriminatory practices and other violations of rights were refuted. Participants condemned intolerance and underlined their commitment to protect national and religious minority from hate crime. Allegations of sympathy to extremist and Nazi ideologies were rejected. Information related to prosecution radical leaders and criminals, including those linked to hate crimes, was provided. The internal character of the

conflict in one area of OSCE region was noted. The lack of commitments related to some vulnerable groups were aloud.

### **Recommendations to the OSCE participating States:**

- Ensure full implementation of commitments to prevent discrimination and intolerance;
- Make efforts to prevent hate crimes by enhancing educational programs and awareness rising campaigns;
- Improve national legislation on incitement of hatred and combating hate speech;
- Monitor hate crimes and hate speech, collect data and statistics on these violations in particular in cooperation with ODIHR;
- Develop strategies and national plans to combat discrimination against Roma and Sinti in all spheres, including education, and to raise awareness of the Roma holocaust, in particular through studing Roma\Sinti history in school curricula;
- Enhance actions for Roma and Sinti integration based on comprehensive approach and social inclusion including by providing registration and identification documents for Roma and Sinti
- Encourage wide dialogue within society on issues related the needs of religious and national minorities;
- Withdraw the reservations to the International convention on the elimination of all forms of racial discrimination, in particular to article 4;
- Condemn racism and Nazism, hatred in politics and hateful statements;
- Take measures to prevent the whitewashing of Nazi regime criminals;
- Consolidate the investigation of extremist groups and to ensure that Nazi activists should be subject to criminal prosecution;
- Refrain from repression against human rights defenders, including anti-fascist' activists and their families;
- Consider the enhancing of the capacity of ODIHR in the context of combating hate crimes;
- Enhance Roma and Sinti public and political participation and involvement in decisions that affect them;
- Combat discrimination against migrant Roma in particular against women and girls
- Enhance implementation of Roma and Sinti Action Plans at the local level;
- Consider enhancing activities to provide opportunities to Roma and Sinti youth to act as role models in public schools;
- Respond to the ODIHR's request for information on Roma and Sinti.

### **Recommendations to the OSCE, its institutions and field operations:**

- OSCE institutions should pay attention to negative tendencies throughout the OSCE region in regard to extremist ideologies;
- OSCE executive structures should continue to monitor hate crimes and hate speech, collect data and statistics;
- OSCE executive structures should addressed the requests of the OSCE participating States to promote integration of national minorities inter alia Roma and Sinti, including through social inclusion, education and countering prejudices;
- OSCE executive structures should support activity of NGO relevant in national, religious and hatred issues as well as in promoting tolerance and mutual understanding;

- ODIHR should arrange more regional meetings and workshops to promote trust and reconciliation.
- OSCE ODIHR should address discrimination against Roma and anti-Roma rhetoric and violence;
- OSCE executive structures should continue activities related to Roma and Sinti integration.

***Working Session 13: Tolerance and non-discrimination II (continued), including combating racism, xenophobia and discrimination, also focusing on intolerance on religious grounds (continued)***

*Rapporteur: Ms. Anne Helene Marsøe, Permanent Delegation of Norway to the OSCE*

**No. of statements:**

**Delegations: 11**

**Civil Society: 61**

**OSCE Inst./Int'l Org: 0**

**Rights of Reply: 13**

Working session 13 focused on tolerance and non-discrimination (continued from session 12), including combating racism, xenophobia and discrimination, also focusing on intolerance on religious grounds. The session was moderated by: *Mr. Michael Whine, European Commission Against Racism and Intolerance (ECRI)*. The topic was introduced by the three OSCE Personal Representatives of the Chairperson-in-Office: 1) *Mr. Alexei Avtonomov, Personal Representative on Combating racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of other Religions;* 2) *Rabbi Andrew Baker, Personal Representative on Combating Anti-Semitism;* 3) *Professor Talip Kucukcan, Personal Representative on Combating Intolerance and Discrimination against Muslims.*

Their introductory presentations brought a number of issues to the attention of the participants: The need to collect accurate data and to have precise statistics related to discriminations; that data collection is important to address under-reporting of hate crimes, highlighting the complexity of hate crimes and that it happens for several reasons. It was further stressed that the gender aspect specifically needs to be taken into account, as well as the groups of committing hate crimes. It is not a country specific problem; the whole OSCE area is affected with hate crimes and discrimination. Hate crimes was categorized as a threat to peace and stability.

It was further stated that there is a worrying trend to securitize Jews and Muslims. It was referred to that when some organizations organized demonstrations, they had been confined by the police to closed areas or stopped altogether. Even though the police acted out of concern for their safety, the result was that long-standing principles of freedom of speech and assembly were challenged. It was addressed that recent events in Middle East have fuelled a surge of Islamophobia and anti-

Semitisms. Another contemporary issue highlighted was that in many participating states the campaign to ban ritual circumcision, often initiated by children's rights activists, had a risk to turn anti-Semitic and anti-Muslim. Therefore important that such debates were done in a careful manner. Attention was also drawn to plans for marking the tenth anniversary of the Berlin Declaration on Anti-Semitism November this year. Lastly, the representatives referred to recent cooperation with other agency on tolerance and non-discrimination issues, initiated by the Swiss Chairmanship, and stressed the importance of further enhancing such cooperation and that it increased the possibility for tangible results.

The three Special Representative have in 2014 made country visits to the US, and Denmark, and will after HDIM visit Russia.

Several participants raised their concerns and echoed the views of the presenters on their worries for the increasing discrimination against Christians, Jews and Muslims, and religious minorities – and recent attack against places of worships.

A number of participants brought up the challenge in ensuring that both freedom of speech and freedom of religion or belief are respected, including in relation to the use of the Internet.

Participants also raised their concerns with regard to persecution based on faith or belief. Policies should foster tolerance. It was called for OSCE members to make sure people can have their rights protected without discrimination, promote Human Rights and tolerance. Condemn calls to hatred. Co-operation is needed to prevent all forms of discrimination.

In the further debate it was mentioned that African communities in participating states, and especially women of African descents, often face not only trauma and poor living conditions, but continues to be discriminated against in the society. This include in their work situations, competition for jobs, education, and suspicion/attention by the police. Asylum seekers were also pointed out as a group that is exposed to discrimination, hate-crime and to institutional violence. Many called for that this group needs protection against such incidents. It was also expressed that "Islam" needs to be separated from the concept of "terrorism". Muslims should not be asked to take position on terrorist attacks they have nothing to do with. It was called for measures to deal more effectively with anti-Muslim feelings.

Sexual orientations were also highlighted as a cause for discrimination and high level of violence. It was called for specific attention to this issue as currently lack of priority on this in the OSCE.

The discussion also pointed out that solutions and approaches to combating intolerance and discrimination must be found as religious freedom continues to decline. It was called for that this must be a priority, as it is a basic freedom of all individuals. Linkages to the concept of human dignity were highlighted. However, other participants had a diverse view, and proposed that a group within OSCE should be established to discuss these questions. Worries for extremists was expressed, and with regard to returning foreign fighters. It was argued that they could present a risk for danger and for fostering more violence in their home community/country. Another

concerned raised was the current “death-trap” at sea. Especially many of African descents are experiencing this trauma. It was also pointed out that this particular Mediterranean area problem is extremely complex and complicated, as the system in place is also being “abused” by the migrants who purposely get pregnant in order to avoid being deported. It was called for increased attention to this complex problem and pointed to that prevention is better than having to cure.

A deep concern was raised about the policies of the government of one particular participating State, related to recent arbitrary registration of religious communities. This had resulted in deregistration of otherwise legal churches. The State in question used its right to reply and stated that its 2011 Act on religion provides a generous framework for religious freedom and that the state will consider the ruling of the European Court of Human Rights and reviews the law accordingly. It was argued that this issue is not about registration, but cooperation between State and religious group.

A number of participating States and NGOs shared national experiences, good practices and recommendations on how to better confronting hate crime and supporting tolerance and non-discrimination. Given the high number of interventions made and the limited time allowed for each delegation/NGO to speak, the list below does not constitute an exhaustive list of all recommendations. Kindly refer to individual statements by participants and the consolidated list of recommendations for a full list.

**Recommendations to the participating States:**

- Further increase their efforts to implement their OSCE commitments on tolerance and non-discrimination;
- Further support ODIHR financially to ensure that it properly can accomplish its mission/mandate;
- Reaffirm the protection of LGBTI against intolerance;
- Send high level representatives to the upcoming Berlin conference on anti-Semitism and strengthen efforts on all fronts of discrimination;
- Continue to work on preventing hate speech as well as hate crime through measures such as education;
- Continue to work with ODIHR and provide data to the Hate Crime Database, and continue to combat under-reporting of hate crimes by disaggregating data, address reverse-discrimination and redefine anti-religious acts;
- Continue to speak out against hatred in politics, condemn hate crime and hateful statements;
- Make sure that actions taken to protect against TnD issues, hate crime, discriminations etc. not are undermining- or are in conflict with other human rights;
- Make and support efforts to confront violence towards persons based on their sexual orientation by providing meaningful responses to such violations; and
- Address discrimination problems related to minority groups as asylum seekers, women of African decedents, and tackle the problem related to foreign fighters returning home and the risk of increased hate-crime, non-tolerance and risk of violence.

**Recommendations to the OSCE, its Institutions and Field Offices:**

- OSCE should host an event to combat discrimination against Atheists and non-believers;
- OSCE should facilitate robust and inclusive debates on related TnD contemporary issues;
- OSCE should create a panel to deal with anti-Semitic, anti-Muslim, Racist and Xenophobic crimes across Europe and North America;
- OSCE should dedicate more resources/effort/priority to assist participating States to fully implement existing commitments on Tolerance and Non-Discrimination (TnD);
- OSCE should create a TnD focused working group for Russia and Ukraine;
- OSCE should increase its attention on hate crimes and discrimination against Muslim women;
- OSCE should assist participating with preventive measures, as “prevention is better than having to cure”;
- ODIHR should continue its efforts to address the issue of hate speech;
- OSCE should contribute towards having TnD issues included as a priority in the agenda for 2015;
- OSCE should ensure that rights to religious beliefs don’t undermine other rights;
- OSCE should contribute towards finding a solution to issues surrounding the rights of migrants in the Mediterranean area, raising specific concerns for women;
- OSCE should hold a regional Central Asian conference on tolerance and non-discrimination on religious grounds;
- OSCE should continue supporting efforts to engage civil society to counter all forms of intolerance; and
- ODIHR should continue its work with Women of African Descent.

***Working Session 14: Fundamental freedoms II, including freedom of thought, conscience, religion or belief***

*Rapporteur: Ms. Hilde Austad, Permanent Delegation of Norway to the OSCE*

**No. of statements:**

**Delegations: 14**

**Civil Society: 45**

**OSCE Inst./Int'l Org: 0**

**Rights of Reply: 17**

The working session 14 addressed the topics of freedom of thought, conscience, religion or belief (FoRB).

*Laureline Fontaine, Introducer* said that FoRB is challenging to implement in practice. Problems are caused by the lack of political will. She stressed that all creeds are protected, including atheism and agnosticism. Ms. Fontaine outlined the history of FoRB as a human right in France. The link between a natural right and an obligation on State authorities is far from clear-cut. Reasoning from the perspective of

philosophy of law, she described the building of a non-violent and stable society as the fundamental purpose of law. Thinking that all individuals can have the same way of thinking, creates violence. FoRB ensures stability and non-violence.

Many speakers stressed that Freedom of Religion or Belief (FoRB) is closely linked to other rights, as freedom of expression and freedom of assembly and association. It is equally important for people of all religious beliefs, and for people with no religious belief. States must protect persons, but not religions as such.

The point was made that recognizing the freedom of religious communities does not reduce the freedom of others.

An important problem in certain countries is restriction on registration of religious groups. There can be demands for a certain number of signatures to register, or administrative conditions that pose problems. Holding religious meetings without registration is not allowed. Some groups have experienced homes and places of worship being raided, literature confiscated and religious property confiscated.

Participating States were urged not to use anti-extremism laws or anti-terrorism laws as a pretext to restrict legitimate religious activity.

States were also urged not to use the reference to traditional values to restrict enjoyment of human rights.

Conscientious objectors face problems in several participating States, as there is no alternative to compulsory military service. They were often sentenced to prison sentences, sometimes repeatedly. However, positive changes to the law was observed in one participating State.

In some participating States, anti-blasphemy laws cause problems for people of other religious beliefs and people with no religious belief. The right to change one's religion was mentioned by some speakers.

Non-believers felt discriminated in certain strongly religious participating States.

Some participating States informed that they had changed restrictive laws. However, representatives of civil society stressed the importance of ensuring that these changes were implemented at the local level in all parts of the country. Education of local public officials and local religious representatives is key. For example, access to burial sites could be a problem locally. Also the right of assembly of religious minorities and police protection of minorities locally.

In one area that has come under the control of another participating State, religious minorities are experiencing problems. Places of worship are raided and the rights of religious minorities are not respected.

National laws on issues involving personal beliefs and values can cause problems of conscience for health personnel and others. This should be taken into account in the organizing of tasks for people in these occupations.

Some participating States thanked ODIHR for useful publications and for assistance in changing laws or initiating inter-faith dialogues.

**Recommendations:**

- State recognition should not be a prerequisite for the practicing a religion or belief;
- ODIHR/VC Joint Guidelines should be promoted;
- Harassment of religious groups, including through abuse of anti-extremism laws, should be stopped;
- Alternative service laws must be adopted by pS that do not have them yet, and conscientious objection must be decriminalized;
- Important to also protect non-believers and proponents of secular beliefs;
- To take action against violent foreign fighters returning to Europe;
- To repeal anti-blasphemy laws;
- Urge pS to do more to enable protection of the rights of religious minorities in Syria and Iraq;
- An updated version of the ODIHR Guidelines for Review of FORB Legislation should be developed;
- The right to leave or change religion should be protected as a core element of FoRB;
- Encouraged pS to take concrete steps to promote tolerance and respect for diversity and multiculturalism through education.

***Working Session 15: Fundamental freedoms II (continued), including freedom of movement***

*Rapporteur: Ms. Charlotta Rodhe, Permanent Delegation of Sweden to the OSCE*

**No. of statements:**

**Delegations: 8**

**Civil Society: 8**

**OSCE Inst./Int'l Org: 1**

**Rights of Reply: 7**

The introducer, *Ms Valentyna Subotenko*, focused her statement on issues around the so called *propiska* system for registration of residence in countries of the former Soviet Union. She stated that the system, having its roots in Soviet Union central planning, was deeply problematic in restricting the right to freedom of movement and the right to choose ones place of residence, and also had an effect on civil rights, including voting rights. She described processes of reforming or dismantling the system in different countries, highlighting the role of constitutional courts as well as initiatives to decriminalize non-compliance with the system. She recommended all participating States to abolish the system, replacing it with systems of self-registration, that would not infringe on the right to freedom of movement.

Seventeen interventions were made in the following discussion, seven of which from national delegations (one of them on behalf of a large group of participating States).

Seven participating States made use of their right of reply.

A large number of statements focused on the right to freedom of movement in the context of the 1990 Copenhagen Document commitment on the importance of free contact among citizens in the context of the promotion and protection of human rights. Freedom of movement for human rights defenders was specifically brought up by a number of participants, citing specific cases, where human rights defenders have been prevented, including by force, to leave their countries. In several cases, such practices were cited to have occurred when human rights defenders have intended to travel to participate in international fora, such as the United Nations, which caused deep concern. The practice of restricting freedom of movement for human rights defenders and other activists also within states was another serious problem. The participating States in question did not respond to the expressed concerns.

In the context of current international conflicts within the OSCE area, several cases of restrictions of freedom of movement were raised, by a large number of delegations. Many delegations raised the right of representatives of minority groups from an area of one participating State currently occupied by another participating State to return to their homes. Interventions by a large number of delegations stated that the occupation and other actions had also led to severe restrictions on freedom of movement for other persons within the participating State in question. Students, journalists, businessmen, NGO activists were cited, and it was stated that this problem sometimes physically divided families. The delegation of the participating state cited as occupying territory of another state did not comment on the specific cases raised, but expressed disagreement with the basic premises of the concerns in question.

One participating State raised the issue of forced borderization and passportization by another state within their territory, stating that this practice deprived persons living in occupied territories of health care, and divided families. One NGO participant claimed that persons from these territories were unable to travel to the European Union to take part in HDIM. The participating State answered that travel documents were issued to persons from these territories, allowing for travel.

Two participating States exchanged views on restrictions on freedom of movement, including for international representatives, in the context of conflicting claims on a disputed territory. One of these states also expressed concern that another participating State had closed its state border with the state in question. This participating State answered that it hoped political conditions would be conducive to the normalization of bilateral relations.

One participating State focused specifically on the issue of visa liberalization, with reference to the Helsinki Final Act. A group of participating States answered that there is no OSCE commitment to admit citizens of other countries, and that the issue of visa liberalization was beyond the competence and expertise of the OSCE.

Regarding Human Rights Education, one international organization gave an account of its activities in this area. One participating States shared national experiences with Human Rights Education. Several participants underlined the importance of Human Rights Education, including in the security sector, and one participant specifically raised the need for education regarding sexual and reproductive health rights.

**Recommendations:**

- The systems of residency registration should be simplified. In the instances where residency registration and declaration procedures are used they should be applied fully respecting freedom of movement.
- Exit visa regimes should be abolished to ensure that the rights of all citizens to freedom of movement are respected;
- ODIHR should hold a conference on internal aspect of Freedom of Movement to compare and analyse reforms in former USSR countries with regard to residency registration issues, to discuss positive experiences and remaining problems;
- All OSCE participating States should facilitate free and secure movement of persons, abstain from unlawful prohibition to leave and to return to one's country, and remove restrictions to freedom of movement of all individuals residing in areas affected by conflict and occupation. De-facto authorities in occupied territories must likewise respect the right to freedom of movement of all residents; and allow return of those who so wish to these territories;
- The rights to freedom of movement of residents in conflict zones, refugees and IDPs should be respected by all participating States, in particular, to access health-care as well as for other humanitarian purposes, including reunification of families;
- Freedom of movement of human rights defenders must be respected to ensure they can perform their tasks without any restrictions regarding their movement;
- Participating States should reverse occupation of territories of other participating States, and refrain from destabilizing actions in other states territories;
- Mechanisms should be set up allowing those who were denied entry to a particular country to question the legality of that decision;
- International monitoring and investigation, including by OSCE, should be established in areas affected by conflict and occupation;
- The OSCE Mission to Georgia should be restored;
- Visa regimes should be abolished;
- Participating States should increase use of IT technologies for Human Rights Education;
- Participating states should mainstream Human Rights Education in military and police education and raise awareness about international humanitarian law in the armed forces.

## **Working Session 16: (specifically selected topic): Rights of migrants**

*Rapporteur: Ms. Anna Grabowska, Permanent Mission of the Republic of Poland to the OSCE*

**No. of statements:**

**Delegations: 9**

**Civil Society: 11**

**OSCE Inst./Int'l Org: 1**

**Rights of Reply: 2**

Working session 16 was devoted to one of specifically selected topic – rights of migrants. *ODIHR Director Michael Georg Link* in his opening remarks underlined that migrants in the OSCE region constitute more than half of the world's migrant population. At the same time, over half of all international migrants are women. The challenges stemming from rising flows of migration include i.a. access to education, the health system, housing, labour market as well as acquisition of nationality. To address all challenges a proper legal framework should be in place.

*Ms. Despina Syrri, Senior Expert on sustainable growth, Regional Cooperation Council*, who was the first introducer, stressed that asylum, migration and integration have become closely related to the phenomena of xenophobia and intolerance. To address the challenges faced by societies, policy responses to the movement of people need to keep fundamental rights at the centre of the decision-making process. Efforts to actively promote migrant inclusion into receiving societies, as well as to combat racism and xenophobia, need to be guided by democratic values of equality, pluralism, non-discrimination, diversity, and social cohesion. The host societies also need to be educated about the migrants, for example through improving coverage of migration issues in the media.

The process of developing migration legislation could promote democratic governance practices, provided that all the interested stakeholders are involved, such as governmental agencies, employers, trade unions, and representative of migrant communities and groups. These processes in themselves promote cohesion and inclusion as well as democracy. Ms. Syrri underlined the importance of addressing the issues of migration at the governmental as well as local level.

*Ms. Jitka Markova, Deputy Chair of the European Network of Migrant Women*, who was the second introducer, focused her remarks on female migrants. She stressed that migrant women are facing multiple discrimination – both gender and ethnic. She called for truly gender sensitive migration policies. In order to adopt such policies there is a need to acknowledge the diversity of migrant women, with different social-economic backgrounds, levels of education, ages, sexual orientations, cultures, ethnic and religious roots.

Both introducers assessed that rising popularity of far-right political parties in Europe, tendency to preserving national identities as well as austerity measures taken by States

in times of economic crises have impacted on the rights of migrant workers and the efficiency of national migrant integration policies.

During the session 21 interventions were delivered, including 9 by participating States, 11 by non-governmental organisations and 1 from other international organisations. In addition, 2 participating States exercised their right of reply.

The representative of the Council of Europe presented projects being currently developed under the aegis of this organisation. One of them - “Communication for integration” addresses challenges stemming from economic crises and its impact on public perceptions of migrants; the second one - “Intercultural Cities: Towards a model of intercultural integration” was a response to a widespread criticism of multiculturalism.

Certain participating States acknowledged that protection of migrants is essential for strengthening democracy and safeguarding basic humanitarian principle in the OSCE region. The linkage between economic crises and rise of discrimination and intolerance against migrants, including Muslim migrants was pointed out. The key role which media can play in changing the attitude to those who now are often perceived as “other” or “different” was underlined. Some delegations raised the problems that economic migrants from Central Asia encounter suggested the need of bigger legal as well as consular assistance. There was support for seeing the integration of migrants as a process of mutual adaptation. The role of education, also education of language of the host country, and integration through education was indicated. The issue of crises in and around Ukraine and its impact on migration, including the aspect of forced migration, as well as rights of those who left Ukraine was addressed in some interventions. The need for open dialogue on migration and partnership with all stakeholders was also underlined. One country mentioned the need for the European Union to support Malta in addressing challenges stemming from migration flows from Mediterranean region.

#### **Recommendations to the participating States:**

- Anti-migrants sentiments could be fought by public condemnation where media play key role. As part of such campaign, inclusion with diversity should be promoted while highlighting possible measures to prevent hate crimes against migrants.
- OSCE should raise awareness on the violations taking place in Crimea in the area of maritime affairs, on the forced conferral of citizenship and the changes in the education system.
- States should be obliged to integrate migrants, depending on their legal status. Participating States to guarantee rights of children and the related conventions.
- OSCE should deploy monitoring mission to Crimea.
- Government of Tajikistan should improve its consular services in the RF. Procedures for repatriation of deceased migrants from the RF to Tajikistan should be developed.
- Migrants should be trained as to what are the best ways to access labour market.

## ***Working Session 17 (specifically selected topic): Rights of migrants (continued)***

*Rapporteur: Ms. Nevena Jovanovic, Permanent Mission of the Republic of Serbia to the OSCE*

**No. of statements:**

**Delegations: 11**

**Civil Society: 9**

**OSCE Inst./Int'l Org: 1**

**Rights of Reply: 6**

Working session 17 highlighted the issue of refugees and IDPs in the OSCE region. *Mrs. Beatriz Balbin, First Deputy Director, OSCE Office for Democratic Institutions and Human Rights* opened Working Session by stressing that the OSCE region is strongly affected by increasing number of refugees and IDPs. Mrs. Balbin emphasized that during last year OSCE hosted about 2.2 million refugees and approximately 1.18 million IDPs which remains security as well as human rights challenge for OSCE region. She also remained on existing OSCE Commitments related to assistance to refugees and IDPs and called on Participating States to show their cooperation and solidarity with this regard. In concluding, Mrs. Balbin stressed the importance of sharing experiences and examples of good practices among OSCE Participating States on this very important issue.

Moderator, *Mr. Frank Remus, Head of the UNHCR Laison Office to the OSCE and Vienna-based UN agencies* stressed that every OSCE Participating State is facing to problem of refugees and IDPs. In that context, he underlined the importance of strengthening national capacities and improvement of national legislation with this regard. He also emphasized that HDIM presents a great opportunity to put “at the same table” OSCE Participating States, NGOs as well as representatives of International Organizations in order to open discussion and raise awareness about this very important issue.

First introducer, *Mr. Alfredo Zamudio, Director of International Displacement Monitoring Centre* explained the terms “refugees” and “IDPs” and talked about some new statistics in the OSCE region. He underlined that Participating States today are still facing to this problem which shows that there is still exist “room for the improvement” in implementation of OSCE Commitments. He stressed that some progress has been achieved in recent years, but there is still much to be done. Mr. Zamudio also recalled on some important OSCE Commitments and other international documents on refugees and IDPs. He also emphasized some examples of good practice in this regard. In concluding, Mr. Zamudio stressed that special attention should be devoted to improvement of full participation of refugees and IDPs and their further integration. He also underlined the importance of OSCE Chairmanship for addressing all these issues.

The second introducer, *Mr. Ignacio Diaz de Agilar, former Board Member of the European Council of Refugees and Exiles* highlighted some major challenges in Mediterranean Countries that have been facing with refugees and asylum seekers from North Africa and Middle East. Mr. Aguilar stressed the importance of establishing effective measures of border control. Also, he underlined that there is a need for better cooperation between transit countries. Mr. Aguilar encouraged Participating States to have more economic support for those countries in order to ensure effective mechanisms for protections of refugees, IDPs and Asylum seekers in OSCE region.

21 interventions were delivered after the introducers, including 11 by delegations, nine by NGOs and one by international organizations. Also, six Participating States used their right of reply in response to prior interventions.

All delegations expressed their concerns regarding increased number of refugees and IDPs in the OSCE region. Some of the delegations paid special attention to large number of refugees and IDPs in light of Ukrainian crisis and stressed the importance of improving mechanisms to reduce the flow of IDPs and make it possible for them to return back to their homes. It was stated that there are over 42 million people currently of concern to UNHCR worldwide which includes approximately 12 million refugees, 10 million stateless persons and 24 million IDPs worldwide. Also it was stressed that, looking at the statistics in the OSCE region, at the end of 2013, the region hosted more than 2.2 million refugees, 1.2 million IDPs, 700,000 stateless persons and 580,000 asylum-seekers. In this regard, all delegations and NGOs agreed that refugee protection and internal displacement remain one of the most serious humanitarian and human rights challenges in the OSCE region.

A number of delegations discussed about development and implementation of national strategies and programs on refugees, IDPs and asylum seekers. Also, the importance of providing adequate types of assistance e.g. for women and children, psychological and medical care for those people was underlined.

It was stressed that increased attention should be paid to international protection, in a spirit of solidarity and fair sharing of responsibility among OSCE Participating States. Many of delegations and NGOs stressed the need for fostering Regional Protection Programs and increasing contributions to global resettlement. Some of delegations underlined the importance of close cooperation between OSCE Participating States with UN High Commissioner on refugees as well as with UNHCR in order to support third Countries most exposed to massive inflows of displaced persons, refugees and asylum seekers. It was stated that the OSCE- UNHCR “Protection Checklist – Addressing Displacement and Protection of Displaced Communities and Affected Communities along the Conflict Cycle: a Collaborative Approach” is very valuable in this regard.

A number of delegations and NGOs expressed their concern regarding the tragedy off the coasts of Lampedusa in October 2013, and underlined that relevant efforts should be put to avoid the loss of human lives in the Mediterranean and to improve its capacity to assist asylum-seekers and refugees. A few delegations and NGOs warned that the situation will get worse as the Central Mediterranean migration route becomes larger. Many delegations and NGOs raised question of violence against refugees, IDPs and migrants and emphasized that special attention should be devoted to vulnerable groups.

**Recommendations:**

- OSCE should implement the OSCE- UNHCR “Protection Checklist – Addressing Displacement and Protection of Displaced Communities and Affected Communities along the Conflict Cycle: a Collaborative Approach” by means of OSCE Field Operations the co-operation with UNHCR should be increased;
- OSCE participating States must apply OSCE toolbox to the whole question of refoulement and IDPs.
- OSCE Participating States should strengthen the cooperation with transit countries
- OSCE Participating States should strengthen cooperation between OSCE Participating States with International Organizations and Civil Society Organizations
- OSCE, in particular the Field Operations shall facilitate the access of UNHCR and the United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons in all areas of the OSCE region;
- OSCE Field Presences should submit project proposals focused on the improvement of livelihood opportunities and better protection of IDPs to the relevant agencies of Azerbaijan for consideration.
- To ensure that specialized agencies, in particular UNHCR have free access to all refugees and displaced people irrespective of their places of residence and the status of the country they took refuge in.

## ***Working Session 18: Discussion of human dimension activities (with special emphasis on project work)***

*Rapporteur: Mr. Robert Hull, Delegation of the European Union to the OSCE*

**No. of statements:**

**Delegations: 2**

**Civil Society: 3**

**OSCE Inst./Int'l Org: 0**

**Rights of Reply: 2**

*ODIHR Director Michael Georg Link* opened the session by highlighting the increased expectations for increased accountability and quality control of OSCE projects by participating States, and how this is already being addressed by OSCE officials, including through the evaluation network. Evaluation efforts must not simply be directed towards simply reviewing what has been done, but should also focus on future work. Director Link reiterated the strengths for the OSCE of the complementary mandates of the different Executive Structures – a point supported in subsequent interventions by participating States.

*Ms. Sebnem Lust, Acting Head of the OSCE's Programming and Evaluation Support Unit in OSCE Secretariat* introduced the discussion. She stressed how the OSCE is not a project delivery organisation. Rather its projects need to be run in parallel with diplomatic activities and synchronised with political monitoring and reporting. Lust noted that a lively debate is ongoing within the OSCE on the results and accountability of OSCE projects. Central to this is the issue of key performance indicators. Whilst these are important, she remarked that results can be difficult to measure, because the OSCE is engaged in processes that are influenced by wider geopolitical issues. This in turn makes political reporting key. The timely approval of the Unified Budget and the provision of sufficient resources for projects, both through the Unified Budget and through extra-budgetary funding, was identified as crucial if participating States want the OSCE to continue to deliver on its mandate in a sustainable and meaningful manner. Typically the OSCE only receives half the funds it seeks for projects and the amount of extra-budgetary funding donated by participating States is drastically shrinking. In concluding, Lust said the OSCE needs to strategize, prioritise and coordinate to the extent possible, conduct assessments and analyses to ensure that projects respond to real needs, set operational outcomes for accountability reasons, monitor and evaluate projects, report but also communicate regularly with participating States on challenges and accomplishments.

Four presentations then followed from other Executive Structures. *Mr. Andreii Dziubenko, National Program Coordinator of the OSCE Project Coordinator in Ukraine* provided an overview of recent work by the PCU, including on elections, combatting trafficking in human beings, promoting rule of law, and gender equality. *Mr. Oliver Schuett, Chief of Public Participation Section, OSCE Mission in Kosovo*, presented a number of activities OMiK had undertaken with youth in Kosovo. He also provided an overview of a number of other activities including on promoting the rights of persons with disabilities, engagement on inter-faith dialogue and addressing hate speech. The presentation by *Mr. Max Mattias, Legal Adviser on War Crimes and*

*Transitional Justice, OSCE Mission to Bosnia Herzegovina* highlighted how the Mission was using modern technologies to support its engagement on war crimes justice and promoting tolerance and non-discrimination. A number of online tools have been developed to provide data on hate crimes (Hate Monitor) and to develop strategies to prevent them. *Mr. Frane Marojevic, Senior Adviser, OSCE Representative on Freedom of the Media* made the final presentation. He outlined a series of different initiatives by the office of the RFoM that are bringing key stakeholders together to identify solutions to media freedom challenges. These range from the regular regional media conferences that often address issues such as safety of journalists and reform to public broadcasters, to the current series of meetings on Open Journalism, and a specific initiative bringing together journalists from Ukraine and the Russian Federation to address challenges to media freedom posed by the crisis in Ukraine.

Five interventions were delivered, including three by NGOs and two by participating States (one of which was on behalf of 38 participating States). In addition, two participating States exercised their right of reply.

In the discussion that followed, there was broad support for the existing work of the OSCE. Interventions encouraged further OSCE activity to support participating States in implementing all their human dimension commitments. Some highlighted areas of existing work such as on election observation, protecting human rights defenders, human rights education, safety of journalists, and protection of IDPs. Others encouraged the OSCE to address emerging threats, and also to be guided further by the needs for assistance that participating States are presenting. One intervention suggested that some commitments as well as areas of the OSCE region are currently overlooked in current programmatic activities of the OSCE. The value of engaging civil society in OSCE projects, and working more with them, including further training for civil society, was emphasised. There was also strong support signalled for the mandates of the OSCE autonomous institutions.

There were also a number of proposals related to the processes surrounding project activities. Some encouraged earlier discussions with participating States on programme planning. An open and inclusive approach to the preparation of OSCE Guidelines on thematic issues is also very welcome. Finally, the Helsinki+40 process was identified as offering an opportunity to strengthen the effectiveness of the implementation of human dimension commitments by all OSCE participating States.

### **Recommendations to OSCE participating States**

- Ensure timely approval of the annual OSCE Unified Budget and also of funding for Extra-Budgetary Projects;
- Participating States should take full advantage of the range of services offered by the OSCE in enhancing the implementation of commitments;
- Participating States should take account of and follow up on recommendations made by the OSCE Institutions and field operations;
- Participating States should ensure that civil society is given the necessary space to make their contribution to OSCE activities.

### **Recommendations to OSCE institutions and field operations**

- Project activities need to be synchronised with political monitoring and reporting;
- Monitor and evaluate projects regularly, including whilst the projects are ongoing;
- Enhance cooperation and coordination to maximise the impact of their activities. As part of this, field operations should redouble their efforts to work closely with other field missions in their region;
- Continue to work closely with other relevant international and regional organisations, such as the Council of Europe and the UN, in order to learn from each other's experiences, bolster their impact, and improve implementation of OSCE commitments;
- Foster close collaboration with civil society when designing projects and activities;
- Operationalise the ODIHR Guidelines on Protection of Human Rights Defenders;
- ODIHR should provide a forum for exchange and learning on internal displacement, also for the benefit of Ukraine, with other organisations;
- Protection checklist developed by OSCE and UNHCR and launched in Ukraine should be rolled out, translated into national languages, staff at FOs should be trained.

## **IV. COMPILATION OF WRITTEN RECOMMENDATIONS**

Participating States as well as international organisations and NGOs provided also a wide range of recommendations during the Meeting, through oral or written statements. The recommendations submitted to the Distribution System have been compiled thematically by ODIHR for each working session and a final compilation is available below.

### **Monday, 22 September 2014 Opening Plenary Session**

#### *Recommendations to participating States*

##### **Canada**

- We call on Russia to cease its aggression against Ukraine and to adopt a cooperative approach in which peace and security, democracy, human rights, fundamental freedoms and the rule of law are not mere words to be repeated by a state-controlled press, but real values and principles upon which we can build true security for all in the OSCE region.

### **Monday, 22 September 2014**

### **WORKING SESSION 1: Democratic institutions, including address by the Director of the OSCE Office for Democratic Institutions and Human Rights**

#### *Recommendations to participating States*

##### **Canada**

- For participating States to consider appropriate measures to support ODIHR financially and to engage in genuine dialogue for improving, not weakening, ODIHR's election observation activities.

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

Western Thrace Turkish Minority recommends Greece,

- To abolish 3% electoral threshold for the minorities and independent candidates on national and European Parliament elections.
- To take special measures for the political representation of the Turkish Minority of Western Thrace.
- To regulate the legislation in conformity with the international standards.

### **Latvian Human Rights Committee**

- Grant non-citizens of Latvia the right to vote in the municipality and European elections
- Simplify and accelerate the naturalization procedure
- Interpret the Constitution as non-prohibiting massive liquidation of the

humiliating statelessness status

- Interpret the Constitution statement about the special role of ethnic Latvians and the Latvian language as non-restricting the opportunity to use other languages along with the Latvian language in public education and in communication between residents and authorities
- Restore the efficient mechanisms of direct democracy
- Impose no pressure on the activities of human rights defenders who protect the interests of the most vulnerable population groups in accordance with the requirements of a democratic society.

### **Baltic Center of Historical and Socio-Political Research**

Региональная конференция российских соотечественников Эстонии, Латвии и Литвы призывает:

- Добиваться ликвидации без всяких предварительных условий массового безгражданства в Латвии и Эстонии.
- Добиваться придания русскому языку статуса официального в соответствии с требованиями международного права в области защиты прав человека. В качестве первоочередных задач:
- Добиваться обеспечения, в зависимости от спроса в конкретных населенных пунктах, дошкольного, школьного или высшего образования на языках меньшинств либо преподавания этих языков в публичных учебных заведениях. Обеспечить равное отношение к частным учебным заведениям вне зависимости от языка обучения.
- Обеспечить возможность обращения на языках меньшинств в органы власти тех государств и в органы тех местных самоуправлений, где более 20 % населения указывает соответствующий язык как родной язык (язык семьи и т. п.), получение информации на соответствующем языке от них, а также от распространителей лекарств в данных странах.
- Если государство считает целесообразным вводить требования к владению официальным языком для каких-либо должностей или профессий, обеспечить соразмерность этих требований общественным нуждам и приоритет обучающих мер над карательными при воплощении этих требований в жизнь.
- Обеспечить по возможности более близкое к оригинальному написание имен и фамилий лиц, принадлежащих к меньшинствам, в официальных документах.
- Добиваться уважения права работодателей выбирать, владение какими языками требуется от работников, общающихся с клиентами.
- Обеспечить возможность размещать надписи на топографических указателях наряду с официальным языком также на языках нацменьшинств в местах их компатного проживания.
- Добиваться озвучивания фильмов в прокате наряду с официальными языками также и на языках национальных меньшинств.

- Добиваться от Латвии и Эстонии отзыва ограничительных деклараций и оговорок к Рамочной конвенции о защите национальных меньшинств. При решении вопросов соблюдения прав национальных меньшинств в странах Прибалтики опираться на принципы Охридских соглашений, которые выработаны при урегулировании межнационального конфликта в Македонии.
- Способствовать присоединению Литвы и Эстонии к Конвенции ЮНЕСКО о борьбе с дискриминацией в области образования.
- Добиваться от Латвии и Литвы признания за Комитетом по ликвидации расовой дискриминации права рассматривать индивидуальные жалобы на нарушения Международной конвенции о ликвидации всех форм расовой дискриминации.
- Добиваться придания ветеранам Антигитлеровской коалиции официального статуса и льгот.
- В интересах становления Латвии и Эстонии как демократических государств необходимо НЕЗАМЕДЛИТЕЛЬНО приступить к ликвидации в этих странах массового безгражданства и вернуться к практике проведения выборов во все органы власти на основе всеобщего избирательного права.
- Призываю конференцию ОБСЕ по человеческому измерению поддержать данное заявление и безотлагательно принять все необходимые меры для проведения в Латвии первых после 18 марта 1990 года выборов на основе всеобщего избирательного права, что послужит действенной преградой для дальнейшего наступления правительства Латвии на права человека.

Конференция призывает власти Российской Федерации

- признать предстоящие в Латвии 4 октября с.г. парламентские выборы не отвечающими принятым в Европе стандартам демократии, поскольку в них не сможет принять участие 287 тыс. постоянных жителей (более 14 % населения);
- осуществлять эффективную защиту прав соотечественников, проживающих за рубежом, на основе возвращения в межгосударственных отношениях к так называемому «пакетному принципу», т.е. к развитию любого вида сотрудничества только при условии соблюдения прав национальных меньшинств, включая права русского национального меньшинства;
- расширить поддержку деятельности правозащитных организаций Эстонии, Латвии и Литвы, в том числе в части проведения в 2015 году в Риге международной конференции, посвященной 40-летию Хельсинкского Заключительного Акта СБСЕ 1975 г.

- открыть во взаимодействии с местными властями в Эстонии, Латвии и Литве Центров науки и культуры Российской Федерации;
- открыть Фонд по поддержке СМИ на русском языке.

*Recommendations to the OSCE*

**Canada**

- For ODIHR To continue Strengthening and improving its election observation activities and methodology to ensure it remains a global leader in this field;
- For ODIHR To work In close Cooperation with other Governmental and non-governmental organizations, such as the European Endowment For Democracy, To support Efforts where Democracy is Most deeply Threatened by Subversive foreign Forces in Eastern Europe;
- For ODIHR And OSCE Field Operations To continue Their efforts To strengthen Democratic institutions Through the Provision of advice, legislative review and training;

**International Association of Independent Democrats Against Authoritarian Regimes**

Recommendations for ODIHR-OSCE:

- На следующем Совещании, в 2014, если ему не помешает всемирная атомная война, развязанная диктатором Путиным:
- Для обсуждения таких "неважных" вопросов как Демократия на национальном, региональном и локальном уровне отвести только 60 минут, а можно вообще исключить из повестки Совещания. – It will be the “good” continuation for today policy of OSCE

**European Center for Artsakh (EUCFA)**

To conclude, I would like to recommend:

- to the ODIHR to co-operate with non-governmental organizations throughout the entire OSCE area, regardless of the status of the country and engage in best practices exchange on elections and election monitoring.

**Civil Network OPORA**

- Также хочу подчеркнуть, что ОБСЕ/БДИПЧ необходимо продолжить практику по наблюдению за выборами и политическими процессами в Украине. Отчеты ОБСЕ/БДИПЧ предоставляют исчерпывающую информацию о соответствии избирательных процессов в Украине международным стандартам, а также отмечают направления для усовершенствования.

**Tuesday, 23 September 2014**

**WORKING SESSION 2: Fundamental freedoms I, including freedom of expression and address by the OSCE Representative on Freedom of the Media**

*Recommendations to participating States*

**International Civil Liberties Alliance (ICLA)**

- We call on the OSCE, and France in particular, to be careful not to let the concept of Islamophobia, contaminate the vocabulary and the laws of the participating states. It is extremely important to continue to be able to distinguish criticism of a religion, which is a protected right related to freedom of expression, and inciting violence against Muslims which should obviously be punished.

**Institute of Media Policy**

Рекомендации:

- Не принимать законы, умаляющие права и свободы журналистов
- Проводить перед принятием новых инициатив широкие обсуждения и консультации с гражданским обществом
- Содействовать созданию благоприятных условий для развития СМИ в Кыргызстане.

**European Union (EU)**

Our recommendations to participating States in relation to this session are:

- Ensure the enjoyment of the fundamental freedoms of expression, opinion, peaceful assembly and association as essential means of supporting and enabling democratic governance.
- Ensure freedom of the media in the interests of allowing for an equal playing field for campaigning for all candidates and as a means of providing access to proper information for voters.
- Adopt a non-discriminatory and inclusive approach towards democratic participation by supporting the involvement of under-represented groups and by advancing women's political participation.
- Foster an environment where independent civil society can freely contribute to the strengthening of democratic governance.
- Extend early and unrestricted invitations to ODIHR to observe their elections in line with OSCE commitments.
- Make full use of the reports and recommendations of ODIHR Election Observation Missions in an effort to ensure full compliance with their OSCE election related commitments.
- Constructively engage with ODIHR on follow-up activities to Election Observation Mission reports including by making voluntary updates to the OSCE Human Dimension Committee.
- Ensure respect for the right of every individual to seek, receive and impart

views and information.

- Ensure media freedom and media pluralism so that individuals can freely choose their sources of information.
- Ensure that the internet remains an open and public forum for freedom of opinion and expression.
- Draw on the expertise of the RFoM and her dedicated team and make full use of her reports and recommendations.

### **Set My People Free**

We speak a lot about the protection freedom of speech of individuals from the state what bout threat coming from non-state actor which try to limit freedom of speech.

- We should protect the freedom of speech of the individual from the attacks from non state actor, which uses the pretext of defaming Islam; To threaten any critical thinking Black mail to gets it's way and oppress people; Murder individuals, journalists, artists and writers and attacks newspapers offices and publishing houses or media outlets which oppose it's ideology. This led many x-muslims to go into hiding even in the west for rejecting Islam.
- We should not trade our freedom of speech based on values of freedom, equality and justice for the sake of tolerance. Because prohibiting freedom of speech will lead to intolerance.
- We should not lose separation of religion from state for the sake of political correctness.

### **Canada**

- For participating States to Fully respect Their OSCE Commitments and international Obligations with regards to freedom of assembly and freedom of expression, both online and offline.

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

In this context, we would like to recommend Greece,

- To respect the right to freedom of expression of all segments of the society especially of the Turkish minority.
- To respect and to implement the provisions of international standards that she is a party.
- To revise the legislation in conformity with the international standards.

### **European Center for Artsakh (EUCFA)**

To participating states and OSCE institutions:

- Take adequate measures to ensure the safety of the representatives of civil society and journalists participating in peaceful initiatives.
- Contribute to the restoration of people-to-people contacts between the civil society representatives of the conflicting sides

### **OSCE Parliamentary Assembly**

- It is in this context that I appeal for the immediate end of all such practices. Participating States must make a firm commitment to prevent the erosion of media freedom and the culture of impunity that has led to journalists being threatened, abducted or killed. Furthermore, I urgently call for the release, without delay, of all journalists who have been imprisoned for having done nothing more than carry out their profession.

### **United Kingdom**

- We again call on all OSCE participating States to acknowledge that human rights including the freedom of expression apply with equal force online as they do in the off-line world.

### **Austria**

We would, in conclusion, like to offer the following recommendations:

- Participating States must step up efforts to bring the perpetrators of crimes against journalists to justice,
- PS shall step up preventive measures, among others through the exchange of good practises and cooperation with the OSCE representative on the freedom of the media.
- Participating States shall facilitate a vibrant and diverse media landscape, online as well as offline, by creating a transparent and clear legal situation, and overall climate, allowing independent media organisations and journalists to operate freely.
- Participating States should make fuller use of - voluntary - reporting to the HD Committee on these issues.

### **Buergerbewegung Pax Europa**

Recommendation to OSCE participating States:

- BPE recommends that participating States of the OSCE repeal all hate speech legislation, as they are in principle incompatible with the foundation of a free society.
- BPE calls on participating States to actively enforce laws and regulations criminalizing incitement to violence and other crimes, including when such statements are made in religious contexts.
- BPE calls on participating States to actively enforce existing laws and regulations to control and verify that human rights violations are not encouraged under the cover of “religious freedom”.

### *Recommendations to International Organizations*

### **Media Law Institute**

- We therefore would like to urge international community to call propagandists as they are - propagandists and Not media workers. And we are convinced that propaganda tools should Not be entitled to the privileges and guarantees which are originally foreseen for the true media, I mean for those outlets and journalists who act in a good faith and deliver on their important role in the democratic society.
- In this regard, we urge media community and the respective international organisations to publicly and openly condemn the propaganda widely practised by the Russian media representatives and to adequately respond to it, including denial or cancellation of membership in the professional journalist or media associations of those media workers who are deliberately violating professional and FoE standards.

### *Recommendations to the OSCE*

#### **Canada**

- For The Representative On Freedom Of the Media To continue her efforts to stimulate the reflection and actions of participating States on how freedom of expression and media freedom can be advanced through the internet.
- For the Representative On Freedom Of the Media To continue To bring implementation Issues to the Attention of participating States, With a Focus on egregious and systematic violations of freedom of expression.

### **European Center for Artsakh (EUCFA)**

To OSCE representatives of freedom of the Media:

- Organize joint events on freedom of expression with journalists across different sides of the conflict in status neutral manner.

### **Aral-Jayqun Karakalpak Diaspora in Kyrgyzstan**

- Завершая свое выступление, хочу отметить, что сегодня впервые каракалпакский вопрос вынесен международный уровень. От имени гражданского общества Каракалпакстана и каракалпакских диаспор хочу призвать ОБСЕ, другие международные организации начать мониторинг ситуации с правами человека в нашей республики. Также призываю власти Узбекистана прекратить необоснованные репрессии и обеспечить условия для проведения под международным контролем гарантированного конституцией референдума о будущем нашей республики.

**Tuesday, 23 September 2014**

**WORKING SESSION 3: Fundamental freedoms I (continued),  
including freedom of peaceful assembly and association**

*Recommendations to participating States*

**International Partnership for Human Rights (IPHR)**

***To the Russian authorities:***

- Repeal the “foreign agents” law as contradictory to international standards protecting freedom of association, freedom of expression and the right to non-discrimination; abolish the list of NGOs designated as “foreign agents”; and terminate all legal actions aimed at forcing NGOs to adopt this stigmatizing label and comply with specific requirements applied to it, or at penalizing them for refusing to do so.
- Refrain from elaborating and adopting new legislation that imposes excessive, unreasonable and discriminatory restrictions on the exercise of freedom of association and expression by NGOs and revise provisions in force of that nature, in accordance with recommendations made by national and international human rights experts.
- Stop using rhetoric and enforcing policies that discredit and fuel mistrust and hostility toward NGOs engaged in legitimate efforts to promote respect for human rights and other universal values through monitoring, research and advocacy activities; condemn acts of intimidation and harassment targeting NGOs and activists; and ensure that such acts are thoroughly and impartially investigated.

***To the Azerbaijani authorities:***

- Put an end to the current pattern of raids, arbitrary assets-freezing, interrogations, arrests, travel bans and smear campaigns targeting human rights NGOs and activists; and ensure that any measures taken to investigate alleged violations of the law by NGOs and their representatives have a lawful and credible basis and are carried out strictly in compliance with principles of due process and rule of law.
- Immediately and unconditionally release human rights defenders Leyla and Arif Yunus, Rasul Jafarov, Intigam Aliyev, Anar Mammadli, Bashir Suleymanli and others held on trumped-up charges; and ensure that no defender is arrested or imprisoned in retaliation for his or her human rights activities.
- Stop criminal proceedings against the CSP members, the IRFS and the Center for National and International Studies and other NGOs unjustly targeted; drop charges against IRFS Chairman Emin Huseynov; and repeal the arbitrary travel bans imposed on IRFS leaders.
- Abolish the requirement of compulsory registration of NGOs; bring legislation regulating the registration, oversight and access to funding of NGOs into compliance with international human rights standards, in accordance with recommendations made by international human rights bodies; and enable human rights NGOs and defenders to carry out their important work without intimidation and hindrance.

**To other OSCE participating States and OSCE institutions:**

In accordance with the new ODIHR Guidelines on the Protection of Human Rights Defenders and other relevant instruments:

- Prominently and consistently raise concerns about the ongoing civil society crackdowns in Russia and Azerbaijan with the governments of these countries; publicly and unequivocally communicate solidarity to the victims of this repression; and use all available channels to provide support to them and their families, e.g. through trial monitoring, direct interventions on their behalf and rapid responses in emergency situations.

**Switzerland**

- Nous appelons tous les Etats participants à respecter et à mettre pleinement en œuvre leurs engagements dans les domaines de la liberté de réunion pacifique et d'association ainsi qu'en matière de protection des défenseurs des droits de l'homme. Nous suggérons que les institutions pertinentes de l'OSCE coordonnent leurs efforts dans les domaines de la liberté de réunion pacifique et d'association de manière accrue avec les autres organisations régionales et internationales.

**Baltic Center of Historical and Socio-Political Research**

- Конференция призывает власти Латвии, Эстонии и Литвы и их представителей в Европейском парламенте подумать об интересах народов собственных стран, отказаться от антироссийской и воинственной риторики и выступить инициаторами возобновления нормального диалога с Россией.
- Конференция призывает провести всестороннее расследование трагедий на Площади Независимости в Киеве (февраль с.г.), в Одессе (2 мая с.г.), Мариуполе (3 - 9 мая с.г.), повлекших многочисленные человеческие жертвы.
- Конференция призывает власти Латвии, Эстонии и Литвы поддержать инициативы России по дипломатическому преодолению вооруженного конфликта на Украине, а также усилия активистов антивоенного движения из разных стран по недопущению эскалации риторики и практических действий, направленных на усиление военной напряженности в Европе.
- Конференция призывает Российскую Федерацию направить основные усилия в дипломатических отношениях со странами Прибалтики на заключение двухсторонних договоров (по образцу договора Польши и Литвы), гарантирующих сохранение и развитие образования на русском языке

**European Union (EU)**

Our main recommendations to participating States relating to Freedom of Peaceful Assembly are:

- Avoid excessive use of force in the policing of demonstrations.

- Ensure that any restrictions on assemblies are prescribed by law and consistent with international standards.
- Adopt laws and policies that clearly establish a presumption in favour of holding assemblies. Where excessive and inappropriate force is found to have been used, those responsible should be held liable and where appropriate brought to justice.
- Take advantage of OSCE tools and assistance such as the ODIHR/Venice Commission Guidelines on Freedom of Assembly, ODIHR's handbook on the Monitoring of Freedom of Assembly.

In relation to the Freedom of Association our main recommendations are:

- In accordance with the OSCE Copenhagen Document, permit organisations and individuals associated with them to seek, receive, manage and administer financial support from domestic, foreign and international entities without undue restrictions.
- Allow organisations the freedom to maintain contacts and co-operate with members of organisations within and outside the countries where they are based, as well as with foreign governments and international organisations.
- Ensure that any laws or administrative measures regulating associations protect and facilitate, not impede the peaceful operation of associations. Any registration requirements should be simple, fair, prompt, inexpensive, and transparent and enforced consistently.

### **Norwegian Helsinki Committee**

- Freedom of assembly is a cornerstone in any democracy. We therefore urge OSCE member states to raise this issue with Central Asian governments whenever possible, and for local OSCE offices to closely monitor developments and to immediately report on violations of citizens' constitutional right to freedom of assembly.

### **International Partnership for Human Rights (IPHR)**

The Central Asian states should, in particular:

- Review draft legislation and legislation in force that affect the right to freedom of association to ensure consistency with relevant international human rights standards, and amend or repeal any legal provisions that directly or indirectly criminalize activities protected by international standards. They should consult with civil society and seek international assistance, including from the ODIHR in this regard. (Compare OSCE Guidelines, articles 24 and 64.)
- Ensure that the exercise of freedom of association in their countries is not contingent on the registration of organizations; promptly remove any offences related to activity on behalf of unregistered organizations from their legislation; and ensure that laws and procedures for NGO registration are clear, simple and non-discriminatory. (Compare OSCE Guidelines, articles 65,

66 and 67.)

- Refrain from imposing undue, burdensome and discriminatory requirements on NGOs, including with respect to obtaining funding, as well as from interfering with their internal affairs, management and implementation of activities. Any inspection of NGOs should be carried out in a transparent manner on the basis of an exhaustive list of the possible grounds for such inspections laid down by law. (Compare OSCE Guidelines, articles 67, 68 and 73.)
- Give adequate warnings to NGOs that are found not to have met reasonable and legitimate requirements regarding their operation to enable them to make corrections, and ensure that any sanctions against NGOs are proportionate. In accordance with this, the Central Asian states should ensure that national legislation does not allow for suspending or closing down NGOs for unsubstantial reasons, such as failure to meet requirements of a technical nature, and that any decision to impose penalties on NGOs is subject to judicial review in accordance with fair trial principles. (Compare OSCE Guidelines, article 69.)
- Ensure that national security concerns are not exploited to justify measures unduly impeding human rights activities; refrain from engaging in smear campaigns, negative portrayals or stigmatization of human rights groups and activists; and publicly acknowledge the importance of the work of human rights defenders, and condemn discrimination, hostility and violence targeting them. (Compare OSCE Guidelines, articles 37, 38, 39 and 43.)
- Put an end to intimidation and reprisals against human rights defenders, including those based in exile and their families; protect defenders from acts of harassment by non-state actors; and take steps to prevent abuses against defenders and to investigate and punish the perpetrators of such acts. (Compare OSCE Guidelines, articles 12 and 13.)
- Ensure that human rights activists and lawyers are not subject to retaliatory and arbitrary arrest, prosecution or deprivation of liberty because of their work, including cases they work on and, in the event that charges are brought against them, that they are granted fair proceedings and equal access to justice and defence. In accordance with this, the Central Asian states should promptly review the cases of defenders who have been locked up following processes falling short of international standards, including the cases outlined in our intervention, and release all individuals who are held on grounds of their exercise of freedom of association, freedom of expression and other fundamental rights. (Compare OSCE Guidelines, articles 23, 30, 36.)
- Guarantee that human rights defenders deprived of their liberty are treated in accordance with international standards, without discrimination of any kind, and that allegations of torture and ill-treatment against defenders – including in the cases mentioned in our intervention – are promptly, thoroughly and

independently investigated and the perpetrators held accountable and given penalties commensurate with the gravity of the offence. (Compare OSCE Guidelines, articles 13, 14, 34.)

All OSCE participating States should:

- Promote awareness of the Guidelines on Human Rights Defenders; carry out reviews, in consultation with civil society, of national laws and practices affecting human rights defenders in the light of the Guidelines; and report to the ODIHR on measures taken to implement the Guidelines, thereby also setting a good example for other participating States. (Compare OSCE Guidelines, articles 93, 96 and 104.)
- Establish and implement appropriate instruments and mechanisms for the support and protection of human rights defenders in other OSCE participating States; raise instances of human rights violations against human rights NGOs and defenders with the states concerned (such as those described in this document), among others at high-level meetings and international forums; and take action through diplomatic missions to support human rights defenders in other states, in particular those at imminent risk of persecution. (Compare OSCE Guidelines, articles 97, 98 and 99.)
- Support the initiative underway by the ODIHR and the Venice Commission to develop Guidelines on Freedom of Association and commit themselves to working for the realization of these guidelines once they have been adopted – both at home and in other participating States.

### **European Organisation of Military Association (EUROMIL)**

EUROMIL therefore particularly calls upon states:

- to allow members of the armed forces to join a professional association or a trade union representing their interests;
- to consult military associations or unions on issues concerning the conditions of service of members of the armed forces and engage with them in a regulated social dialogue;
- to lift any restriction on freedom of association that is not prescribed by law, necessary, proportionate and non-discriminatory;
- to forbid disciplinary actions against members of the armed forces in connection with their participation in activities of lawfully established military associations.

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

We, the members of the Turkish Minority of Western Thrace would like to recommend Greece,

- To respect the fundamental freedoms that were expressed in all the international documents as well as the OSCE commitments.
- To respect the ethnic denomination of the Turkish Minority of Western

Thrace.

- To guarantee the full enjoyment of the freedom of peaceful assembly and association for the Turkish Minority of Western Thrace.

### **Freedom House**

- We also urge the aforementioned participating States to simplify registration and reporting procedures for nongovernmental organizations; repeal statutory limitations on the ability of nongovernmental organizations, registered or not, to receive funding from abroad; abandon the disgracing practice of using smear campaigns in the media against human rights defenders and other civil society activists and organizations.

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

- 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, including by ensuring that all human rights defenders under detention are granted access to appropriate medical care;
- 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, attacks 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 OSCE/ODIHR Guidelines on Human Rights Defenders and of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly;

### *Recommendations to the OSCE*

#### **International Civil Liberties Alliance (ICLA)**

- Que l'OSCE incite les pays participants à élaborer des législations non équivoques permettant d'interdire les activités éducatives promouvant la

charia ainsi que le permettent les articles 9 et 10 de la Convention Européenne des Droits de L'Homme.

### **International Partnership for Human Rights (IPHR)**

The ODIHR, incoming OSCE Chairmanships and other OSCE institutions should:

- Continue to engage in close cooperation with civil society on issues related to freedom of association and other fundamental rights and maintain the good practice of holding civil society consultations to this end, such as those held in the context of the elaboration of the new ODIHR guidelines, as well as the regional civil society consultations organized by the Swiss Chairmanship this year.

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

With respect to the implementation of the OSCE/ODIHR Guidelines on Human Rights Defenders, the Observatory also calls upon:

- The OSCE Chairmanship to nominate an OSCE Personal Representative on the situation of human rights defenders, who could be in charge of:
  - monitoring the implementation of the Guidelines;
  - raising individual cases of violations with national governments
  - undertaking country visits
  - publishing periodic reports
- The OSCE Chairmanships to publish, at the end of their presidency, a self-assessment on its degree of implementation of the OSCE/ODIHR Guidelines
- OSCE Participating States to develop protection mechanisms both nationally and in third-countries, through their diplomatic representations, in coordination, where required, with mechanisms that already exist on the basis of the EU, Swiss and Norwegian Guidelines
- OSCE Participating States to make public pledges on their commitment to implement the OSCE/ODIHR Guidelines
- OSCE Participating States to systematically raise cases of violations of the Guidelines within the framework of the OSCE weekly Permanent Council in Vienna, and ensure regular follow-up.

### **Freedom House**

- Considering the gravity of the situation and the multi-year decline of freedoms of association and assembly, Freedom House strongly encourages the OSCE to establish the mandate of a Representative on Freedoms of Association and Assembly to provide oversight in accord with the Helsinki principles and flag violations of these fundamental freedoms in the participating States.

### **Russian Federation**

- Однобокий подход к рассмотрению обязательств на свободу мирных

собраний и ассоциации нужно менять. В повестку дня ОБСЕ следует включить вопросы роли свободы мирных собраний и ассоциации для защиты прав национальных меньшинств, обеспечения социальных и экономических прав, включая защиту инвалидов, пенсионеров, безработных.

## **Wednesday, 24 September 2014**

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

#### *Recommendations to participating States*

#### **Ukraine**

- В завершение выступления мы решительно призываем Российскую Федерацию незамедлительно освободить и обеспечить безопасное возвращение в Украину похищенной российскими спецслужбами в Луганской области Н.Савченко, а также похищенных в оккупированном Крыму О.Сенцова и других граждан Украины, которые продолжают незаконно удерживаться в России в нарушение универсальных норм и принципов международного права

#### **Russian Federation**

- Считаем, что вопросы сокращения количества лиц, содержащихся под стражей, отбывающих наказание в местах лишения свободы, должны стать одной из важнейших задач в регионе ОБСЕ. Этого можно добиться путем принятия эффективных законодательных, административных, судебных и других мер, улучшения условий содержания подозреваемых, обвиняемых и осужденных.
- Кроме того, в соответствии с обязательствами Московского совещания СБСЕ 1991 года, а также со Стандартными минимальными правилами ООН в отношении мер, не связанных с тюремным заключением (Токийские правила), первостепенное внимание должно уделяться проблемам создания альтернатив тюремному заключению. Важно укреплять взаимодействие с гражданским обществом.

#### **United Kingdom**

We would like to make the following recommendations related to this working session:

- All OSCE states should sign, ratify and implement the UN Convention Against Torture and its Optional Protocol.
- Governments should demonstrate a high degree of political will, persistence and vigilance to prevent torture and to bring perpetrators to justice.
- Governments should ensure that allegations of torture are effectively investigated and prosecuted. There must be no impunity for torturers.

- States should support the strengthening of civil society capacity to monitor torture allegations and ensure strong domestic institutions.
- States should consider the development of national torture prevention strategies.

### **Helsinki Foundation for Human Rights, Poland**

We have prioritized a number of recommendations that we see as the most pressing steps that the authorities of Kazakhstan, Kyrgyzstan and Tajikistan and all other OSCE participating States should take in order to make significant progress towards the eradication of torture in these Central Asian countries.

The governments of Kazakhstan, Kyrgyzstan and Tajikistan should:

- ensure that the main safeguards against torture are guaranteed to anyone in detention: a) Ensure that the right to access to a lawyer of the detainee's choice from the moment of deprivation of liberty is fully implemented; b) introduce and strictly enforce police registration of a person's detention at the actual moment of detention; c) ensure that routine medical examinations are carried out at the moment of admission to a detention facility; and d) ensure that remand hearings take place no later than 48 hours after the moment of detention and that judges inquire into the legality and grounds of detention and the detainee's treatment in custody.
- Promptly act on all complaints involving allegations of torture and ill-treatment by initiating thorough, impartial and independent investigations, punishing those found responsible, providing adequate and full compensation to torture victims, and reporting on the measures taken in the mass media.
- Introduce legislation to create and fund an independent body endowed with sufficient authority and competence to conduct prompt, thorough and independent investigations into allegations of torture or other ill-treatment.
- Amend legislation to provide for the institution of independent forensic medical examinations and increase the number of qualified medical personnel in police detention and pre-trial facilities. Ensure that medical personnel working inside detention facilities are truly independent of law enforcement agencies and are trained on the provisions of the Istanbul Protocol.
- Ensure that human rights defenders are protected from ill-treatment, threats and harassment resulting from their anti-torture work and that any law enforcement officers found responsible for such acts are punished under relevant administrative or criminal legislation.

In addition,

- Kazakhstan should authorize the NPM to monitor all places of detention, in line with Article 4 of the Optional Protocol to the UN Convention against Torture.

- The authorities of Kyrgyzstan should provide the country's NPM with the necessary financial, human and material resources to fulfil its mandate independently and effectively.
- The authorities of Tajikistan should put in place the relevant procedures and ratify the Optional Protocol to the Convention against Torture as a matter of urgency. Tajikistan should also allow the creation of public monitoring commissions and enable them to access detention facilities to carry out further independent inspections.

In accordance with the principle that issues relating to human dimension commitments are matters of direct and legitimate concern to all OSCE participating States, all other participating States should:

- Urge the governments of Kazakhstan, Kyrgyzstan and Tajikistan to promptly implement all recommendations mentioned above and make torture prevention a priority in bi-lateral meetings and human rights dialogues.
- Provide comprehensive support to human rights defenders working on torture and devise and implement emergency programmes supporting activists at risk.
- Make the anti-torture message a core element of all programmes, where foreign governments provide training, support or cooperate in other ways with Kazakhstani, Kyrgyzstani and Tajikistani government agencies, in particular law enforcement agencies and the military.
- Ensure that no one within their jurisdiction is returned to any country where they would be at risk of torture or other ill-treatment.

### **American Civil Liberties Union Foundation**

#### **Recommendations**

- Ensure that all cases of unlawful killing, torture or other ill-treatment, unlawful detention, or enforced disappearance are effectively, independently and impartially investigated. Ensure that perpetrators including, in particular, persons in command positions, are prosecuted and sanctioned if warranted by the evidence and the law.
- Release documents relating to the mistreatment of detainees, including:
  - The memorandum issued by President Bush on September 17, 2001 authorizing the CIA to establish secret overseas interrogation facilities.
  - Hundreds of CIA cables describing the use of waterboarding and other harsh interrogation techniques.
  - Over 2,000 photographs of abuse at detention facilities throughout Iraq and Afghanistan.
- Appoint an independent body to provide compensation and rehabilitation services to those who suffered torture or other cruel, inhuman, or degrading treatment. President Obama should publicly acknowledge and apologize to the victims of U.S. torture policies.

- Congress should permanently ban the CIA from operating any detention facility or holding any person in its custody, and subject the CIA to the same interrogation rules that apply to the military.
- President Obama should formally honor the members of the military, the CIA, and other public servants who, when our nation went off course, stayed true to our most fundamental ideals.

### **Institute of European Studies, Latvia**

- Я обращаюсь к руководству ОБСЕ, к парламентам и правительсткам всех стран членов ОБСЕ, к заинтересованным общественным организациям с просьбой поднять вопрос о необходимости перманентного мониторинга изменения законодательства Европейских стран на предмет антидемократический и дискриминационных инициатив, а также вопроса о необходимости создания механизмов превенции и профилактики появления «дефицита демократии», особенно в странах Европейского союза.
- Принципы Европейского союза должны быть не только декларативными, но и соблюдаться всеми странами-участниками на деле.

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

Рекомендации:

- Немедленно прекратить войну; провести эффективное расследование и привлечь к ответственности виновных в геноциде украинского народа за годы независимости;
- Провести переговоры, подготовить вступление Украины в НАТО, разработать ПДПЧ;
- Отменить предстоящие выборы в Верховную Раду до изменения закона о выборах;
- Обратиться в ООН о введении миротворческих войск в Крым, Луганскую, Донецкую области;
- Продолжать мониторинговую деятельность ОБСЕ в Крыму, Луганской, Донецкой областях

### **Armenia**

- We would like to recommend to those participating states which are state party to the OPCAT to closely cooperate with the Subcommittee of the Prevention of Torture.

### **Recommendations to International Organizations**

#### **Actual Historical Research Assistance Foundation Historical Memory**

- Необходимо объединение усилий международных правозащитных организаций, Организации по безопасности и сотрудничеству в Европе, гражданского общества для мониторинга насильственных исчезновений в зоне конфликта на юго-востоке Украины. Необходимо оказание

давления на украинские власти с целью прекращения этих преступлений. Необходимо международное, с участием ОБСЕ, расследование преступлений, таких, как убийство в Нижней Крынке.

#### *Recommendations to The OSCE*

#### **Actual Historical Research Assistance Foundation Historical Memory**

- Необходимо объединение усилий международных правозащитных организаций, Организации по безопасности и сотрудничеству в Европе, гражданского общества для мониторинга насильственных исчезновений в зоне конфликта на юго-востоке Украины. Необходимо оказание давления на украинские власти с целью прекращения этих преступлений. Необходимо международное, с участием ОБСЕ, расследование преступлений, таких, как убийство в Нижней Крынке.

#### **Parliament of Non-represented**

- OSCE should pay particular attention to the situation in Latvia and to prevent the development of events in it in Ukrainian scenario.

#### **Action by Christians Against Torture – ACAT**

- ACAT recommends OSCE, and in particular ODIHR, to work and promote universal jurisdiction to fight against torture.

#### **Amnesty International**

- Amnesty International calls on the OSCE to encourage all participating States implicated in the CIA rendition and secret detention programmes to uphold the rule of law and ensure accountability for their roles in facilitating the human rights violations attendant to the CIA operations. As Thomas Wuchte has maintained, respect for the rule of law is an integral element of national security. The OSCE should also continue monitoring participating States to ensure that all counter-terrorism operations conform to states' international human rights obligations.

#### **Institute of European Studies, Latvia**

- Я обращаюсь к руководству ОБСЕ, к парламентам и правительсткам всех стран членов ОБСЕ, к заинтересованным общественным организациям с просьбой поднять вопрос о необходимости перманентного мониторинга изменения законодательства Европейских стран на предмет антидемократический и дискриминационных инициатив, а также вопроса о необходимости создания механизмов превенции и профилактики появления «дефицита демократии», особенно в странах Европейского союза.

- Принципы Европейского союза должны быть не только декларативными, но и соблюдаться всеми странами-участниками на деле.

### **International Civil Liberties Alliance (ICLA)**

- The OSCE is requested to set up a working group designed to enable participating states to implement effective legal tools to manage this new problem of massive jihadism. Effective solutions are needed to curb individuals that are considered to demonstrate a very high level of dangerousness.

#### *Recommendations to NGOs*

#### **Actual Historical Research Assistance Foundation Historical Memory**

- Необходимо объединение усилий международных правозащитных организаций, Организации по безопасности и сотрудничеству в Европе, гражданского общества для мониторинга насильственных исчезновений в зоне конфликта на юго-востоке Украины. Необходимо оказание давления на украинские власти с целью прекращения этих преступлений.

### **Institute of European Studies, Latvia**

- Я обращаюсь к руководству ОБСЕ, к парламентам и правительсткам всех стран членов ОБСЕ, к заинтересованным общественным организациям с просьбой поднять вопрос о необходимости перманентного мониторинга изменения законодательства Европейских стран на предмет антидемократический и дискриминационных инициатив, а также вопроса о необходимости создания механизмов превенции и профилактики появления «дефицита демократии», особенно в странах Европейского союза.
- Принципы Европейского союза должны быть не только декларативными, но и соблюдаться всеми странами-участниками на деле.

**Wednesday, 24 September 2014**

### **WORKING SESSION 5: Rule of Law II**

#### *Recommendations to participating States*

#### **Norwegian Helsinki Committee**

The OSCE bodies and participating states should:

- Organize a high level special session on the existence of political prisoners in Europe, inviting human rights defenders from countries where political prisoners exist, to establish the facts and to develop a decisive plan of action for a speedy resolve of the problem;

- Attend the trials where human rights defenders, journalists or activists are being charged on spurious grounds, because of their professional activities; and swiftly publish the reports on the observations;
- Establish emergency procedure to ensure their personal safety on short and long term, by issuing multi entry visas free of charge for the activists and their closest family;
- Establish flexible possibilities for persons at risk to find temporary safe havens by establishing scholarships for work or study in other OSCE participating states;
- The Norwegian Helsinki Committee has already written a letter to our Foreign Minister Børge Brende asking the Norwegian Government to secure such measures.

### **International Partnership for Human Rights (IPHR)**

We are calling on all countries in the former Soviet space that have imprisoned human rights defenders, opposition politicians, other government critics, independent journalists, bloggers, lawyers and religious activists to:

- Take all appropriate measures to ensure that all provisions of the ICCPR relating to fair trials are fully respected and that the judiciary is able to function without undue influence by the executive or legislative branches of power;
- Ensure that all those who have been imprisoned solely to punish them for peacefully exercising their rights to freedom of expression, association, assembly, religion or belief are released immediately and unconditionally;
- Ensure that all other political prisoners are retried in proceedings which meet international standards on fairness;
- Ensure that all reports of intimidation, harassment, arbitrary detention, torture or other ill-treatment, and fabrication of charges against human rights defenders and other civil society activists, dissidents and opposition politicians, lawyers, journalists and bloggers are investigated promptly, impartially and thoroughly and that the perpetrators are brought to justice;
- Ensure that human rights defenders, other civil society actors, dissidents, opposition politicians, lawyers, journalists and bloggers, and religious activists are able to carry out their peaceful legitimate activities without fear or threat of reprisal, unlawful restrictions and arbitrary prosecutions;

In accordance with the principle that issues relating to human dimension commitments are matters of direct and legitimate concern to all OSCE participating States, we are also calling on all participating States to press for the implementation of the above recommendations.

### **Human Rights House Foundation**

We therefore call upon all States to:

- Ensure that the promotion and protection of human rights are not criminalized, in line with obligations under international human rights law;
- Provide financial support to the ODIHR's trial monitoring program and support their missions in the countries;
- Apply the program in national training of judges, prosecutors and lawyers;
- Support the lawyers and human rights defenders in their trial monitoring activities;
- Strengthen professional guarantees to lawyers working in the field of human rights protection.

### **Public Foundation "Arya Eurasia"**

То Kazakhstan, рекомендую:

- принять меры для пересмотра шаныракского дела независимым(!) международным(!) судом, тем самым требовать освобождения Атабека и других осужденных за Шанырак;
- остановить пытки и давление, а вместе с тем изоляцию Атабека в карцере;
- организовать посещение Атабека в тюрьме специалистов «Красного Креста», специалистов организации «Врачи без границ».
- Рассмотреть возможность освобождения Арона Атабека от отбывания наказания в связи с плохим состоянием здоровья на основании ст. 168 УИК РК.
- Предоставить казахстанским и международным наблюдателям беспрепятственный доступ в исправительное учреждение для мониторинга соблюдения прав Арона Атабека.
- Провести детальное расследование фактов давления на Арона Атабека, а также содержания его в жестоких условиях в исправительных учреждениях Каражала, Аркалыка и Павлодара.

### **Human Rights House Foundation**

Правительства Азербайджанской Республики должен:

- отказаться от репрессивных мер в отношении НПО, юристов-правозащитников, осуществляющих реализацию права граждан Азербайджана на защиту нарушенных прав путем обращения в Европейский Суд по правам человека
- освободить Интигама Алиева и других лиц, арестованных по политическим мотивам;
- ОБСЕ и другие международные организации организовать мониторинг судебных процессов, на которых будут слушаться дела в отношении арестованных правозащитников.

### *Recommendations to International Organizations*

### **Open Dialog Foundation**

- Interpol needs to reform its procedures in order to allow arrested persons effective tools to prove they are not guilty, or demonstrate that their cases are politically motivated prior to their extradition to countries where they have no hope of a fair trial;
- The EU needs to rethink its asylum policies and legal cooperation mechanisms in order to return to being a safe haven for political refugees;
- Ukraine should abandon the deplorable practices developed by the Yanukovych team, withdraw extradition requests for Kazakh dissidents and refuse to respond to calls for cooperation from Kazakhstan and other countries in this regard.

### **European Union (EU)**

I would like to make the following recommendations on behalf of the EU:

- A mentality within all state and government institutions to obey the law, similar to what is demanded of every citizen, should be promoted.
- Keeping in mind that according to the Copenhagen Document of 1990, “democracy is an inherent element of the rule of law”, we have to ensure that the OSCE, together with the EU, elaborates appropriate tools of cooperation to ensure the best possible exchange of knowledge, competence and practice.
- Participating States should respect the separation of powers, in particular, although not limited to, the separation between judicial power and executive power.
- Law making processes should be as inclusive as possible.
- Legislation should be made accessible to all citizens.
- Legal conflict resolution mechanisms should be accessible to all citizens, in particular, but not limited to, mechanisms to challenge government decisions.
- The right to a fair trial should be guaranteed.

### **Protection of Rights Without Borders Armenia**

To this end we would like to call all interested parties to act adequately, especially:

- To put continues efforts assisting the State to establish the tradition of the rule of law in the Country based on the case law of the European Court of Human Rights.
- To support the development of independency of judiciary through the adjustment of the court performance monitoring and evaluation practice in the five main areas.
- To respond properly to the problems of the rule of law and independency of judiciary raised by the local civil society organizations.
- To encourage local civil society organizations to build partnership and ownership for development of the independency of judiciary and the rule of law principles.

## **Switzerland**

A cette fin, la Suisse fait les deux recommandations suivantes :

- Veiller à ce que des éventuelles responsabilités personnelles des juges soient prévues par une loi précise et compatibles avec l'indépendance du pouvoir judiciaire,
- Renforcer la formation continue de tous les juges en matière des droits de l'homme.

## **Human Rights House Foundation**

We further call upon international and national professional lawyers' organizations to:

- Amend international instruments in order to strengthen guarantees for lawyers' professional activities in the field of human rights protection;
- Support lawyers in application of international human rights standards in national litigations in order to decrease the workload of the European Court of Human Rights and the UN bodies;
- Recognize the legitimacy and importance of work of lawyers in international judicial and quasi-judicial bodies.

## **Actual Historical Research Assistance Foundation Historical Memory**

- Я призываю международные правозащитные организации и ОБСЕ оказать давление на украинские власти с целью проведения справедливого расследования преступления в Корсунь-Шевченковском.

### *Recommendations to the OSCE*

#### **Information Group on Crimes Against the Person – IGCP**

- I call on the OSCE and the participants of this conference to pay attention to the dire human rights situation in Ukraine and the reluctance of the Ukrainian regime to investigate crimes against humanity and human rights abuses.

## **Actual Historical Research Assistance Foundation Historical Memory**

- Я призываю международные правозащитные организации и ОБСЕ оказать давление на украинские власти с целью проведения справедливого расследования преступления в Корсунь-Шевченковском.

## **Public Foundation "Arya Eurasia"**

- Подчеркиваю о необходимости и прошу уважаемые ОБСЕ и БДИПЧ сконцентрироваться вокруг узников шаныракского дела, которое должно рассматриваться справедливыми(!) и независимыми(!) судами — к примеру, европейским и международным судом.

## **International Civil Liberties Alliance (ICLA)**

- ICLA request the ODIHR to develop guiding principles for action to make the general use of popular referenda initiatives modeled on the Swiss model in the participating member states of the European Union.

**Thursday, 25 September 2014**

**WORKING SESSION 6: Humanitarian issues and other commitments, including address by the OSCE Special Representative and Co ordinator for Combating Trafficking in Human Beings**

*Recommendations to the OSCE*

**Switzerland**

Für die zukünftigen Anstrengungen der OSZE zur Bekämpfung des Menschenhandels möchten wir folgende Empfehlungen anbringen:

- Fortführung der Analyse von Trends und verschiedenartigen Formen von Menschenhandel sowie Entwicklung von Gegenmassnahmen durch den Austausch von best practices in der OSZE-Region;
- Unterstützung der Zielländer in deren Bemühungen den Schutz von privaten Hausangestellten, insbesondere in diplomatischen Haushalten, zu verbessern.

**Thursday, 25 September 2014**

**WORKING SESSION 7: Tolerance and non-discrimination I, including equality of opportunity for women and men and the implementation of the OSCE Action Plan for the Promotion of Gender Equality**

*Recommendations to participating States*

**Pavee Point Travellers' Centre**

We urge Member States to:

- Ensure that disaggregated data, according to gender and ethnicity, is collected across all administrative systems and used to inform policy development and priorities. Such data collection must be undertaken in line with human rights principles.
- Develop adequate and effective National Roma Integration Strategies that will have a meaningful impact on Traveller and Roma communities, particularly on women;
- Ensure National Strategies are based on reliable knowledge and combat anti-Roma stereotypes, racism and discrimination
- Integrate gender perspective to address the needs and rights of Roma women
- Set achievable national goals, targets, time frames, funding mechanisms and strong inclusive monitoring and evaluation methods
- Actively involve Roma and Traveller women in all stages of the development and implementation of the strategies

- Ensure active participation and consultation of Roma women in the development, implementation, monitoring and evaluation of all policy and practise
- Uphold Member States human rights obligations under international frameworks – this includes applying a human rights and gender perspective to all policy, legislation and practice in relation to Traveller and Roma women
- Undertake a comprehensive gender analysis of the HRC to address inequalities for minority ethnic women experiencing domestic violence
- Equality proof policy and practice to ensure the inclusion of Roma and Traveller women and to address institutional discrimination
- Ensure austerity measures do not impact disproportionately on Traveller and Roma women. Ensure that human rights principles underpin budget decisions and ensure that the most vulnerable do not bear the brunt of austerity measures
- Include gender budgeting in all programmes
- Ensure adequate funding to Traveller and Roma sectors and reinstate the funding cuts under the guise of austerity. Acknowledge the role of this sector in promoting women's empowerment
- Provide spaces for Traveller and Roma women to actively engage in policy and decision-making in relation to policies that impact their lives

### **Slovenia**

- We encourage participating states, OSCE and other partners to continue to promote gender equality in its actions, raise awareness and educate about importance of gender equality and empowerment of women, both nationally and internationally.

### **European Union**

Finally, we would like to present the following recommendations to the OSCE and to the participating States:

- Improve through concrete measures the implementation of the OSCE 2004 Action Plan for the Promotion of Gender Equality and report on the progress made.
- Ensure a strong and sustainable institutionalization of gender issues in the OSCE, including by facilitating a gender equality network of the participating States, convening regular Gender Equality Review Conferences as well as taking all necessary measures to ensure that a gender perspective is integrated and mainstreamed in the policy and operational work of the OSCE.
- Enhance efforts to adopt an OSCE-Wide Action Plan on Women, Peace and Security.
- Finally, we encourage participating States to introduce measures that will result in increased representation of women in political and public life and, as

relevant, to seek support from ODIHR and other OSCE structures in this regard.

### **International Civil Liberties Alliance (ICLA)**

#### **Recommendation to United Kingdom :**

- To immediately deny Sharia courts any competence in family matters and private conflicts.
- To adopt policies aiming to permanently ban Sharia courts from UK.

#### **Recommendation to OSCE participating states :**

- ICLA also ask from all participating states a renewed vigilance about any attempt to create Sharia courts or equivalent institutions whatever name they use. Please remember your commitments to protect Human Rights, Women's Rights, Children's Rights and firmly reject any such future attempts.

### *Recommendations to the OSCE*

#### **France**

- We call upon the OSCE to pursue its efforts towards a full implementation of the action plan for the promotion of gender equality, to reinforce universal access to women's rights and to take necessary measures to allow for the empowerment of women in every field.

#### **Pavee Point Travellers' Centre**

We call for the OSCE to:

- Support Member States to meet their obligations in relation to developing progressive National Roma Strategies and to work with the European Commission in ensuring that this happens
- Apply pressure on Member States to urgently amend any policy or legislation, which discriminates against minority ethnic women and impedes access to basic human rights
- Emphasise with Member States about their commitments under international human rights treaties to ensure measures are put in place to protect marginalised and vulnerable women from domestic violence
- We strongly state that recession does not negate human rights obligations, and we urge the OSCE to encourage States to take action in this regard
- Apply pressure on the Irish State to recognise Travellers as an ethnic group to ensure the protection of their human rights

#### **Canada**

- For the OSCE and its Institutions to ensure that the rights of women and girls are promoted, protected, and fully and effectively integrated into their work.

- For OSCE participating States to take meaningful steps to recognize and address the barriers that women and girls continue to face and ongoing inequality between women and men.

### **European Union**

Finally, we would like to present the following recommendations to the OSCE and to the participating States:

- Improve through concrete measures the implementation of the OSCE 2004 Action Plan for the Promotion of Gender Equality and report on the progress made.
- Ensure a strong and sustainable institutionalization of gender issues in the OSCE, including by facilitating a gender equality network of the participating States, convening regular Gender Equality Review Conferences as well as taking all necessary measures to ensure that a gender perspective is integrated and mainstreamed in the policy and operational work of the OSCE.
- Enhance efforts to adopt an OSCE-Wide Action Plan on Women, Peace and Security.
- Finally, we encourage participating States to introduce measures that will result in increased representation of women in political and public life and, as relevant, to seek support from ODIHR and other OSCE structures in this regard.

**Friday, 26 September 2014**

### **WORKING SESSION 8: Violence against women and children**

#### *Recommendations to participating States*

#### **Humanitas Helvetica**

- Das Thema Gewalt gegen Frauen als grobe Verletzung der Menschenwürde und damit der Menschenrechte darf in Europa und ganz besonders in der Schweiz nicht länger tabuisiert und als Randthema behandelt werden. Demnach sind nicht nur die Behörden, sondern ganz besonders die Gesellschaft und die Medien gefordert. Gesetzliche Grundlagen müssen geschaffen oder wo vorhanden ausgebaut werden, damit schon der Versuch im Keim erstickt werden kann.
- Parallel empfiehlt Humanitas Helvetica die verstärkte Sensibilisierung aller involvierter Stellen (Polizei, Justiz, Migrationsämter, Arbeitsämter, Botschaften, etc.), um Fällen von Gewalt gegen Frauen rascher entgegenwirken zu können. Es ist absolut unverständlich, dass das Übereinkommen des Europarats zur Verhütung und Bekämpfung von Gewalt gegen Frauen und häuslicher Gewalt (die sogenannte Istanbulkonvention) noch nicht von genügenden Staaten unterzeichnet und ratifiziert ist.

## **Russian Federation**

- Стоило бы больше внимания уделять улучшению доступа к образованию и качества обучения, социальной защите и медицинской поддержке детей.
- Созданию условий для развития детского творчества, отдыха. Объединить усилия в борьбе с педофилией, сексуальным и домашним насилием в отношении детей, защитой прав детей в смешанных и приемных семьях.
- Призываем государства-участники уделять особое внимание проблематике защите прав детей. Тем более, что еще в 1990 г. Решением Копенгагенского Совещания ОБСЕ государства обязались «уделять особое внимание признанию прав ребенка, его гражданских прав и личных свобод, его экономических, социальных и культурных прав и его права на особую защиту от всех видов насилия и эксплуатации».

## *Recommendations to the OSCE*

### **France**

- Nous appelons l'OSCE à intégrer davantage ces principes de lutte contre l'impunité dans ses actions pour la mise en oeuvre du plan d'action sur l'égalité de genre, mais également la question de la prévention en prenant mieux en compte la lutte contre les stéréotypes sexistes.

### **European Union (EU)**

The EU strongly supports the promotion of gender equality within the OSCE and in this regard, we would like to make four main recommendations to more effectively tackle violence against women:

- Continue the mainstreaming of gender issues in OSCE policies and activities, with a focus on violence against women;
- Strengthen the initiatives to tackle violence against women and girls, focusing particularly on those forms of gender-based violence that are most prevalent, such as domestic violence.
- Engage men and boys in gender equality promotion activities and encourage awareness-raising on importance of ending violence against women and girls among them;
- Raise awareness of the fact that human trafficking in all its forms is taking place in our own countries States must fully implement the international commitments they have made to combat human trafficking. These forms of contemporary slavery must be adequately addressed.

## **Russian Federation**

- Наконец, запланировать проведение масштабного мероприятия ОБСЕ,

на котором рассмотреть весь комплекс проблем, связанных с защитой детей.

**Friday, 26 September 2014**

**WORKING SESSION 9: Violence against women and children  
(continued)**

*Recommendations to participating States*

**ROMA S.O.S.**

- Firstly, support and fund establishments of hotlines and shelters with legal, psychological services for victims of domestic violence and eradicate discriminatory administrative obstacles as a way to encourage victims to report cases and seek protection from relevant institutions.
- Secondly, revise national legislation, including settings of 18 as the minimum age for marriage, according to international human rights standards and cooperate with other stakeholders, such as child protection, social workers, educational professionals, Roma, civil society and international organisations for addressing child marriages both in its prevention and eradication, as it is an issue of child rights violation.

**International Civil Liberties Alliance (ICLA)**

- Establish educational charters prohibiting the dissemination of the promotion of Sharia and incentives to abide by the rules in all institutions with educational activities.
- Develop and implement educational programs for young children from at-risk backgrounds to promote the concept of equal rights between the sexes and the right of women to assert their choice to discriminatory community standards.

**Set My People Free**

Counter steps to keep the gains and recommendations:

- **Education**  
Women who are coming to EU from countries where gender equality does not exist and the political systems are undemocratic need to know their rights, especially in these areas:  
Democratic values  
Civil rights for women and gender equality  
The importance of Literacy and language studies
- **Illegal practices that should never be accepted:**
  - FGM (female genital mutilation)
  - Forced marriage and underage marriage
  - Honour killing, which is a crime against freedom, it's a crime against humanity. It is repressive and subjugates the girls to their brothers and male relatives. It terrorises and threatens women from integrating into an equal gender community.

- Men should not speak on behalf of their women or wives. We need to encourage them to speak for themselves. We need to have direct contact with them.
- **Protection**  
Protect those who are working, teaching, training and helping immigrant women to get their rights. They foster women's independence, which is important for these women to be free.

## **E-ROMNJA**

Therefore we recommend the following:

- Violence against Rromani and non-Rromani women must become a priority on the Romanian government agenda;
- The development of inclusive and intersectional public policies, which will keep in mind the multiple identities of women, is necessary. The various experiences of the women should be the starting point in identifying the obstacles found in situations of violence;
- The survivors of violence should receive free legal help from State. The State has the obligation to finance secured shelters and other special services designed for the violence survivors;
- There is an urgent need to elaborate guides of intervention in cases of violence against Rromani and non-Rromani women, for key-people who interact directly with the victims and also gender-sensitivity courses for judges/lawyers and policemen;
- Through the process of decentralization of services, the local authorities must allocate a special budget for the fight against violence on Rromani and non-Rromani women;
- It is imposed that public and social policies are rectified and the Romanian state will decrease and eliminate the effects of social inequality, produced by economical mechanisms in all fields of life (housing, education, incomes and workplaces, health) and to contribute to the acknowledgement of vulnerable people and groups and guarantee the human rights provided by the national and international constitution.

## **Pavee Point Travellers' Centre**

We urge participant States to:

- Ensure that disaggregated data, according to gender and ethnicity, is collected across all administrative systems and used to inform policy development and priorities in relation to VAW. Such data collection must be undertaken in line with human rights principles.
- EU Member States to develop adequate and comprehensive National Traveller Roma Integration Strategies to address structural inequalities, discrimination, racism and poverty that place Traveller and Roma women at further risk of domestic and sexual violence;

- Ensure National Strategies are based on reliable knowledge and combat anti-Roma and Traveller stereotypes, racism and discrimination
- Integrate gender and VAW perspective to address the needs and rights of Roma and Traveller women
- Set achievable national goals, targets, time frames, funding mechanisms and strong inclusive monitoring and evaluation methods
- Actively involve Roma and Traveller women in all stages of the development and implementation of the strategies
- Ensure active participation and consultation of Roma and Traveller women in the development, implementation, monitoring and evaluation of all policy and practise
- For the Irish State to undertake a comprehensive gender analysis of the HRC to address inequalities for women experiencing domestic and sexual violence in the social welfare system
- For the Irish State to introduce an exemption in the HRC for women affected by domestic and sexual violence and guidelines in relation to individuals experiencing domestic and sexual violence, so that no person is left outside of safety and protection. Traveller and Roma women experiencing domestic and sexual violence should not be subjected to the HRC
- Uphold participant States' human rights obligations in relation to VAW, including protecting vulnerable and marginalised women
- Ensure austerity measures do not impact disproportionately on Traveller and Roma women and organisations. Ensure that human rights principles underpin budget decisions and ensure that the most vulnerable do not bear the brunt of austerity measures
- To re-invest and increase funding to Roma and Traveller initiatives, particularly those which work in the area of VAW, and specialised domestic and sexual violence services
- Ensure all relevant strategies, policies and practises recognise the specific issues and experiences of VAW by Roma and Traveller women
- Ensure active participation and consultation of Roma and Traveller women in the development, implementation, monitoring and evaluation of all policy and practise

## **Canada**

- For OSCE participating States to unequivocally condemn violence and discrimination against women in all its forms, notably violence against women belonging to vulnerable groups.
- For OSCE participating States to fully recognize the relevance and benefits to our collective security of implementing the most fundamental elements of the UN resolutions on women, peace, and security, and to reflect this in relevant OSCE decisions and ensure that women are not only in the room, but at the

head table of all decision-making processes.

#### *Recommendations to the OSCE*

##### **Pavee Point Travellers' Centre**

We call for the OSCE to:

- Support EU Member States to meet their obligations in relation to developing progressive National Roma Integration Strategies and to work with the European Commission in ensuring that this happens
- Apply pressure on participant States to urgently amend any policy or legislation, which discriminates against minority ethnic women and impedes access to basic human rights
- Emphasise with participant States about their commitments under international human rights treaties to ensure measures are put in place to protect marginalised and vulnerable women from violence, including in relation to comprehensive and disaggregated data collection
- We strongly state that recession does not negate human rights obligations, and we urge the OSCE to encourage participant States to reinvest and increase funding to both Traveller and Roma organisations as well as domestic and sexual violence services
- Apply pressure on those participant States, which haven't signed or ratified the Istanbul Convention, to urgently do so

##### **Canada**

- For the OSCE and its Institutions, including field operations, to assist participating states in developing policies, programmes and training to address the issue of violence and discrimination against women in all its forms.

#### **Friday, 26 September 2014**

#### **SIDE EVENTS**

##### *Recommendations to participating States*

##### **Open Society Foundations**

Aux gouvernements nationaux :

- Moderniser le cadre juridique et les pratiques institutionnelles y afférentes régissant la détention provisoire pour les aligner sur le droit en vigueur. Ceci peut inclure l'abrogation de lois et de pratiques qui rendent la détention provisoire obligatoire pour des personnes accusées de certains délits ; l'établissement et le financement d'un système d'aide et assistance juridictionnelle de qualité, ouvert à ces personnes aussi tôt que possible après leur arrestation ; l'obligation faite aux procureurs qui requièrent le placement en détention de démontrer devant leur juridiction que la détention provisoire est une option de dernier recours ; et la promulgation de solutions alternatives à la détention provisoire.
- Investir stratégiquement dans la phase initiale – ou avant-procès – du

processus de justice pénale, afin de générer des améliorations et des économies dans l'ensemble du système. Garantir que des ressources suffisantes soient allouées pour éviter des retards et une détention excessive – par exemple, en encourageant des mécanismes d'alerte des juridictions lorsque des personnes sont détenues pendant des périodes excessivement longues. Apporter un soutien aux solutions alternatives à la détention provisoire.

- Développer une stratégie nationale durable pour limiter le recours à la détention provisoire et la définir clairement dans les textes comme une mesure uniquement exceptionnelle. Cette stratégie devrait impliquer la collaboration de tous les intervenants de la justice pénale, y compris les professions judiciaires et juridiques, ainsi que les organisations de la société civile compétentes.

Aux praticiens et fonctionnaires de la justice pénale:

- Déployer des efforts interinstitutionnels coordonnés afin d'examiner régulièrement les points faibles de la phase judiciaire avant-procès et les défis y afférents. Ils devraient être identifiés conjointement, puis traités collectivement aux niveaux national, régional et local.
- Développer les capacités de collecte de données susceptibles de réunir de manière fiable des informations sur les résultats du système de justice pénale pendant la phase avantprocès, à la fois à des fins opérationnelles au quotidien et à des fins de planification et d'évaluation stratégiques.
- Collaborer avec les organisations de la société civile à l'amélioration de la prestation des services avant-procès – tant aux prévenus en détention provisoire directement qu'aux instances participant à la justice pénale dans le cas où l'État est incapable de le faire ou a choisi de ne pas assurer ces services.

## **International Legal Initiative Public Foundation**

Recommendations:

- To establish a task force to bring Kazakhstan's laws and regulations on peaceful assembly in line with international standards.
- To establish a task force under the Supreme Court to draft a regulatory resolution on trials related to implementation of the right of peaceful assembly. To include experts of human rights organisations into the task force.
- To increase the professional level of judges and knowledge of international treaties of ratified by the Republic of Kazakhstan and principles of their enforcement through the education and continued training.
- To the Office of the Prosecutor General: to draw up measures to ensure unauthorised assemblies are dispersed in conformity with Article 8 of the law on peaceful assemblies.
- To the bar: to increase the professional level of lawyers and strengthen their responsibility for providing quality state guaranteed legal assistance in trials

related to peaceful assemblies.

### *Recommendations to International Organizations*

#### **Open Society Foundations**

Aux institutions et organismes internationaux et régionaux :

- Demander aux gouvernements nationaux de soutenir et respecter les normes et les critères internationaux et régionaux concernant l'utilisation et les conditions de la détention provisoire - en particulier, de concentrer leur aide technique et d'orienter leurs efforts sur la mise en oeuvre efficace et durable au niveau national de pratiques judiciaires avant-procès respectueuses des droits.
- Documenter et diffuser les bonnes pratiques qui réduisent l'utilisation arbitraire et excessive de la détention provisoire. Ce partage des connaissances devrait être complété par une assistance, un contrôle et une documentation propres au contexte et réalisés au niveau national, de manière à ce que l'enseignement tiré au niveau du pays renforce à la fois les efforts en cours destinés à améliorer l'administration de la justice avant-procès à l'échelon national et des mesures semblables prises ailleurs.
- Soutenir la collecte de statistiques précises sur les pratiques en matière de détention provisoire par les diverses juridictions dans le monde. Cette collecte devrait inclure des données sur le risque de détention provisoire, le nombre de personnes placées en détention provisoire dans des cellules de police, la durée de la détention provisoire et le respect par les prévenus des conditions de mise en liberté avant-procès.
- Promouvoir des modèles de réforme de la justice pénale qui prêtent une attention particulière à la phase avant-procès de la procédure judiciaire pénale. Ils devraient englober, au minimum, des programmes de prévention de la criminalité et de déjudiciarisation visant à réduire le nombre de personnes arrêtées qui entrent dans le système de justice pénale ; des mécanismes qui offrent une aide ou assistance juridictionnelle aux prévenus le plus rapidement possible après leur arrestation ; des solutions alternatives à la détention provisoire prévues par la loi et pourvues des ressources adéquates ; un pouvoir discrétionnaire absolu des juges de libérer les prévenus dans l'attente de leur procès, quel(s) que soi(en)t le(s) chef(s) d'accusation retenu(s) contre eux ; et un réexamen judiciaire régulier des décisions antérieures de placement en détention provisoire.
- Des résolutions du Conseil de sécurité des Nations Unies devraient confier des mandats à ses missions sur le terrain, les autorisant à entreprendre – ou à soutenir les efforts déployés par les gouvernements pour entreprendre – des contrôles de la situation de la détention provisoire dans les pays où elles opèrent.
- La Commission sociale, humanitaire et culturelle et la Commission des questions juridiques de l'Assemblée générale des Nations Unies devraient

exiger un rapport et un débat thématique sur l'abus mondial de la détention provisoire et les mesures correctives qui peuvent être adoptées pour y remédier.

- Le Bureau du Haut-Commissariat aux droits de l'homme devrait s'assurer que les rapports, les avis et les recommandations des procédures spéciales et des organes de traités des Nations Unies relatifs à la détention provisoire et aux problèmes y afférents soient résumés pour chaque pays dans l'Examen périodique universel.

Aux donateurs et aux agences de développement :

- Inclure la réforme de la phase judiciaire avant-procès dans la planification de toute stratégie de réforme de la justice pénale soutenue par les fonds de donateurs. Ceci devrait comprendre le financement des vérifications nécessaires pour identifier les causes sousjacentes de l'utilisation excessive et arbitraire de la détention provisoire et découvrir les mesures possibles pour améliorer les pratiques quotidiennes en matière de détention provisoire.
- Investir dans des réformes de la détention provisoire d'une manière holistique et durable. Des interventions à long terme qui traitent simultanément les multiples défis affectant les systèmes judiciaires avant-procès ont la plus grande chance de succès. Ces investissements devraient concerter la surveillance et la documentation des efforts réalisés pour mieux tirer des enseignements des interventions passées, et promouvoir l'engagement à long terme et durable des instances politiques et opérationnelles nationales pour améliorer les pratiques relatives à la détention provisoire.
- Tirer parti de l'augmentation du financement et de l'aide au développement destinés à la réforme de la détention provisoire en mettant en lumière le lien entre de meilleures pratiques judiciaires avant-procès et la protection non seulement des droits et du bien-être des détenus eux-mêmes, mais également d'avantages sociaux plus larges comme la réduction de la torture et de la corruption, l'amélioration de la santé publique et une meilleure performance de la justice pénale.

**Monday, 29 September 2014**

**WORKING SESSION 10 (specifically selected topic): Rights of persons belonging to national minorities, including address by the OSCE High Commissioner on National Minorities**

*Recommendations to participating States*

**Muslim Problems Research Center**

В связи с выше изложенным мы считаем необходимым рекомендовать правительству Российской Федерации и другим заинтересованным странам и организациям:

- Проанализировать письмо Министерства образования России № ДЛ-

65/08 от 28 марта 2013 года направленное в региональные органы исполнительной власти с рекомендацией принятия нормативного акта, устанавливающего требования к одежде обучающихся в учебных заведениях страны. В части приложенного к нему модельного нормативного правового акта устанавливающего требования к одежде обучающихся в котором говорится:

- п.1 Единые требования к одежде обучающихся вводятся с целью устранения признаков религиозного различия между обучающимися
- п.7 Внешний вид и одежда обучающихся должна носить светский характер, а также постановления правительства субъектов Российской Федерации «Об утверждении основных требований к школьной одежде и внешнему виду обучающихся» устанавливающих запрет на ношение религиозной, национальной одежды для девочек относящихся к национальным меньшинствам проживающим в России, таким как: татары, башкиры, народы Дагестана и Кавказа на соответствие международным нормативным актам и взятым российскими властями на их основании обязательствам в области «человеческого измерения», как страны-участницы ОБСЕ, а также Конституции РФ.
- В случае выявления противоречий вышеупомянутых внутриведомственных нормативных актов международным договорам, обязательствам и Конституции РФ, в части соблюдения прав девочек мусульманок принадлежащих к национальным меньшинствам на получение образования, на недискриминацию по религиозному и национальному признаку, на защиту их этнической, культурной и религиозной самобытности, на исповедание своей религии и действия в соответствии с ней, а также на их эффективное участие в общественной жизни, признать недействительными письмо Министерства образования России № ДЛ-65/08 от 28 марта 2013 года и постановления правительства субъектов Российской Федерации «Об утверждении основных требований к школьной одежде и внешнему виду обучающихся» устанавливающих запрет на ношение религиозной, национальной одежды учениками.
- Соответствующим ведомствам Российской Федерации выработать рекомендации для образовательных учреждений, смысл которых был бы схож с руководящими принципами, которые были подготовлены Бюро по демократическим институтам и правам человека (БДИПЧ), ОБСЕ, ЮНЕСКО и опубликованы в 2013 году: «Противодействие нетерпимости и дискриминации в отношении мусульман: руководящие принципы для преподавателей» (Борьба с исламофобией через образование).

Human Rights Without Frontiers recommends the following:

- Estonia, Latvia and Lithuania should develop a clear framework for regular and meaningful communication between their governments and minority groups and civil society in their respective countries;
- The aforementioned countries should ensure that the comments and deliberations of such dialogue are translated into local and minority languages and made widely accessible;
- As State Parties to the Framework for the Protection of National Minorities (FCNM), the aforementioned countries are encouraged to ‘review and withdraw restrictive declarations and reservations which effectively attempt to curtail meaningful minority protection.’ The participation of minorities is urged in the process of drafting the State Report in regard to compliance with the obligations of this treaty;
- The countries should ensure that their national legal structures are in harmony with their commitments to the FCNM;
- Estonia and Latvia should appoint an independent commission to develop a roadmap to ensure that all Russian speakers within their borders have access to citizenship through a reasonable process of naturalisation. This should include a facilitated process for older persons who have long-established residency but have limited ability in the state language of the country.

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

Thus, and specifically with respect to the problem in the pre-school level of education, we call on the Greek government:

- To establish bilingual minority kindergartens in Western Thrace in line with the minority schooling system.
- To give bilingual education in public kindergartens in the region until bilingual minority schools are established.
- To allow the Turkish Minority of Western Thrace to establish private kindergartens where the language of education will be in Turkish and Greek.

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

Also, I would like to recommend Greece,

- To take into consideration its international obligations and respect to the Turkish Minority’s right to education,
- To allow the Turkish Minority to establish its bilingual nursery schools,
- To give bilingual education in public nursery schools where the Turkish students/ children attend until the bilingual minority ones are established,
- To have a concrete dialogue with the Turkish Minority representatives during the legislation process.

### **Latvian Human Rights Committee**

For Latvia:

- To reconsider the language policy based on wider use of minority languages as a medium of instruction in public education and as a means of communication with local authorities;
- To sustain the network of public minority schools;
- To swiftly implement the judgments of the European Court of Human Rights and views of the UN Human Rights Committee, as well as to allow bringing individual communications under the International Convention on the Elimination of All Forms of Racial Discrimination;
- To withdraw the restrictive declarations to Articles 10 and 11, made while ratifying the Framework Convention for the Protection of National Minorities;
- To send a clear signal from the top officials that honouring of Nazi collaborators by politicians is unacceptable, even if some of the collaborators weren't volunteers;
- To affirm the leading role of individual choice in the writing of personal names in documents, as long as Latvian alphabet is used.

## **Switzerland**

Recommandations:

Le multilinguisme est une richesse qu'il faut promouvoir pour la compréhension entre les différentes communautés linguistiques et culturelles. A cette fin, nous recommandons aux Etats participants :

- d'intégrer l'enseignement des langues nationales minoritaires dans le système scolaire public et le programme obligatoire;
- de favoriser les modèles d'éducation multilingue et de développer les ressources pour former les enseignants à cet effet.
- d'encourager les échanges scolaires entre les différentes régions linguistiques.

### *Recommendations to the OSCE*

#### **Latvian Human Rights Committee**

For OSCE:

- To reaffirm its commitment to the use of minority languages in education, as expressed in the Hague Recommendations Regarding the Education Rights of National Minorities of 1996;
- To invite all participating states to swiftly implement the decisions of international human rights courts and quasi-judicial bodies in individual cases, as well as to join the communications procedures of human rights treaty bodies, if they have not already done so;
- To send a clear signal that honouring of Nazi collaborators by politicians is unacceptable, even if some of the collaborators weren't volunteers.

**Monday, 29 September 2014**

**WORKING SESSION 11 (specifically selected topic): Rights of persons belonging to national minorities (continued)**

*Recommendations to participating States*

**Soteria International**

Recommendations:

- The Nordic Shamanic Association recommends Swedish authorities to adapt their judicial practice so it does not violate the fundamental rights of the Same, when it comes to shamanic practice.
- The Nordic Shamanic Association recommends authorities and Civil Society in Sweden, Norway, Finland and Russia to support a thorough investigation on the violations against the Same people and its consequences today.
- The Nordic Shamanic Association - Shamanism I Norden - recommend OSCE and its member states to properly investigate how the law can be adapted to fulfill its purpose in fighting drug problems in society, without hindering shamanic practices with natural plants.

**Western Thrace Minority University Graduates Association**

We call upon the Greek state to:

- Respect the collective usage of individual right and recognize the existence of a Turkish minority in Greece.
- Ratify, without delay and any reservations, the Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Languages.
- Take steps to ensure the immediate rectification of the unfortunate consequences arising from deprivation of Greek citizenship on the basis of former Article 19 of the Citizenship Code (which can be called a cultural genocide) for all persons concerned, especially ethnic Turks.
- Ensure the equal opportunity for every person to access in public life and decision making procedures.
- Ensure the full implementation of the provisions of the 1990 CSCE/OSCE Copenhagen Document that Greece has signed and ratified.
- Establish an objective and productive dialogue mechanism with the minority in order to understand and find satisfactory solutions to the problems of the Turkish Minority of Western Thrace.

**Federation of Western Thrace Turks in Europe**

Thus, ABTTF urges the Greek government to:

- Abolish the 3% electoral threshold quota applied for political parties and independent candidates at national elections.
- Introduce special provisions to guarantee that the Turkish Minority of Western Thrace is represented in the Greek Parliament.

- Abolish the 3% electoral threshold quota applied at EP elections in Greece.
- Ensure that the Turkish Minority of Western Thrace participates in legislative institutions at regional, local and national level or takes part in consultative bodies in order to take a key role in decision-making processes which are interest to them.

*Recommendations to the OSCE*

**Russian Federation**

- Полагаем, что ОБСЕ и ее институты должны активизировать усилия, направленные на обеспечение прав национальных меньшинств. В этом плане было бы целесообразно провести тематические мероприятия, включая экспертные семинары по обмену опытом. Немаловажным было бы также проведение анализа законодательства в этой сфере, соответствия его международным обязательствам, ситуации с обеспечением прав национальных меньшинств на гражданство, участие в политической жизни, в сфере занятости, образования, доступа к социальным услугам, образованию, использованию родного языка, сохранению своей этнокультурной самобытности. Заслуживает внимания также и то, насколько успешно реализуется национальными меньшинствами право на свободу выражения мнения, собраний и ассоциаций, насколько эффективно развивается диалог с представителями органов власти.

**Latvian Anti-Fascist Committee**

Поэтому наши рекомендации ОБСЕ:

- В силу того, что всему миру не на словах известно, что нацизм, равно как и неонацизм, являются смертельной угрозой для человеческой цивилизации, работать и добиваться того, чтобы антинацистские и антирасистские резолюции международных организаций имели не рекомендательный, а обязательный к исполнению характер. Любое препятствование антинацистской деятельности рассматривать как поддержку неонацизма.

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

The list of possible recommendations consists of the following:

To the ODIHR:

- Initiating, within the margins of its mandate, the creation of a special international commission on human rights monitoring in the occupied Crimea, focusing attention on national minorities issues;
- Building up throughout the whole territory of Ukraine the capacity of Ukrainian civil society in the area of national minorities' rights protection;
- Making regular and strict appeals to the Russian Federation for release of all illegally detained Ukrainian activists, including in the occupied Crimea;
- Calling on the Russian Federation to ensure access to justice for all those detained, and to ensure that people are not detained indefinitely, under arduous conditions and without adequate legal counsel;
- Establishing a special rapporteur on the cases of indefinite detention or lack of

rule of law in the occupied Crimea.

To the OSCE Secretary General:

- Establishing contacts with other international organizations aimed at promoting joint actions on human rights monitoring in the occupied Crimea;
- Supporting relevant Track II initiatives, incl. within the margins of the OSCE Network of Think Tanks and Academic Institutions, devoted to the protection of national minorities in the occupied and annexed territories in the OSCE area.

To the OSCE Representative on Freedom of the Media:

- Providing close attention on and prompt response to all the cases of intimidation of journalists, curbing local broadcasting area and banning of Ukrainian media in the occupied Crimea.

To the OSCE HCNM:

- Prioritizing its activities on monitoring current developments in protecting rights of Ukrainians, Crimean Tatars and other national minorities in the occupied Crimea;
- Providing support to the Ukrainian governmental authorities in elaborating and implementing conceptual approaches of the new ethno-national policy;
- Preparing and issuing special report on the status of Ukrainian nationals, Crimean Tatars and other national minorities in the occupied Crimea.

To the OSCE SMM to Ukraine:

- Covering the entire territory of Ukraine within its internationally recognized borders, including the occupied Autonomous Republic of Crimea and the city of Sevastopol, focusing particular attention on the Ukrainian nationals and national minority's issues on the peninsula.

To the OSCE Project Coordinator in Ukraine:

- Elaborating and implementing in partnership with newly established Ukrainian governmental bodies (the Governmental Commissioner on the Ethno-National Policy and the Council of Inter-Ethnic Accord at the Cabinet of Ministers of Ukraine) and the HCNM a special project proposals on protecting rights of the Ukrainian nationals, Crimean Tatars and other national minorities in the occupied Crimea within the margins of practical support to elaboration of the new ethno-national policy of Ukraine.

To the OSCE Chairmanship:

- Prioritizing the issue of protection of the rights of persons belonging to national minorities in the occupied and annexed territories within the OSCE area, incl. in the occupied Crimea;
- Appointing Special Representative on the occupied Crimea with quite a broad mandate covering Ukrainian nationals', Crimean Tatars' and other national minorities' rights protection issues;

- Further supporting active involvement of Track II initiatives, human rights defenders and civil society representatives in resolving current problems with protection of the rights of national minorities in the occupied and annexed territories within the OSCE area, incl. in the occupied Crimea, etc.

### **Constantinopolitan Society**

Due to significant restrictions and serious limitations on human rights which are threatening the sustainable vitality, survival and vibrant future of the Greek Minority in Turkey, OSCE / ODHIR is called upon to urge Turkey -as an OSCE participating State- to:

#### **Property rights**

- Properties of minority foundations registered in the 1936 Declarations should be returned, without precondition and bureaucratic obstacles, to their rightful owners. If there is any kind of dispute as for the ownership of a particular property, the burden of proof should lay on the state and not on the foundations.
- Amend the Law on non-Muslim Welfare Foundations in such a way that would allow for, inter alia,:
  - Putting an end to the fragmentation of minority Foundations as a result of the Wakifs system in force; allowing for the unification of the various Greek Minority Foundations is key to their survival as well as cost-effective functioning.
  - Solving the question of property that was seized and sold to third parties.
  - Issueing new regulations for the arbitrarily suspended elections within the minority foundations and immediately allow conducting of elections in all foundations.
  - Returning the archives and the library of 50.000 valuable volumes of the Hellenic Literary Society of Constantinople (Ellinikos Filologikos Syllogos Konstantinoupoleos) - which has been illegally confiscated in 1925 - to a Greek Minority Foundation in Istanbul. This library represents the intellectual heritage of the Hellenism of Constantinople.
- Ensure that Greek citizens are able to fully enjoy their rights over inherited patrimonial property, by implementing as of March 2010 recommendations of the Council of Europe Venice Commission on the protection of property rights. Turkey should conform to the relevant rulings of the European Court for Human Rights.

### **Educational rights**

Turkey is called upon to:

- Lift all educational and administrative restrictions regarding the Greek Minority, specifically:
- Amend the Law on Private Schools Education, so as the diplomas of students of European and other nationalities are officially recognized and validated for

their admittance in Turkish Universities etc.

- Fully implement the circular revising the status of the Vice Director in minority schools as compared to that of Director that is a member of the minority, so as giving decision-making power to the Director.
- Facilitate the approval of textbooks used by Greek minority schools through a simple and speedy process.
- Support financially minority schools, as it is foreseen by the 1923 Lausanne Treaty.
- Delete all anti-minority references from schoolbooks used for teaching in Turkey, as it forges historic realities, fosters discriminatory behavior against members of the minority and incites hate actions.

### **Human rights, non-discrimination in general**

Turkey is called upon to:

- Fully implement the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and interpret the 1923 Lausanne Treaty so as to provide equal rights to the Greek Minority in Turkey.
- Sign and ratify the Framework Convention for the Protection of National Minorities (FCNM) of the Council of Europe.
- Turkey should ensure that Greek citizens are able to fully enjoy their rights over inherited patrimonial property.
- Abolish the confidential “race codes” given to the members of non-muslim minorities, as well as the systematic profiling of minority individuals.
- Turkey is urged to make sustained efforts to prevent and punish hate speech or crimes targeting persons belonging to minorities.

Overall, 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, intolerance and religiously motivated acts of violence.

**Tuesday, 30 September 2014**

**WORKING SESSION 12: Tolerance and non-discrimination II, including prevention and responses to hate crimes, aggressive nationalism and chauvinism, and Roma and Sinti issues including the implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti**

*Recommendations to participating States*

**International Civil Liberties Alliance (ICLA)**

- ICLA recommends that terms such as hate speech be clearly defined before being considered for implementation into domestic legal systems by participating states, and that the potential for related legislation to be abused to stifle democratic debate is recognised and taken into consideration.

### **Muslim Problems Research Center**

- Based on the analysis of available data, we would like to recommend to the Russian Federation authorities the following:
- Take measures that will lead to the investigation of the above attacks on Muslims and their objects of worship to the logical completion, that is, to detect criminals and their adequate punishment.
- Take measures to reduce the Islamophobic hysteria in the media.
- Create (taking into account the existing experience of ODIHR) training programs for law enforcement officers, in order to increase their level of education in the field of hate crimes against Muslims.
- Direct law enforcement agencies' attention to the need for registration of all cases of hate crimes against Muslims.
- Increase the degree of interaction between law enforcement and Muslim community organizations in the areas of prevention, registration, records and investigation of hate crimes against Muslims.

### **Giuseppe Dossetti Observatory for Religious Tolerance and Freedom**

Participating States are urged to:

- provide disaggregated data on hate crimes, paying more attention to the hate crimes against Christians – also where they are majority – in the questionnaire collecting data from national data collection point.
- request the assistance of the OSCE/ODIHR in order to implement TACHLE Program at national level.
- solicit their political institutions adopting code of conduct or ethics for elected representatives preventing intolerant discourse.
- encourage Internet service providers and social networking services to adopt standard form contracts providing termination clauses and penalties in case of intolerant conducts of people using their services.
- adopt national action plan in order to prevent and respond to hate crimes.

### **Center for Information and Analysis (SOVA)**

For the OSCE Participating States:

- To investigate the activities of the groups involved in the war crimes in one way or another; to investigate other especially grave crimes during the conflict in Ukraine. 2 Strictly prevent and adequately punish any instances of violence directed against political opponents, both in the course of public events as well as outside them. (These two recommendations relate primarily to the Ukraine and Russia, but not only them.) 3 To give an evaluation to the national laws on incitement to hatred and their implementation, with reference to the Rabat Action Plan.
- More actively use the information collected by non-governmental organizations that perform systematic monitoring of racist groups, and consult

NGOs on law enforcement issues. Despite methodological, and even political, differences, such cooperation can be very productive.

- Adjust the legislative framework covering hate crimes and related activities, including public incitement, organizing, financing, etc. Legislation should focus law enforcement efforts, first and foremost, on prosecuting the most dangerous crimes against the person. The internal policies and regulations of law enforcement agencies should reflect the same priorities.
- Change the crime reporting system so that suspected hate motive could be recorded at any stage, including the earliest one. Specialized police units are more effective in investigating hate crimes, but regular police should conduct such investigations as well..
- Publish hate crime statistics, highlighting the different types, regions, and number of victims. Official statistics should be based on court decisions (for both proven and unproven cases), and not on the number of opened criminal cases.
- Actively participate in the TAHCLE training program for police officers.
- Train law enforcement personnel in detecting and deterring any unusual forms of offenses motivated by racial and similar hatred.
- Adopt and develop comprehensive anti-discrimination legislation or a series of individual acts containing effective rules and procedures of proving discrimination.
- When enforcing the laws relating to violations of the rules of entry and residence in the country, obtaining work permits, etc., officials should avoid making public statements linking these disorders with specific ethnic groups, and avoid holding large campaigns. Such enforcement should be carried out systematically and uniformly.
- Public officials should have no right to express publicly their intolerance or even disrespect to any minorities. Civil service legislation should include effective sanctions against such actions. These penalties also need be made public.

## **European Union**

Recommendations:

- Enhance efforts to implement all OSCE commitments, in particular the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, as well as continue the regular review of its implementation; in this context, participating States should respond promptly and comprehensively to ODIHR's requests for information.
- Enhance the complementarity of the OSCE Action Plan on Improving the situation of Roma and Sinti and the EU Framework for National Roma Integration Strategies.
- Enhance implementing of the OSCE commitments with regard to Roma and Sinti by local authorities.

- Enhance data collection with regard to the situation of Roma and Sinti in all fields of the Action Plan, as far as this is in compliance with the legal framework and overall policy of a Member State.
- Include, where appropriate, a monitoring and assessment component in strategies, policies, measures and programmes related to Roma and Sinti, as well as review mechanisms taking into account the respective results of monitoring and assessment, as far as this is necessary by taking into account any existing monitoring mechanisms especially in the framework of the European Union.
- Enhance efforts to increase enrolment for Roma and Sinti children and youth at all levels in State-provided education and reduce school dropout rate; enhance efforts to eliminate segregation of Roma and Sinti at all levels in education
- Enhancing, where appropriate, the participation of Roma and Sinti in the elaboration, implementation and evaluation of the policies that affect them ;
- Prevent further marginalization and exclusion of Roma and Sinti and address the rise of discrimination and violent manifestations of intolerance against Roma and Sinti, including against Roma and Sinti migrants;
- Enhance efforts to strengthen the rights of Roma women and girls and to eliminate discrimination on multiple grounds;
- Enhance cooperation among international organizations with regard to improving the situation of Roma and Sinti.
- Continue activities of the OSCE field operations with regard to improving the situation of Roma and Sinti.
- The implementation of commitments against all forms of intolerance.
- Strengthen the capacity of ODIHR to deal with TND issues and ensure better synergy between the CiO Personal Representatives and ODIHR structures.
- Publicly speak out against hate crime, whatever the motivation.

### **Balkan Sunflowers**

Recommendations on Implementation of the Strategy and Action Plan 2009-2015:

- An updated “needs assessment” of the three communities should be prepared
- Communication with, and support to municipal authorities to implement activities aiming to improve the situation of Roma, Ashkali and Egyptian communities should be immediately enhanced.
- The adoption and the implementation of Local Action Plans should be supported to ensure transparency and increased coordination between institutions and civil society
- The process for drafting a new, post-2015 Kosovo Policy for inclusion of the communities should be immediately initiated and the focus of the new policy document should refer to the key areas identified in the Council Recommendation of 9 December 2013 on effective Roma integration

measures in the Member States.

- The final draft of the new Kosovo policy, with a precisely set budget, should be submitted to the Kosovo Assembly for adoption
- A Permanent Office in charge of the co-ordination of the implementation of the new policy document and legal framework, should be established in the Office of the Prime Minister
- Municipal Mayors should be responsible of – and accountable for – the implementation of the central and local policies, at the local level
- Each municipality should establish a permanent Municipal Working Group for implementation of the LAP, involving NGOs, and communities' representatives.
- New policies should be long term, up to 2020

#### **Mission Europa, Netzwerk Karl Martell**

- MISSION EUROPA recommends that heightened awareness to legal theories like "Prior Restraint" be developed and considered when assessing concepts that concern state action – including non-state actors acting under color of authority – when considering activities involving free expression. It also recommends that distinctions between thought and expressions be considered suspect deserving strict scrutiny.

#### **International Federation for Therapeutic Choice (IFTC)**

Central Recommendation to Participating States of the OSCE:

To draft legislation to safeguard the freedom of:

- Minor and adult persons to receive freely sought professional care in order to eliminate, diminish, or manage unwanted sexual minority feelings, behavior, and/or identity.
- Medical and mental-health practitioners, educators, and researchers to offer professional education, guidance, and therapy to minors (with the support of their parents) and adults who freely choose such care in order to eliminate, diminish, and/or manage any unwanted sexual minority feelings, behavior, and/or identity.

We therefore recommend to OSCE Participating States:

In light of the aforementioned fundamental rights upheld by the Convention on the Rights of the Child and the Universal Declaration of Human Rights:

- To recognize and condemn intolerance and discrimination against sexual minorities who freely choose to receive help in order to overcome or diminish their unwanted sexual attractions, orientation, behaviors, and/or identity.
- To draft legislation to safeguard the freedom of medical and mental-health practitioners and educators to offer their professional guidance and therapeutic expertise to all people whose own sexual minority concerns are unwanted and who freely choose help in order to overcome or diminish their unwanted

sexual attractions, orientation, behaviors, and/or identity. This includes minor children who themselves freely seek such services with the consent of their parents.

### **Activist from Moldova**

In the light of the mentioned above the government of the Republic of Moldova is urged to:

- Enhance the implementation of the Action Plan regarding the support of Roma during 2011-2015;
- Provide trainings to professors regarding inclusive education;
- Undertake effective measures to ensure inclusive education and provide qualitative education to Roma children;
- Enhance the efforts to eliminate discrimination and marginalization of Roma in all areas of social, economic, political life;
- Enhance the access of Roma women and youth to education, employment, health and social services;
- Ensure the effective participation of Roma in political life and decision-making process, taking into consideration the principle of representative democracy;
- Include Roma consultative groups in decision-making process and the design of policies directly affecting them;
- Train the judges, prosecutors and law enforcement bodies on adequate investigation and sanctioning of hate crimes and hate speech;
- Condemn the discriminatory political discourse against Roma and adequately sanction such incidents.

### **ternYpe International Roma Youth Network**

We would like to urge participating states to:

- Include the history of the Roma in respected states as part of the school curriculum in history classes.
- Mainstreaming educational materials on Roma Genocide history and remembrance in schools and non-formal education and Invest in to the research on the Roma Genocide
- Formal establishment of the 2nd of August as the memorial day of the Roma Genocide.

### **Canada**

Canada's recommendations for this session are:

- For participating States to recall these founding principles and develop or improve their monitoring and data collection of hate crime and implement whole of government approaches to combating hate, violence and discrimination.

- For participating States to develop and implement legislation to combat hate-motivated violence.
- For participating States to ensure that hate crime on the basis of religious belief or sexual orientation are included as offences in their national criminal codes.

#### **NGO 'Sandidzan'**

- Мы уверены, что подобные действия, безусловно, станут причиной повышения уровня террористической угрозы, угрозы экстремизма в регионе. Призываем руководство Грузии осознать, что подобные провокационные планы не могут служить делу мира на Южном Кавказе, и отказаться от подобных безответственных планов.

#### **Switzerland**

##### **Recommandations:**

La participation effective d'une communauté minoritaire aux affaires publiques qui la concernent est un élément essentiel à son intégration. A cet effet, nous recommandons aux Etats participants:

- De redoubler d'efforts pour mettre en place des mécanismes de participation et de consultation des Gens du voyage, Sintis et Roms.
- De s'engager dans un dialogue ouvert avec la société civile pour progresser dans la mise en oeuvre de ses engagements.

#### *Recommendations to the OSCE*

##### **Giuseppe Dossetti Observatory for Religious Tolerance and Freedom**

The OSCE/ODIHR is called upon to:

- train law enforcement agencies, media and civil society to consider carefully also the hate crimes perpetrated against majority groups.
- develop a comprehensive training on hate crimes for prosecutors similar to TAHCLE.

The OSCE Representative on the Freedom of the Media is called upon to:

- provide – in close cooperation with the OSCE-ODIHR and the Advisory Panel of Experts on Freedom of Religion or Belief – guidelines for voluntary professional standards and self-regulation of the media on countering religious intolerance and discrimination in the media.

#### **Russian Federation**

- В этой ситуации для ОБСЕ необходимо на деле наладить механизм взаимодействия со всеми странами для успешной борьбы с наемничеством, и, соответственно, с угрозами терроризма и преступлениями на почве ненависти.

## **Center for Information and Analysis (SOVA)**

For the OSCE:

- In the context of the conflict in Ukraine, establish a working group that would monitor military activities of the ultranationalists. An agreement between Ukraine and Russia on the format of such a group should be reached.
- Compile and distribute experience gained from prior comprehensive efforts against groups that practice racist violence, including specific criminal investigations, detection and destruction of the groups' infrastructure, isolation of their funding sources, identifying organizers and coordinators of violent actions, etc. Hold an international expert workshop on this topic, if needed.
- Establish a working group to assess the effectiveness of national legislation in terms of countering not only hate crimes, but also incitement of hatred. We understand that it is impossible to create recommendations for legislation on incitement to hatred in the framework of the OSCE. However, it should be possible to respect existing laws and their implementation. The Rabat plan of action, developed in the framework of the United Nations at the beginning of last year, can be taken as a fundament.
- Organize a seminar – or better a series of seminars - for law enforcement officials from different countries, presenting a summary of successful practices for collecting information and recording hate crimes statistic.

## **International Federation for Therapeutic Choice (IFTC)**

We recommend to OSCE/ODIHR and OSCE Missions:

- To be aware of and condemn intolerance and discrimination against sexual minorities who freely choose help in order to eliminate, diminish, or manage unwanted feelings, thoughts, behavior, and/or identity.
- To assist OSCE Participating States in monitoring and drafting legislation, with special attention to safeguarding the above-mentioned rights upheld by the CRC and the UDHR.

## **Buergerbewegung Pax Europa**

BPE recommends:

- That statistics be made not only about the victims of hate crimes, also about the perpetrators, in order to identify if any political or religious group appears to be causing particular problems in the field, and as a basis for further legal action if this is the case.
- That OSCE pS undertake a vetting of Islamic organizations in the political sphere to ensure that they do not give rise to radical views on adherents of other religions, and in particular that their literature and other material be investigated for endorsement of such views.
- That OSCE pS call upon Islamic organizations to issue official statements that harassment of and hate crimes against Jews, Christians or other non-Muslims is against the teachings of Islam, and that such intolerance of other religions

cannot be tolerated.

### **Tuesday, 30 September 2014**

### **WORKING SESSION 13: Tolerance and non-discrimination II (continued), including combating racism, xenophobia and discrimination, also focusing on intolerance on religious grounds**

#### *Recommendations to participating States*

##### **Atheist Ireland**

- **Ireland** to amend the Civil Registration Act to treat religious and atheist groups equally, and to remove the effective State monopoly that the Act now provides for private entrepreneurs to sell secular ceremonies for profit after being nominated as solemnises by the Humanist Association of Ireland.

##### **International Civil Liberties Alliance (ICLA)**

- Il est demandé aux pays participants de faire intégrer à leur législation sur la répression des incitations à la haine et à la violence, le délit d'apologie du jihad militaire ou de faits relevant d'actions jihadistes.
- Les pays participants doivent de même criminaliser l'exhibition publique du drapeau noir du jihad, du drapeau blanc du califat et de l'Etat islamique en tant qu'incitation à la haine et à la violence.

##### **Ukrainian Independent Maritime Trade Union**

We ask Ukraine:

- To ratify and implement immediately the MLC-2006 and use it for defense the seafarers rights on international level;
- To modernize the system of state control and policy in maritime area with establishing the clear set of functions for national Maritime Administration
- To modernize the state port and flag policy with liberalization the commercial relations and reducing the corruption
- To develop the effective humanitarian and social policy, including the administrative services, for the Ukrainian seafarers that resides or leaved the occupied territories;

We demand to Russia:

- To implement in Crimea own duties of the state-occupier correctly, without violation the human rights, i.a. the seafarers rights;
- To stop the practices of alienation the illegal maritime property, of “certification” in maritime area and issuing the “maritime documents” in Crimea;
- To stop the violation the international maritime law demands, safety and ecology demands by organizing the shipping in waters around Crimea
- To provide the free movement from Crimea to other regions of Ukraine and

back to all the Ukrainian seafarers and cadets residing in Crimea for crewing services, education, employment and repatriation

### **Pan-African Women's Empowerment and Liberation Organization**

We therefore recommend the governments, regional organisations and institutions involved in the process to take all measures necessary to effectively ensure that:

- the life, work and presence of women of any religion, cultural background, ethnic origin, legal status in terms of residence rights, physical and mental ability and age be respected and empowered;
- have access to legal advice for prevention of any form of discrimination and violence, and for asserting their rights and to all legal means and instruments to do so;
- be economically empowered and independent;
- can build up structures for the sharing of relevant information;
- shall receive adequate support when necessary so as to be able to exercise their parental rights and obligations;
- children be maintained in their community and receive gender sensitive education;
- women have access to education and training, including professional training, according to their own perspectives;
- have access to relevant legal means for hate crimes, hate speech, racism, sexual violence, religious intolerance and all forms of discrimination, to be systematically prosecuted;
- be trained to occupied relevant functions in the media, the police forces and the legal system in order to ensure the adequate portraying and assessment of our activities, religion and cultures

We urge all people participating in this event to prove their solidarity by walking their talk and not only by making commitments in solemn declarations and statements.

### **Muslim Denomination in Bulgaria**

We encourage the **National authorities** to:

- To take necessary measures against bias motivated incidents against Muslim and their holy places.
- Implement effectively the commitments to freedom of religion or belief and anti-discriminatory legislation;
- We urge the responsible authorities to address these issues for their employees, so that they would be more careful and sensitive in cases where the subject of their work is the religious beliefs of citizens;
- To use ODIHR's experience and expertise in combating anti-Muslim hate crimes by law enforcement officers;
- Urge on educational institutions to use the Guidelines for Educators on Countering Intolerance and Discrimination against Muslims, co-published by OSCE, UNESCO and CoE;

### **Observatory on Intolerance and Discrimination Against Christians in Europe**

To improve what is already on a good path, please allow me to make five recommendations:

- First, we recommend to participating states to combat underreporting by collecting disaggregated data on hate crimes against Christians. In some countries, vandalism against a Christian site is only listed as vandalism against a public building.
- Secondly, we recommend to participating states to mind the problem of „reverse discrimination“, or unintended discrimination, which could be caused as a side effect of anti-discrimination policies. Excessive regulation of private conduct with regard to discrimination on the grounds of religion or sexual orientation may cause conscience problems and discrimination of Christians. An example of such over-boarding legislation is the draft EU - fifth equal treatment directive.
- Ladies and Gentlemen, let me conclude with a fifth recommendation: In the light of recent global developments, combating persecution of Christians outside the OSCE area must become a priority of the foreign secretaries of participating states in their foreign policy.

#### Recommendations to International Organizations

#### **International Human Rights Movement "World without Nazism"**

- В этой связи я считаю, что правозащитные организации, эксперты, специализирующиеся на этой теме, должны объединить усилия для проведения совместного мониторинга уровня агрессивного национализма в разных странах с целью представления Доклада на данную тему, который мог бы быть представлен на различных международных или национальных площадках. Доклад может быть сделан на основании общей совместно выработанной методики, что позволит нам ввести определенный стандарт в определении уровня радикального национализма в Европе. Первый опыт такого исследования был сделан в 2013-2014 годах нашей организацией, которая выпустила "Белую книгу нацизма", где анализируется эта проблема.

#### **Institute European de Recherches et D'Etudes Des Sciences Sociales et Religieuses**

In this context, we formulate the following suggestions:

- We call the Kingdom of Belgium as other Participating States to refuse the institutionalized Islamophobia that may exist in the public space.
- Personal Representative on islamophobia should take more strong position in close cooperation with ODIHR.
- We call the Belgian Goverment to take the necessary measures to counter all hate acts towards the cultural and religious minorities, with the help of strict measures, training programmes and interculturality. As such, White Paper

about the intercultural dialogue of the Council of Europe and different tasks of OSCE just like those on the Principal Directors for Trainers should serve as a basis of references.

- Personal Representatives should express their opinions within the framework of OSCE principles and ODIHR Guidelines without specific ideological and political preferences. In that way, OSCE and ODIHR are available to provide assistance for using correct key language and support.
- Finally, we call the next Serbian Presidency of the OSCE, to reinforce the ways of ODIHR so that they could better prevent the attacks experienced by the religious minorities within Participating States like in Belgium. We keep on underlining that to ensure equal participation of all communities in the OSCE area, the ODIHR should promote and facilitate more participation of Muslim NGOs towards its activities & events.

### **Council of Europe**

The Recommendation tackles the issue in the following 11 chapters:

- Equality and non-discrimination legislation;
- Research, data, statistics;
- Participation in political and public life as well as decision-making;
- Education and training;
- Employment and economic situation;
- Health care and rehabilitation;
- Access to social protection and community-based social services;
- Sexual and reproductive rights, motherhood, and family life;
- Access to justice and protection from violence and abuse;
- Participation in culture, sport, leisure and tourism;
- Raising awareness and changing attitudes.

All member States should implement the provisions contained therein, taking account of the special situation and requirements of women and girls with disabilities, not only when elaborating disability legislation and policies but also when generally promoting and fostering gender equality.

### **Forum 18**

What can constructively be done? Participating States, OSCE institutions and field operations could:

- insist that human dimension commitments are implemented in full by all participating States;
- situate OSCE religious tolerance and non-discrimination work within a human rights for all perspective, prioritising respect for the freedoms of religion or belief, expression, assembly, and other human rights and fundamental freedoms including the right to be free from torture;
- mainstream work to ensure and promote freedom of religion or belief with its

- interlinked human rights, for example building on the work of the ODIHR Human Rights Department;
- use tools such as the EU Guidelines on the promotion and protection of freedom of religion or belief<sup>1</sup>, the OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and the OSCE Guidelines on the Protection of Human Rights Defenders.

### **ABTF - Federation of Western Thrace Turks in Europe**

We strongly believe that it is crucial that Greece should condemn firmly and unequivocally all forms of hate crimes. Hate crimes constitute serious human rights violations and there is a need to impose on the perpetrators of sentences that are effective, proportionate and appropriate to the offence committed.

- Greece should ensure co-operation, where appropriate, at the national and international levels, including with relevant international bodies and between police forces, to combat violent hate crimes. ABTF urges the Greek authorities to raise the public awareness for the problem of the dissemination of incitement to hatred in public discourse. In combating hate-motivated attacks and crimes against the migrant groups and the Turkish Minority of Western Thrace, the Greek Government should investigate and prosecute perpetrators, and condemn publicly and unequivocally such incidents. The far-right and neo-Nazi political parties such as Golden Dawn must be banned and excluded from all state subsidies, where evidence demonstrates that they advocate for and are involved directly or indirectly in acts of racist violence.

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

The Turkish Minority of Western Thrace recommends Greece:

- To consider the Turkish Minority as equal citizens not only in papers but also in practice,
- To treat the members of the Turkish Minority as citizens of Greece not historical enemies,
- To respect the Turkish Minority's ethnic, linguistic and cultural background,
- To conduct an objective, effective, result-oriented dialogue mechanism with the Turkish Minority Representatives.

### **Human Rights Without Frontiers**

Human Rights Without Frontiers Int'l recommends to the government of France:

- To revise its policies stigmatizing and ostracizing so-called sects and their members
- To stop financing organizations fueling social hostility towards religious or belief groups
- To respect the jurisprudence and the fundamental principles of neutrality and impartiality governing the relations between the state and any religious or belief community as advocated by the jurisprudence of the European Court

- To examine the good practices of the Geneva-based Centre d'Information sur les Croyances in Switzerland which is financed by three French-speaking and one Italian-speaking cantons.

### **Core Issues Trust**

Core Issues Trust requests the participating states of the OSCE, and the ODIHR to promote protective legislation for, and to pay careful attention to:

- The right of access to appropriate and competent guidance and therapeutic care, including spiritual care, for both minor and adult individuals seeking help, after advanced, informed consent, and
- The protection of trainee and practising professionals to provide such support with access to both professional memberships of relevant bodies and requisite insurance.

### **Order of St. Andrew the Apostle, USA**

The Order recommends the following.

- First, the Government should allow full legal standing for the Ecumenical Patriarchate and all religious institutions (Muslim and non-Muslim). If necessary, the 1935 Law on Religious Foundations should be amended. Exceptions could be made in matters related to the national security and public safety.
- Second, the Government should extend the August 27, 2012 deadline for the submission of applications to recover seized property.
- Third, the Government should expand the scope of the Decree to include all seized properties that were excluded.
- Fourth, the Government should totally revamp the manner by which the Decree has been implemented. A Public Advocate, who is not a Government bureaucrat, should be employed to ensure that the Decree is implemented in a fair and expeditious manner. The Public Advocate should be provided the necessary staff and authority to oversee its mission.
- Fifth, the Government should codify the Decree into statutory law, so that it cannot readily and arbitrarily be rescinded by later executive fiat.
- Sixth, the Government must fully implement the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which Turkey has subscribed, and interpret the 1923 Lausanne Treaty so as to provide equal rights to all religious minority communities.

### **Islamische Gemeinschaft Milli Gorus e. V.**

Our Recommendations are:

- Governments are expected to register Islamophobic attitudes and the resulting adult crime separately, safety authorities are expected to investigate and to let explore this phenomena criminologically.

- After the arson attacks on mosques, churches and synagogues in Germany and other European countries, governments are asked to increase the protection of religious centers. When creating a risk assessment religious communities must be involved in this process.
- The fact that investigating authorities often exclude a political motivation right at the beginning off the investigating process, creates the impression that the determination result was anticipated in most cases. This assumption needs to be reviewed with the help of studies and analyzes. For this insight is required into various investigation files. Moreover, in this context, we call for the implementation of the recommendations of the NSU-committees of inquiry with the assistance of science and civil society.
- Training of police and judicial awareness with respect to the subject area of anti-Muslim crimes and training to strengthen intercultural competence.

### **Forum for Religious Freedom Europe (FOREF)**

Recommendations:

- That the Government of Hungary, and specifically the Minister of Human Capacities, place back on the official registry of incorporated churches included in the appendix of Act CCVI (206) of 2011 those churches deregistered unconstitutionally and in breach of the European Convention on Human Rights by Parliament in 2011. Hungary should honor its international legal commitment to the European Convention and abide by the Court's decision. That Hungary should modify its church law so that legal recognition of churches is not determined by 2/3 vote of Parliament, something criticized in both the European Court and the Hungarian Constitutional Court.
- That participating States to assist Hungary to harmonize its laws in accordance with the Helsinki standards and international human rights law.

### **Church of Scientology; Human Rights Office**

- We urge the French authorities to draw the necessary conclusions from this outcome. The countries of the Council of Europe, in alignment with the OSCE guidelines on non-discrimination on the basis of religious affiliation, do not want such a discriminatory system as the one existing in France. We are open to any discussion on this topic with the French representatives, and respectfully ask the ODIHR to engage in discussions with France to put an end to discrimination against religious minorities in this country.

### **Council of Europe**

The Council of Europe presents the following specific recommendations:

- Member States of the Council of Europe are once more encouraged to sign and ratify Protocol No. 12 to the European Convention on Human Rights, which provides for the general prohibition of discrimination.

- OSCE participating States are encouraged to sign and ratify the Additional Protocol to the Council of Europe's Convention on Cybercrime, on the criminalisation of acts of a racist and xenophobic nature committed through computer systems.
- Member States of the Council of Europe are once again encouraged to enact legislation against racism and racial discrimination, if such legislation does not already exist or is incomplete; they are also encouraged to ensure that such legislation reflects the key elements in ECRI's General Policy Recommendation No. 7, including the setting up of an independent body specialised in the fight against racism and racial discrimination; moreover, they are encouraged to ensure that this legislation is applied effectively.
- OSCE participating States are encouraged to allocate sufficient resources to national independent bodies entrusted with the fight against racism and intolerance.
- OSCE institutions are encouraged to continue their co-operation in the fight against racism, racial discrimination, xenophobia, antisemitism and intolerance with the Council of Europe, and in particular ECRI, by further strengthening mechanisms enabling the exchange of information and data to support common action.

### **International Raelian Movement**

The Raelian Movement's requests are the following:

- That the French governments stop financing anti-cult movements with tax payers' money unless they protect the rights of all their citizens and sponsor meetings to support universal understanding.
- That the MIVILUDES' and the CIAOSN's (equivalent of MIVILUDES in Belgium) mission become that of reviewing all religious books, including those of major religions, to promote universal Peace and remove passages that incite to hatred.
- That the legislative arsenal against minority religions, notably the About Picard Law, be replaced by a reminder of the Declaration of Human Rights.
- That the governments in Europe change the terms « cults » and « « sects » in all the new official and administrative documents by less ambiguous terms like « minority religions ».
- That civil servants (magistrates, police officers, teachers, educators, etc.) no longer be trained to fight and single out members of religious minorities as they do in France within the CAIMADES, a sub-organization of the UNADFI, but rather promote the protection of universal beliefs and thus more tranquil communities.

### **Social Action Center in Ukraine**

Anti-discrimination Coalition has a number of recommendations for Ukraine and urges member-states to continue monitoring Ukraine's progress in implementation of the following:

- Reform relevant legislation and implementation mechanisms to ensure access to redress for victims of all kinds of discrimination including hate crimes.
- The State must ensure access to the fair justice in courts, as well as for free legal assistance, for all victims of discrimination.
- Provide human rights trainings for the police, prosecutors, border guards, staff of temporary detention facilities and judiciary, as well as facilitate the reporting of cases when Roma people are abused due to their ethnicity, as well as when it happens to other persons of different ethnic origin, or LGBT persons: effectively investigate complaints and bring those found guilty of such acts to justice.
- Develop dialogue with the civil society organizations aimed at improvement of reporting and investigation practices, as well as at building cooperation mechanisms for better provision of services.
- Take measures to effectively identify and ban illegal profiling practices within law enforcement authorities and establish independent mechanism of complaints on human rights abuses committed by police.

### **Buergerbewegung Pax Europa**

Recommendation to the Austrian Delegation:

- BPE recommends that Austria take seriously its OSCE commitments with respect to implementing the Law on Islam in Austria. We reaffirm the necessity that the Austrian authorities demand a certified German copy of the Koran and the Hadith to check whether Islamic teachings are indeed compatible with Austrian laws.
- BPE recommends that Austria actively obtain written affirmations from Islamic organizations that they do not currently, and will not in the future, seek to introduce Sharia law in the land.
- BPE recommends that OSCE and its participating States abandon the use of undefined and ambiguous terms until a definition has been agreed upon by all participating States.
- BPE calls on religious leaders in the OSCE region to repudiate verses that call for violence against non-believers.
- BPE recommends that the enforcement of legal systems at odds with universal human rights and democracy become punishable under the law.
- BPE calls on religious leaders to refrain from teaching violence to their congregations. We also call on religious education teachers to refrain from teaching their students about Jihad and violence.

## **European Union (EU)**

Nos principales recommandations sont les suivantes :  
pour les Etats participants

- 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 ces droits et libertés ;
- favoriser l'apprentissage de la diversité, du dialogue et de la tolérance et déconstruire les préjugés en promouvant les droits de l'Homme ;
- oeuvrer à la compréhension et à la tolérance entre communautés ;
- Condamner de façon systématique les appels à la haine quels qu'en soient les auteurs, les motifs et les individus ou les communautés visées ;
- Coopérer activement avec le BIDDH pour prévenir et combattre toutes les formes d'intolérance

## **Giuseppe Dossetti Observatory for Religious Tolerance and Freedom**

Participating States are urged to:

- foster the participation of religious communities in public life and welcome the interventions in the public debate of the religious leaders.
- follow-up the Cordoba, Bucharest, Astana and Tirana Conferences by convening a Conference at the appropriate high-level in 2015 to examine in a balanced way racism, intolerance and discrimination, within the realm of all existing commitments.

The Chairmanship-in-Office is urged to:

- consult closely with the Personal Representatives and support their work.
- appoint a fourth Personal Representative on Combating Racism, Xenophobia and Discrimination, focusing on Intolerance and Discrimination against the members of other religious communities and against Roma and Sinti, in order to focus one Personal Representative's mandate on Intolerance and Discrimination against Christians.

The Personal Representatives of the Chairmanship-in-Office are called upon to:

- focus on, and adopt a standardized approach to, country visits and subsequent reports.
- intervene when incidents do occur, through public statements and engagement with authorities of relevant participating States.

## **Canada**

Canada's recommendations for this session are:

- For participating States to better implement their OSCE commitments on tolerance and non-discrimination and to unequivocally condemn hate and violence against persons on the basis of race, religion, sex or sexual orientation.
- For participating States to continue their cooperation with ODIHR's Tolerance

and Non-Discrimination Program.

- For participating States to make specific efforts to confront violence towards persons based on their sexual orientation by providing meaningful responses to such violations.
- For the OSCE and all its participating States to take a clear stand against violence targeting sexual minorities and to reflect this explicitly in the body of OSCE commitments.

### **United States of America**

As we examine and strive to address challenges in the United States, we urge all participating states to look inward and recommit to advancing the implementation of tolerance commitments, including by reversing alarming spikes in racist, xenophobic, and discriminatory acts in the OSCE region. To that end, we call for all participating States to:

- Support and fully utilize ODIHR's Tolerance Unit. Increased funding for ODIHR within the unified budget and through extra-budgetary projects is needed to support the expanded workload of the Tolerance Unit, including requests from participating States for training on hate crimes, reviews of hate crimes legislation, and other monitoring and capacity building tools. Additionally, with a view to making the recently launched ODIHR hate crimes website ([www.hatecrime.osce.org](http://www.hatecrime.osce.org)) a more useful tool, we encourage all participating States to provide disaggregated national hate crimes data to ODIHR. Reporting hate crimes can be the first step in broader efforts to investigate and prosecute such offences.
- In light of a number of recent attacks against migrants in Greece, which have in part been fueled by xenophobic rhetoric, we welcome plans by Greece and ODIHR to hold training on combating hate crimes. We also welcome the recent adoption of an anti-discrimination law in Georgia that includes protections for members of the LGBT community. The United
- States regrets that there have been violent attacks in Moldova ostensibly fueled by anti-LGBT animus. We urge Moldovan public officials to speak out against such acts and ensure that violent hate crimes are effectively prosecuted.
- Strengthen efforts to combat anti-Semitism as well as intolerance and discrimination against Muslims, Christians, and members of other religions. The spike in hate speech and violent physical attacks targeting Jews this summer, as well as attacks on Jewish religious and cultural institutions in many parts of the OSCE region, underscores the importance of the upcoming November commemoration of the 2004 Berlin Conference on Anti-Semitism. We thank Personal Representative Rabbi Baker for his work to make this event a reality and call upon all participating States to send senior representatives. More importantly, we call on all participating States to implement concrete efforts to protect Jewish communities, and address continuing prejudices, so that Jewish communities may be secure and flourish.

- We look to ODIHR to continue its programs, training, and direct engagement in OSCE states on tolerance issues. With anti-Muslim hate crimes on the rise in the United Kingdom,
- France and elsewhere in the region, ODIHR outreach to Muslim groups through projects such as the April 2014 expert meeting on combatting hate crimes against Muslim communities provides significant support to participating States, and to Muslim women in particular.
- Strengthen OSCE tools to combat racism and xenophobia. To address longstanding issues of prejudice and discrimination faced by citizens and migrants of various backgrounds, ODIHR should publish a report on racism and xenophobia in the OSCE region, elaborate an Anti-Racism Action Plan, and establish an Anti-Racism civil society fund.

## **Turkey**

### Recommendations by Turkey

- Hostility and hate crimes against Muslims have had a serious impact on the sense of security among Muslim communities. We call on all participating States to acknowledge the threat of Islamophobia and take the necessary legal, administrative and educational measures to combat manifestations of anti-Muslim sentiment, including stereotypes, prejudice and hate crimes against Muslims.
- Participating States should intensify their exchange of best practices in combating intolerance and discrimination towards Muslims, including examples of good cooperation between Muslim communities and law enforcement officers in combating hate crimes against members of these communities.
- Participating States should step up their efforts in monitoring and reporting on hate crimes, including a more effective partnering with civil society as well as the collection of disaggregated data in order to shed more light on the extent of manifestations of hostility towards Muslims.
- Participating States should develop community projects that aim to provide around-the-clock support to victims of anti-Muslim hate crimes; participating States should also take measures to thoroughly address forms of intolerance and discrimination other than hate crimes experienced by Muslim communities.
- Participating States should develop training programs on Islamophobia for law enforcement officers, other public officials, as well as teachers, clergy and imams, requesting ODIHR to provide the necessary support if required.
- Participating States should support and increase funding for the work of the ODIHR and the three Personal Representatives of the Chairperson-in-Office on combating intolerance and discrimination.
- Participating States should make better use of ODIHR's capacity to raise awareness on intolerance, discrimination and xenophobia, also by providing

extended tasking for ODIHR beyond the scope of the Office's work on hate crimes reporting.

- Participating States should initiate increased cooperation to address intolerant public discourse concerning Muslims, including by political leaders, in the media, and on the internet. In addition, ODIHR and the Representative on Freedom of the Media should enhance their collaboration in addressing anti-Muslim media activities, biased reporting and negative stereotyping.
- Participating States should consider possible avenues of cooperation and coordination in countering the growing cohesion and networking of across the OSCE area of groups promoting an Islamophobic agenda.

## Thinkout

The recommendations of ThinkOut:

- In Article 9 of the European Convention of Human Rights it states that everyone has the freedom to live their religion freely. In the second part of this artikel this right of freedom is being restricted. The largest part of victims of these restrictions are muslims and especially muslim women.
- They are targeted because of their visual features. The victimization and discrimination of muslim women should be adressed urgently so it is possible for them to live their lives just as any other women with any other religious or ethnical backgrounds.
- Secondly we want to add that the next serbian OSCE chairmanships should make a priority to adress the hate crimes and discrimination agains muslims. In order to ameliorate the existing laws in a way that will protect this group of persons who are underrepesented and mispresented by media.

## Recommendations to the OSCE

### Atheist Ireland

- **OSCE/ODIHR** to host an event specifically to combat discrimination against atheists, similar to the events held to specifically combat discrimination against Christians, Muslims and Jews. ***This is our third year making this request.***
- **OSCE/ODIHR to reinforce to Ireland, and Ireland to urgently implement**, the following concluding observations of the United Nations Human Rights Committee from its examination in July 2014 of Ireland's breaches of human rights of atheists and minority faiths under the ICCPR:
  - **Education System!** The Human Rights Committee is concerned about the slow progress in increasing access to secular education through the establishment of non-denominational schools, divestment of the patronage of schools and the phasing out of integrated religious curricula in schools accommodating minority faith or non-faith children. It said Ireland should introduce legislation to prohibit discrimination in access to schools on the grounds of religion, belief or other status, and ensure that there are diverse

school types and curriculum options available throughout the State party to meet the needs of minority faith or non-faith children.

- **Employment!** The Human Rights Committee is concerned that under Section 37(1) of the Employment Equality Acts, religious-owned institutions, including in the fields of education and health, can discriminate against employees or prospective employees to protect the religious ethos of the institution (arts.2, 18, 25 and 27). It said Ireland should amend Section 37(1) of the Employment Equality Acts in a way that bars all forms of discrimination in employment in the fields of education and health.
- **Religious Oaths!** The Human Rights Committee is concerned at the slow pace of progress in amending the Constitutional provisions that oblige individuals wishing to take up senior public office positions such as President, members of the Council of State and members of the judiciary to take religious oaths. It said that Ireland should amend articles 12, 31 and 34 of the Constitution that require religious oaths to take up senior public office positions, taking into account the Committee's general comment No. 22 (1993) concerning the right not to be compelled to reveal one's thoughts or adherence to a religion or belief in public.
- **Blasphemy Law!** The Human Rights Committee is concerned that that blasphemy continues to be an offence under article 40.6.1(i) of the Constitution and section 36 of the Defamation Act 2009 (art. 19). It said Ireland should consider removing the prohibition of blasphemy from the Constitution as recommended by the Constitutional Convention, and taking into account the Committee's general comment No. 34 (2011) concerning the incompatibility of blasphemy laws with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2 of the Covenant.
- **Abortion!** The United Nations Human Rights Committee told Ireland that it should: Revise its legislation on abortion, including its Constitution, to provide for additional exceptions in cases of rape, incest, serious risks to the health of the mother, or fatal foetal abnormality; Swiftly adopt the Guidance Document to clarify what constitutes a "real and substantive risk" to the life of the pregnant woman; and Consider making more information on crisis pregnancy options available through a variety of channels, and ensure that healthcare providers who provide information on safe abortion services abroad are not subject to criminal sanctions.
- **Majority Votes!** During the UNHRC session, Ireland said the reason that it denies pregnant women their abortion rights under the Covenant was because they are expressing the will of the people as expressed through referendum. The UN Human Rights Committee told Ireland that this reason was totally unacceptable. It said that human rights cannot be denied by a majority vote in Parliament, and that the whole point of international human rights law is to avoid the tyranny of the majority. The Committee invited Ireland to withdraw that as a reason for not fulfilling its Convention duties, and Justice Minister Frances Fitzgerald did withdraw it.
- **OSCE/ODIHR and all states and NGOs** to support the attached recommendations in the Dublin Declarations on Secularism and Religion and

Public Life, and on Secularism Empowering Women, put together by atheist advocates internationally.

- **OSCE/ODIHR and Ireland** to Support the attached recommendations on specific steps needed to achieve secularism, civil rights and empowering women in Ireland.
- **OSCE/ODIHR and all states** to treat the Vatican/Holy See/Catholic Church as an NGO religion, and not as a state, **and the Holy See** to choose not to undermine civic democracy by telling politicians to follow religious ethics instead of legislating for all citizens.
- **OSCE/ODIHR and Ireland** to support atheists having the same legal recognition given to religions in Ireland. The Constitution prevents only discrimination between religions, not between religions and nonreligious philosophical groups.

### **Set My People Free**

- I call on the OSCE during the Serbian chairmanship to work on stopping the recruitment of Jihadist and their radicalization in Europe as one of the priorities of 2015.

### **Ukrainian Independent Maritime Trade Union**

We recommend to OSCE:

- Inform everybody whom it concerns about this situation to stop any risk for vessels and seafarers, any violation of the crew safety and to refrain from any attempts to organize, cover or facilitate those illegal actions in Crimean ports and on commercial vessels alienated by Russia
- To monitor the situation on forced giving the Russian citizenship in Crimea, the random alienations the property in Crimea, the illegal changes in training, education and certification system for persons residing in Crimea;
- To cooperate with IMO, ILO and European Maritime Safety Agency for collecting the facts on violation the seafarers rights in Crimea and in a way of establishing the modern standards of seafarers right such as MLC-2006, to struggle against violation the common, labor and social rights of seafarers and to struggle and prevent the seafarers discrimination in OSCE region. Coherent organizational and programmatic OSCE mechanisms must be created.

### **Muslim Denomination in Bulgaria**

We encourage OSCE/ODIHR:

- The forthcoming Serbian Chairmanship of OSCE to attach great importance to Islamophobia and intolerance and discrimination against Muslims;
- 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;

- OSCE/ODIHR Advisory Panel on Freedom of Religion or Belief to have a greater role in the work of the OSCE on further implementation of the freedom of religion or belief in all participating States;
- ODIHR to continue with the training programs on responding to hate crimes and all kind of intolerance for law enforcement, educators, NGOs and representatives of religious organizations.

### **Latvian Antifascist Committee**

- Я не первый раз пытаюсь привлечь внимание ОБСЕ к т.н. “чёрным спискам”, которые по сути являются дырой правового беспредела в Европе. Человек может быть лишен права свободного передвижения без какой бы то ни было возможности на защиту или оправдание. Считаю, что ОБСЕ должна очень серьёзно отнестись к этому вопросу и этот правовой беспредел должен быть ликвидирован.

### **European Humanist Federation**

- The situation for LGBTI people is extremely grave in some parts of the OSCE region. Because the stakes are so high, we cannot afford to tolerate the intolerant. We urge the OSCE to increase pressure on those states who too often not only give privileged weight the intolerant views of their religious institutions but enact laws on the basis of such intolerant beliefs.

### **ELEUTHEROS (Pour le droit d'etre Chretien)**

Recommandations OSCE- Demander aux autorites des divers Etats representes ici et en particulier a la France:

- qu'ils garantissent expresserment a tout musulman qui le souhaite la liberte fondamentale de changer de religion et le droit dembrasser et pratiquer la religion de son choix,
- qu'Ils etabllissent ou reecrivent avec les differents representants des organisations musulmanes de leur pays des conventions dans lesquelles il est bien rnentionne clairement et explicitement le droit pour tous leurs fideles de changer de religion quelles que soient par ailleurs les interpretations que ces representants musulmans puissant donner a leurs textes religieux .

### **Observatory on Intolerance and Discrimination Against Christians in Europe**

- Thirdly, we recommend to ODIHR to reconsider their definition of anti-religious hate. For example, violence against a Christian due to him being a Christian is considered a hate crime. Violence against a pro-life-protestor however, is not seen as an anti-Christian incident, because, as ODIHR would say, the attacker does not hate Christianity as such, but only the pro-life position.
- We argue however, that the pro life conviction is intrinsically part of Christianity and even if an attacker might be indifferent to other aspects of

Christianity, if hatred of one aspect leads him to attack a peaceful protestor, it should be sufficient to call this an anti-Christian incident.

- Fourthly, we recommend to OSCE to develop materials on how to combat intolerance against Christians and to disseminate this through the OSCE region. A manual on how to combat intolerance through education, for example, exists currently only with regard to Muslims, not with regard to Christians.

#### **ABTTF - Federation of Western Thrace Turks in Europe**

- In addressing the phenomenon in general terms, ODIHR should pay more and continuing attention to hate-motivated incidents and crimes against Muslims in the OSCE area, including Greece and establish a more concrete cooperation mechanism with NGOs in reporting racism and racist hate crimes they face in countries which they live, which indeed needs organization of an OSCE High Level Conference on Intolerance against Muslims.

#### **Constantinopolitan Society**

Due to systematic and ongoing violations of religious freedom, OSCE / ODHIR is called upon to urge the Turkish government to bring its laws and practices into compliance with international standards on freedom of religion or belief.

Specifically, OSCE / ODHIR is called upon to urge Turkey -as an OSCE participating State- to:

- Give the Greek Orthodox Patriarchate the right to officially use the ecclesiastical title of “Ecumenical”, as it is a title that is historically established since the 6th century and globally recognized.
- Grant full legal personality to the Ecumenical Patriarchate, so that the latter may enjoy, inter alia, ownership rights and exercise property ownership / management.
- Lift the prerequisite that the election of the Ecumenical Patriarch depends on the pre-approval of the Prefecture of Istanbul.
- 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.
- Lift all obstacles and reopen without any delay and prerequisite the Theological School of Halki with exactly the same status it held before 1971 and permit students to enroll from both within and outside Turkey.
- Resolve the question of those non - Muslim Foundations considered fused (“mazbut”), which, along with their properties, should be returned to the Greek Orthodox community and the Ecumenical Patriarchate.
- Return the three churches of Panayia Kafatiani, Aya Yani and Aya Nikola in the district of Karakoy-Galata in Istanbul, as well as their 72 immovable properties, which have been illegally and forcibly occupied by the self –

declared and nonexistent “Turkish Orthodox Patriarchate (TOP)”.

- Restore historical Byzantine churches of Hagia Sophia in Nicaea (Iznik) and Hagia Sophia in Trebizond, which were arbitrarily turned into mosques, to their previous function as museums.
- Implement the Turkish Constitution and the Lausanne Treaty consistent with international obligations, such as Article 18 of the ICCPR and OSCE commitments on freedom of religion or belief.

### **International Raelian Movement**

- We ask the OSCE to intervene with the National Education Board to encourage French and Belgian universities to create a fully independent body to study each spiritual movement. This body could be composed of sociologists, psychologists, historians, theologians, and other experts in human behavior, lawyers and representatives of each group.

### **European Union (EU)**

pour le BIDDH :

- Poursuivre la réflexion sur l'articulation des travaux des représentants personnels de la présidence avec le BIDDH pour une meilleure cohérence et efficacité des activités au sein de la dimension humaine de l'OSCE ;
- Mieux prendre en compte les formes multiples de discrimination dans la promotion des droits de l'Homme et la lutte contre l'intolérance.

### **Giuseppe Dossetti Observatory for Religious Tolerance and Freedom**

The OSCE/ODIHR is called upon to:

- develop Guidelines for educators on countering intolerance and discrimination against Christians.

### **Turkey**

- ODIHR should continue and enhance its valuable work on educating Muslim communities about hate crimes.

### **Wednesday, 1 October 2014**

### **WORKING SESSION 14: Fundamental freedoms II, including freedom of thought, conscience, religion or belief**

#### *Recommendations to participating States*

#### **Central Council of the African Community in Germany**

- As we embark on the Decade of the People of African descent, the European Year for Development, Beijing + 20, we strongly advocate the German government for people of African descent, their organizations and the African

community to be strongly involved in continuous efforts for the implementation of the European plan of action.

- First and foremost, we urge the German government and all participating States to take all necessary measures to ensure the security of African people, children, women and men on land and at sea.

### **International Civil Liberties Alliance (ICLA)**

- That OSCE incite participating states to adopt legislations empowering participating states to requalify as “political and anti-democratic” every organization which regularly promote sharia in its activities. And especially so in all educational activities targeting children.
- That ODIHR, during the law elaboration process, stays vigilant about the need of a legal framework respecting scrupulously the freedom of belief and of religion of other groups and individuals.

### **Kyrgyzstan**

В условиях Кыргызской Республики было бы очень полезным получить сравнительный анализ законодательства и практик по таким актуальным вопросам как:

- Проблемы регистрации религиозных организаций;
- Стандарты проведения экспертизы на предмет экстремизма и разжигания розни;
- Практика наличия молельных комнат в государственных учреждениях;
- Регулирование вопроса о платках в школах;
- Способы разрешения сложностей в процессе захоронения иноверцев и многих других.

Такая работа и публикация ее результатов была бы важным вкладом в развитие потенциала государственных служащих и экспертного сообщества, заинтересованных в том, чтобы государство обеспечивало своим гражданам соблюдение их прав на свободу совести и вероисповедания.

### **Observatory on Intolerance and Discrimination Against Christians in Europe**

Recommendations to OSCE/ODIHR and participating states:

Today, we see several attempts to curb freedom of conscience. Combatting a worsening of the situation, we would like to introduce four recommendations:

- It is worrisome when governmental institutions to call for a ‘regulation’ of conscientious objection, fearing an „excessive use“ of freedom of conscience. We recommend to participating states, to be extremely careful when considering regulating a fundamental right – because regulation means restriction.
- There are some who claim that “human rights, including rights to conscientious objection, apply only to individuals and not to institutions” and that, for this reason, Christian hospitals, or even Christian Churches, are not entitled to them. This is wholly wrong: it is said nowhere in international law that human rights can only be exercised individually; on the contrary, with

regard to certain human rights, their collective nature is explicitly recognised. We recommend to participating states, to protect also the collective dimension of freedom of religion and conscience.

- Some states claim that conscientious objection is fine as long as a successful and supervised referral to someone else is mandatory. But a referral is equally unacceptable, as it presents a form of cooperation which is morally comparable to performing the procedure oneself. We recommend to participating states not to oblige anyone to refer to someone else for a valid objection of conscience.

### **Core Issues Trust**

Core Issues Trust requests the participating states of the OSCE, and the ODIHR to:

- observe the UK government's failure to protect the 'ex-gay' minority by promoting viewpoint discrimination by public bodies including the judiciary, and
- recognise the dangers of political indoctrination currently evident in UK political society which allows only one viewpoint to be promoted in advertising space, and
- note the imbalance of resources being exploited in this case by those refusing to allow the expression of a contrary point of view.

### **Open Viewpoint Public Foundation**

Recommendations:

- Ensure that the 2008 law "On Freedom of Religion and Religious Organizations in the KR" is brought into accordance with provisions of the constitution of the KR and ICCPR, ensure the rights of all religious individuals to exercise all human rights and freedoms in all areas.
- Ensure proper strengthening of laws in the KR that protect against discrimination based on religion, regardless of citizenship, sex, affiliation with particular religious groups, and in particular protect the rights of religious minorities to exercise all rights and freedoms along with other members of society.
- The state should educate on religious diversity and the existence of different faiths in society, which would also be provided with equal opportunity to exercise their rights as well as be guaranteed safety and protection.
- The State and its representatives should ensure effective measures to combat discrimination and proper supervision of the observance of international obligations which have been voluntarily assumed by the Kyrgyz Republic.
- Encourage the Kyrgyz Republic to conduct a functional analysis of the authority of the State Commission on Religious Affairs in order to ensure the legality and protection of interest of religious organizations as well as the rights and freedoms of every religious individual.
- Ensure the principle of participation and involvement of all faiths in the

decision-making process of issues related to freedom of religion and the activities of religious organizations in the KR, including in the Jogorku Kenesh as well as in the government or with the participation of the president.

- Enforce constitutional guarantees and obligations of the state-party at the local level (local self-governance, municipalities), in particular taking control of decisions and practices of local governments (burial, security and protection, conducting due process).

### **Human Rights Without Frontiers**

Human Rights Without Frontiers Int'l recommends to the government of Turkmenistan:

- To release objectors to military service and to adopt a legislation creating an alternative civilian service
- To grant all religious communities the right of association, assembly and worship
- To allow believers of any religion to share their beliefs individually or collectively
- To lift censorship on the publication, production and import of religious literature
- To decriminalize the religious activities of unregistered religious groups and their members

### **Forum 18**

Participating States, OSCE institutions and field operations could:

- insist that human dimension commitments are implemented in full by all participating States;
- situate OSCE religious tolerance and non-discrimination work within a human rights for all perspective, prioritising respect for the freedoms of religion or belief, expression, assembly, and other human rights and fundamental freedoms including the right to be free from torture;
- mainstream work to ensure and promote freedom of religion or belief with its interlinked human rights, for example building on the work of the ODIHR Human Rights Department;
- use tools such as the EU Guidelines on the promotion and protection of freedom of religion or belief, the OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and the OSCE Guidelines on the Protection of Human Rights Defenders.

### **Center for Information and Analysis (SOVA)**

Our recommendations for OSCE participating states:

- Do not use lists of banned literature as an instrument for protecting tolerance, including religious tolerance as this tool has already demonstrated a complete

lack of efficiency, and it generates a lot of human rights violations.

- Accept the fact that religious tolerance should be protected by the same mechanisms as other forms of tolerance, and refrain from creating special rules that restrict certain freedoms for the sake of specifically religious tolerance.
- Disavow any and all laws that interpret religious polemics as incitement to religious hatred, and to revise the previously adopted solutions reflecting this spirit.
- Prevent enactment of new laws and other legal acts that are aimed at restriction against public expression of religious beliefs.
- Develop an effective mechanism for adopting decisions on the construction of religious buildings.

### **Order of St. Andrew the Apostle, USA**

The Order, therefore, respectfully submits that in order to comply with the tenants of the OSCE, to which the Turkish Government has committed, the Turkish Government, without further delay, must undertake the following:

- Officially recognize that the Ecumenical Patriarchate and its institutions, as well as the institutions of other non-Muslim religious denominations and faiths in Turkey, have legal personality and standing, with rights to acquire, own, build and repair property. If necessary, the laws related to minority foundations should be amended.
- Fairly and expeditiously implement the August 2011 decree allowing for the return of confiscated property. The decree should be converted into settled law, and a truly independent body should be appointed to implement the law.
- Allow the Ecumenical Patriarchate to reopen the Theological School of Halki.
- Continue the reform process in connection with the election of a new Ecumenical Patriarch and abstain completely from any national or local government interference related to the internal governance of the Ecumenical Patriarchate or any other non-Muslim religious body.
- Fully implement the 1948 Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which Turkey has subscribed, and interpret the 1923 Lausanne Treaty so as to provide equal rights to all religious minority communities.
- Publicly commit that Hagia Sophia will remain a museum, as it has since 1935.

### **Church of Scientology; Human Rights Office**

- We urge the French authorities to draw the necessary conclusions from this outcome. The countries of the Council of Europe, in alignment with the OSCE guidelines on non-discrimination on the basis of religious affiliation, do not want such a discriminatory system as the one existing in France. We are open to any discussion on this topic with the French representatives, and

respectfully ask the ODIHR to engage in discussions with France to put an end to discrimination against religious minorities in this country.

### **European Association of Jehovah's Christian Witnesses**

Jehovah's Witnesses respectfully request the government of Bulgaria to:

- Ensure that law enforcement authorities provide appropriate protection against the physical assaults on Jehovah's Witnesses, and acknowledge acts of religious hatred;
- Protect the right to manifest one's religious beliefs individually and jointly with others;
- Allow Jehovah's Witnesses to build houses of worship without interference or discrimination; and
- Hold responsible those who, by means of public media, slander others and incite religious hatred.

Jehovah's Witnesses respectfully request the government of Kyrgyzstan to:

- allow Jehovah's Witnesses to register local religious organizations in the southern regions of Kyrgyzstan and to terminate the criminal prosecution of Ms. Koriakina and Ms. Sergienko.

Jehovah's Witnesses respectfully request the government of Kazakhstan to:

- stop persecuting the Witnesses for so-called "missionary activity," prevent illegal police interference with Jehovah's Witnesses' right to peaceful assembly, cease imposing bans on the religious publications of Jehovah's Witnesses, and fulfill its obligations under international law to guarantee the right to freedom of religion, expression, assembly and association.

Jehovah's Witnesses respectfully request the government of Tajikistan to:

- register them with full legal status, allow them to legally import their religious literature, and stop illegal interrogations and intimidations.

Jehovah's Witnesses respectfully request the government of Turkey to:

- implement an alternative civilian service program in harmony with European standards and to allow them to build and register places of worship by properly applying the zoning law.

Jehovah's Witnesses respectfully call upon the government of Turkmenistan to:

- Grant official registration to Jehovah's Witnesses;
- Grant amnesty to those imprisoned as conscientious objectors and on false charges;
- Consider the introduction of a genuine alternative civilian service;
- Desist with threats, illegal searches and seizures, false accusations, beatings, and inhumane treatment against Jehovah's Witnesses; and
- Allow Jehovah's Witnesses to legally import and share their Bible based literature.

Jehovah's Witnesses respectfully request the government of Uzbekistan to:

- Register them in Tashkent and other Uzbekistan cities;
- Stop illegal searches and seizures of religious literature from their homes; and
- Stop arresting and prosecuting them for attending peaceful religious gatherings.

Jehovah's Witnesses in Russia respectfully appeal to the Russian authorities to promptly take positive steps to protect the freedom of religion of Jehovah's Witnesses:

- Abide by the PACE Resolution 1896(2012), and refrain from misapplying the law on extremist activities against Jehovah's Witnesses; terminate all legal cases and criminal investigations against Jehovah's Witnesses based on extremist charges;
- End the persecution of Jehovah's Witnesses in Taganrog and Samara;
- Remove publications of Jehovah's Witnesses from the Federal List of Extremist Materials;
- Register the Moscow Community of Jehovah's Witnesses; and
- Prevent further illegal police interference with Jehovah's Witnesses' peaceful exercise of their freedom of religion and freedom of assembly.

### **All-Russian Public Organization of Assistance to the Protection of Freedom of Conscience**

- Предлагаю дать положительную оценку действий Российской Федерации по обеспечению соблюдения основных документов ОБСЕ в сфере свободы совести и поддержать инициативы РФ в этом направлении.

### **Forum for Religious Freedom Europe (FOREF)**

- FOREF urges the government of Azerbaijan to halt the persecution of Jehovah's Witnesses, whose worship services have been disrupted by police officers, and whose members have been fined. Religious texts, including Islamic and Old Testament passages, as well as those of the Jehovah's Witnesses have been banned.

### **International Partnership for Human Rights (IPHR)**

OSCE participating States should:

- Refrain from exploiting security concerns to advocate and enforce restrictions on freedom of religion that are inconsistent with their international human rights obligations, and publicly acknowledge that freedom of religion is an inherent right of all citizens that cannot be denied.
- Abolish requirements of compulsory registration of religious communities, as well as any offences for unregistered religious activity laid down by national legislation, and ensure that all religious groups that so wish can obtain registration in a simple, transparent and fair process.
- Bring all legislation and practice affecting freedom of religion into compliance

with relevant international human rights standards, including the strict criteria for any permissible limitations of this right set out in article 18, par. 3 of the International Covenant on Civil and Political Rights. To this end, States should consult with international and national experts and make use of the guidelines and assistance offered by the ODIHR and other human rights bodies.

- Publicly condemn intolerance and discrimination toward religious minority groups; investigate and hold accountable those guilty of religiously motivated discrimination and attacks; and work with civil society and different faith communities on promoting religious tolerance in practice.
- Ensure that no one is arrested or imprisoned for their peaceful exercise of freedom of religion and that any individuals charged in relation to their religious activities are granted fair proceedings in full accordance with requirements set out by international law and that any allegations of torture or ill-treatment against them are promptly and impartially investigated.
- Refrain from returning or cooperating in the return of individuals charged with offenses of a religious nature to countries where they would be at risk of torture and other serious human rights violations.

Russia and those parties claiming authority on the Crimean Peninsula should:

- Publicly acknowledge that freedom of religion is an inherent right of all people that cannot be denied including through the enactment of restrictive legislation;
- Refrain from exploiting security concerns to enact and enforce prohibitive, antagonistic legislation such as the “anti-extremism” law, which is inconsistent with international human rights obligations;
- Bring all legislation and practice affecting freedom of religion into compliance with relevant international human rights standards, including the strict criteria for any permissible limitations of this right set out in Article 18, Paragraph 3 of the International Covenant on Civil and Political Rights;
- Publicly condemn intolerance and discrimination toward religious minority groups and hold accountable those guilty of religiously motivated discrimination and attacks including abuses perpetrated by members of law enforcement bodies;
- Ensure that any individuals charged with criminal or civil misconduct in relation to their religious activities are granted fair proceedings in full accordance with requirements set out by international law;
- Work with civil society and different faith communities to promote religious tolerance in practice.

OSCE Participating States and OSCE institutions should:

- Consistently affirm the that international community does not recognize Russian authority in Crimea and hold Russia accountable for violations of its

- obligations as an occupying force under the Geneva Conventions to guarantee the rights of those falling under its effective control;
- Publically acknowledge the illegitimate implementation of “anti-extremism” legislation in Crimea and hold both Russian and local authorities accountable for the violations of the fundamental right of freedom of religion and belief under international law;
- Publicly and unequivocally communicate solidarity with those who have suffered abuse of their right to freedom of religion and use all available channels to provide support by raising awareness of violations, monitoring trials and trends of harassment, and demanding accountability for violations.

### **United States of America**

As the United States has almost no diplomatic relations with Belarus, USCIRF recommends that the U.S. government should publicly raise Belarusian religious freedom violations at appropriate international fora, such as the OSCE and the UN, including the need to reform the religion law and calling for the dropping of all criminal charges against Catholic Father Lazar.

#### *Recommendations for U.S. Policy*

For the past decade, U.S. policy in Azerbaijan was dominated by the Afghan war, and human rights and religious freedom were not major concerns. USCIRF believes that this policy was shortsighted. The evolving regional geopolitical situation may or may not create new security imperatives for the United States, but USCIRF recommends that the U.S. government prioritize religious freedom and related human rights in Azerbaijan by:

- Pressing the Azeri government to allow religious groups to operate freely without registration and to amend the religion law registration process to ease its requirements and make it voluntary;
- Encouraging public scrutiny of Azerbaijan’s religious freedom record in international fora, such as the UN, the Council of Europe (CoE) and the OSCE, and highlight cases of prosecution of Azeri citizens that violate international norms in comments at such fora;
- Urging the Azeri government to agree to visits by UN Special Rapporteurs on Freedom of Religion or Belief, the Independence of the Judiciary, and Torture, set specific visit dates, and provide the full and necessary conditions for such visits;
- Ensuring that the U.S. Embassy in Azerbaijan maintains active contacts with Azeri human rights activists and press the Azeri government to ensure that every prisoner has greater access to his or her family, human rights monitors, adequate medical care, and a lawyer;
- Specifying freedom of religion as a grants category and area of activity in U.S. government programming in Azerbaijan; re-establish funding for the State Department’s Title VIII program for research, including on religious freedom and human rights, and language programs; and encourage the publicly- funded National Endowment for Democracy to make grants for civil society programs

on tolerance and freedom of religion or belief; and

- Encouraging the Broadcasting Board of Governors to increase radio, Internet, and other broadcasting, particularly in the Azeri language, on Azerbaijan's human rights and religious freedom record and freedom of religion or belief as an element of U.S. foreign policy.

*Recommendations for U.S. Policy*

For the past decade, U.S. policy in Central Asia was dominated by the Afghan war, and human rights and religious freedom were not major concerns. USCIRF believes that this policy was shortsighted. The evolving regional geopolitical situation may or may not create new security imperatives for the United States, but USCIRF recommends that the U.S. government prioritize religious freedom and related human rights in Kazakhstan by:

- Pressing the Kazakh government to reform the 2011 religion law to permit unregistered religious groups to operate freely and to end police raids of religious meetings and penalties for members and religious leaders, and ensuring that the U.S. Embassy in Kazakhstan actively monitors religious freedom cases and presses the Kazakh government to drop
- all criminal charges against Pastor Kashkumbayev and Aleksandr Kharlamov and to ensure that prisoners have access to family, human rights monitors, adequate medical care, and legal representation;
- Encouraging President Nazarbaev to speak publicly about respect for religious freedom for all Kazakhstanis and to include members of the country's minority religious communities in the Congress of World and Traditional Religions, a state-funded conference of international religious leaders held biannually in Astana;
- Encouraging public scrutiny of Kazakhstan's record on religious freedom and related human rights in appropriate international fora, such as the UN and OSCE, and encouraging the UN Regional Centre for Preventive Diplomacy for Central Asia (UNRCCA) to enhance the human rights aspect of its mandate of assistance in more effective government responses to terrorism and extremism;
- Specifying freedom of religion as a grants category and area of activity in U.S. government programming in Kazakhstan, re-establishing the State Department's Title VIII program to fund research, including on religious freedom and human rights, and language programs, and encouraging the publicly-funded National Endowment for Democracy to make grants for civil society programs on tolerance and freedom of religion or belief; and
- Encourage the Broadcasting Board of Governors to increase radio, Internet, and other broadcasting, particularly in the Kazakh language, on Kazakhstan's human rights and religious freedom record and freedom of religion or belief as an element of U.S. foreign policy.

- USCIRF recommends that the U.S. government should urge Kyrgyzstan to seek expert advice from relevant OSCE entities concerning any draft legislation pertaining to freedom of religion or belief, and should publicly raise Kyrgyzstan's religious freedom violations at appropriate international fora, such as the OSCE and the UN.

*Recommendations for U.S. Policy*

In response to continuing violations of religious freedom in Russia, USCIRF recommends that the U.S. government should:

- Implement fully the Sergei Magnitsky Rule of Law Act, which imposes U.S. visa bans and bank asset freezes against Russian officials, including Chechen President Kadyrov, who violate human rights, by continuing to name such officials and including them in the Politically Exposed Persons list;
- Make freedom of religion or belief a key human rights and security concern in the U.S.-Russia relationship and press Russia to reform its extremism law in line with Council of Europe recommendations, such as by adding criteria related to the advocacy or use of violence and ensure the law is not used against peaceful religious communities;
- Include in U.S.-funded exchanges participants from Russian regions with sizeable Muslim and other minority populations and initiate an International Visitors Program for Russian officials and lawyers on the prevention and prosecution of hate crimes and other human rights issues;
- Give priority to re-programming funding from the \$50 million slated for the now-defunct USAID Russia program to a range of civil society programs, such as a new Internet program to address historical, religious and cultural issues as well as programs on tolerance and freedom of religion or belief; and
- Re-establish funding for the State Department's Title VIII program for research, including on religious freedom and human rights, as well as for language programs related to the study of Eurasia.

*Recommendations for U.S. Policy*

For the past decade, U.S. policy in Central Asia was dominated by the Afghan war, and human rights and religious freedom were not major concerns. USCIRF believes that this policy was shortsighted. The evolving regional geopolitical situation may or may not create new security imperatives for the United States, but USCIRF urges the U.S. government to prioritize religious freedom and related human rights in Tajikistan. In addition to recommending that the U.S. government designate Tajikistan as a CPC, USCIRF recommends the U.S. government should:

- Press Tajik officials to work with civil society to bring the 2009 religion law and other relevant laws into conformity with international commitments, including those on freedom of religion or belief, and criticize publicly violations by the Tajik government of those commitments;
- Continue to monitor the trials of those charged on account of their religious affiliation, and work with the international community, particularly the

- Organization on Security and Cooperation in Europe (OSCE), to provide training for the judiciary in civil law and human rights standards;
- Urge the Tajik government to agree to visits by UN Special Rapporteurs on Freedom of Religion or Belief, the Independence of the Judiciary, and Torture, set specific visit dates, and provide the full and necessary conditions for such a visit;
  - Ensure that the U.S. Embassy maintains active contacts with human rights activists and press the Tajik government to ensure that every prisoner has greater access to his or her family, human rights monitors, adequate medical care, and a lawyer;
  - Ensure that U.S. assistance to the Tajik government, with the exception of aid to improve humanitarian conditions and advance human rights, be contingent upon the government establishing and implementing a timetable of specific steps to reform the religion law and improve conditions of freedom of religion or belief; and
  - Re-establish funding for the State Department's Title VIII program for research, including on religious freedom and human rights, as well as for language programs related to the study of Eurasia.

*Recommendations for U.S. Policy*

For the past decade, U.S. policy in Central Asia was dominated by the Afghan war, and human rights and religious freedom were not major concerns. USCIRF believes that this policy was shortsighted. The evolving regional geopolitical situation may or may not create new security imperatives for the United States, but USCIRF urges the U.S. government to prioritize religious freedom and related human rights in Turkmenistan. In addition to recommending that the U.S. government designate Turkmenistan as a CPC, USCIRF recommends that the U.S. government should:

- Raise human rights and religious freedom in all bilateral meetings with the Turkmen government, urge it to adopt new laws and practices that comply with international human rights standards, establish a regular reporting mechanism on these issues, and call for the release of religious prisoners, including conscientious objectors;
- Ensure that the U.S. Embassy maintains active contacts with human rights activists and press the Turkmen government to ensure that every prisoner has greater access to his or her family, human rights monitors, adequate medical care, and a lawyer;
- Encourage public scrutiny of Turkmenistan's record on religious freedom and related human rights in appropriate international fora, such as the UN and OSCE, and encourage the UN Regional Centre for Preventive Diplomacy for Central Asia (UNRCCA), which is based in Turkmenistan and seeks to encourage more effective government responses to terrorism and extremism, to enhance the human rights aspect of its work;
- Urge the Turkmen government to agree to another visit by the UN Special Rapporteur on Freedom of Religion or Belief, as well as visits from the

- Rapporteurs on Independence of the Judiciary and on Torture, set specific visit dates, and provide the full and necessary conditions for their visits;
- Encourage the Broadcasting Board of Governors to increase radio broadcasts and Internet programs to Turkmenistan, including information on religious freedom, human rights and basic education, to help overcome decades of isolation, and continue to press for resumption of the U.S. Peace Corps program that existed for 20 years, which the Turkmenistan government ended in 2013; and
- Re-establish funding for the State Department's Title VIII program for research, including on religious freedom and human rights, as well as for language programs related to the study of Eurasia.

*Recommendations for U.S. Policy*

For the past decade, U.S. policy in Central Asia was dominated by the Afghan war, and human rights and religious freedom were not major concerns. USCIRF believes that this policy was shortsighted. The evolving regional geopolitical situation may or may not create new security imperatives for the United States, but USCIRF urges the U.S. government to prioritize religious freedom and related human rights in Uzbekistan. In addition to recommending that the U.S. government continue to designate Uzbekistan as a CPC, USCIRF recommends that the U.S. government should:

- Lift the waiver on taking any action in consequence of the CPC designation, in place since January 2009, and impose sanctions if conditions do not improve within 90-180 days, including a ban on visits to the United States by high-level Uzbek officials;
- Ensure that U.S. statements and actions are coordinated across agencies so that U.S. concerns about human rights are reflected in its public statements and private interactions with the Uzbek government, including calls for the release of religious prisoners and conscientious objectors;
- Ensure that the U.S. Embassy maintains active contacts with human rights activists and press the Uzbek government to ensure that every prisoner has greater access to his or her family, human rights monitors, adequate medical care, and a lawyer;
- Make U.S. assistance, except humanitarian assistance and human rights programs, contingent on the Uzbek government's adoption of specific actions to improve religious freedom conditions and comply with international human rights standards, including reforming the 1998 religion law and permitting an international investigation into the 2005 Andijon events;
- Encourage the Board for Broadcasting Governors to ensure continued U.S. funding for the Uzbek Service of the Voice of America, which has been threatened in the recent past;
- Re-establish funding for the State Department's Title VIII program for research, including on religious freedom and human rights, as well as for language programs related to the study of Eurasia; and

- Press for UN Human Rights Council scrutiny of the human rights situation in Uzbekistan, as well as raise concerns in other multilateral settings, such as the OSCE, and urge the Uzbek government to agree to visits by UN Special Rapporteurs on Freedom of Religion or Belief, the Independence of the Judiciary, and Torture, set specific visit dates, and provide the full and necessary conditions for such visits.

### **Giuseppe Dossetti Observatory for Religious Tolerance and Freedom**

Participating States are urged to:

- benefit from the Guidelines on the Legal Personality of Religious or Belief Communities in drafting and reviewing legislation pertaining to registration of religious communities.
- return to religious communities the place of worship which were confiscated by public authorities, returning them to the original owner instead allocating to other religious.
- adopt legislation and zoning laws which prohibits zoning of place of worship for different use than original.
- promote a dialogue between the representatives of the religious communities that are building a new place of worship and the religious communities historically present in the places in order to foster a climate of mutual tolerance and respect between believers of different communities.
- guarantee the right to wear religious symbols and attire in public spaces, which is encompassed by the freedom of religion or belief.
- guarantee the conscientious objection not only to the compulsory military service but also in relation to all morally sensitive questions.
- not force children to a compulsory religious or ethical teaching which may be not consistent with the convictions of the children's parents, providing for this case non-discriminatory opt-out possibilities.
- engage in consultations with religious communities in order to adopt anti-discrimination laws which do not violate the autonomy and self-organization of the religious communities.
- foster the participation of religious communities in public life and welcome the interventions in the public debate of the religious leaders.
- request the assistance of the OSCE/ODIHR in reviewing or drafting legislation pertaining freedom of religion or belief.
- mainstream freedom of religion or belief in their foreign policies.

### **Foundation "CitizenGO"**

Recommendations:

- Defend the respect of the human right of freedom of conscience, which is unable to exist with radical atheism and aggressive feminism;
- Be critical of legal documents and the rulings of the courts, which include in

their justification unlimited abortion without considering the human values they violate including the freedom of conscience of every member of the medicine staff;

- to demand the respect and protection of the members of the medicine staff, who refuse to participate at the abortion;
- to promote freedom of conscience as the strategic goal for the development of the human rights protection.

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

To the OSCE participating States:

- Taking all appropriate measures to conduct their activities in such a manner as to protect places of warship and other religious objects in conformity with customary international law and the principles and objectives of international agreements, relevant UNESCO recommendations as well as provisions of the Kyiv Ministerial Council Decision 3/13 on Freedom of Thought, Conscience, Religion or Belief;
- Adopting appropriate domestic legislation and agree on common standards, in line with relevant international instruments that will encourage ratifying all additional Protocols to the Hague Conventions of 1954 and Geneva Conventions of 1949;
- Elaborating and establishing an OSCE mechanism on protecting places of warship and other religious objects in “hybrid” war;
- Broadening of the HDIM’s agenda to include follow up issues on fulfillment of relevant provisions of IHL depending on current security situation in the OSCE area;
- Providing access to their territories by the international fact-finding missions aimed at verifying the possible destruction of warship’s places and religious objects as well as violence committed toward clergy and lay people, etc.;
- Supporting creation of national monitoring system for warship’s places and other religious objects protection, etc.;
- Providing relevant information on the implementation of international commitments on warship’s places and religious objects protection under annual reporting on the OSCE Code of Conduct on Politico- Military Aspects of Security, including those related to the provisions of the Kyiv Ministerial Council Decision 3/13 on Freedom of Thought, Conscience, Religion or Belief;
- Organizing/updating special training programmes, elaborating national regulations on cultural objects and warship’s places protection;
- Providing thorough investigation and effective criminal sanctions against perpetrators violated relevant international commitments on warship’s places and religious objects protection in conflict areas.

To the OSCE Chairmanship:

- Furthering efforts on the initiative on revitalizing the role of the OSCE as regional arrangement under Chapter VIII of the United Nations Charter in order to encourage pS ratifying and fully implementing all additional Protocols to the Hague Conventions of 1954 and Geneva Conventions of 1949;
- Updating mandates of its three Personal Representatives on combating intolerance and discrimination to cover issues of warship's places and other religious objects protection;
- Initiating follow up meeting on implementation of the international commitments on warship's places and other religious objects protection in the OSCE area, incl. those relevant to the Kyiv Ministerial Council Decision 3/13 on Freedom of Thought, Conscience, Religion or Belief, the OSCE Code of Conduct on Politico-Military Aspects of Security, etc.

To the national religious communities and NGOs:

- Establishing/maintaining close cooperation with relevant OSCE institutions and FOPS as well as non-governmental international organizations such as the International Committee of the Blue Shield, etc.;
- Preparing suggestions for national regulations on cultural objects and warship's places protection;
- Creating national monitoring system for warship's places and religious objects protection with active involvement of informal military chaplains services;
- Participating in governmental bodies related to cultural objects protection and monitoring of investigation of all national violations of international commitments on warship's places and religious objects protection, etc.

Implementation of the proposed recommendations should take place in partnership with public institutions and civil society organizations, in an inclusive and transparent manner. Civil society can play a key role here, helping to build bridges and inspiring governments to act.

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

The Turkish Minority of Western Thrace urges Greece to:

- Take necessary steps to recognize the popularly elected muftis, and abolish the practice of state appointed officials / imams that is against the religious autonomy of the Turkish-Muslim minority,
- Ensure the revision of the law No: 3647/2008 regarding the charitable foundations (Wakfs) passed by the Greek Parliament and entered into force on February 29, 2008, which was prepared without taking the opinion and will of Western Thrace Turkish Minority and recognize that it cannot be accepted or implemented in its current form.

### **Muslim Problems Research Center**

In this regard, we recommend to Government of the Russian Federation:

- Cease the activity of anti-extremist legislation.

- Cease the action of all the lists of extremist literature, Internet-resources, persons suspected of extremist activity.
- Give the legal certainty to the notion of extremism and include in this definition such a qualifying feature as violence or obvious call for it. Perhaps, it is worth to pay attention to recommendations given in the conclusion No.660/211 of European Commission for Democracy through law concerning the Federal law “On countering extremist activity” adopted by the Venice Commission at 91-1 plenary session from June 15-16, 2014. And also consider the possibility to refuse of anti-extremist legislation at all since it just duplicates already-existing articles in the Criminal Code of the Russian Federation that involve criminal responsibility for violent crimes committed on the grounds of race, ethnic, religious, political hostility, as well as there are the articles with clear-cut and easy-to-understand legal effects for threat of homicide and other speeches founded on hatred and animosity by the above-mentioned features.
- Rehabilitate all the citizens subjected to prosecution according to anti-extremist legislation existed before the moment of introduction of changes in it.

### **Christian Solidarity Worldwide (CSW)**

CSW recommends that Turkey take the necessary measures to:

- Remove all reservations to international human rights treaties and uphold the rights outlined in the international statutes to which it is party;
- Ensure that all belief groups and their institutions can obtain legal personality and exercise their internationally established rights;
- Ensure that the Turkish state, including the Diyanet, acts in a non-discriminatory manner in accordance with Turkey's international human rights commitments on freedom of religion or belief;
- Remove the religion section on identity cards;
- Enable the establishment of clerical and theological institutions for all religions;
- Effectively prosecute those who attack places of worship or individuals due to their religion or belief and provide the victims of rights violations with reparations;
- Educate all public officials, including those charged with law enforcement in their duty to protect the rights of religious minorities in a manner consistent with the international human rights framework on freedom of religion or belief;
- Monitor the implementation of the decree returning confiscated properties to minority communities, to ensure that the General Foundations Board of Turkey processes each application for return of assets quickly and fairly.
- CSW further calls on OSCE participating States and institutions:
- To encourage and assist the Turkish authorities in promoting greater interfaith

harmony and understanding in accordance with the accepted international human rights standards on freedom of religion or belief.

### **Open Viewpoint Public Foundation**

Recommendations:

- The Government of the Kyrgyz Republic to provide systematic training of its employees on constitutional and international standards of human rights and freedoms, including in the area of freedom of religion;
- Parliament to revise legal acts that are contrary to the Constitution of the Kyrgyz Republic and its international commitments in the area of the right to freedom of religion;
- State Commission for Religious Affairs of the Kyrgyz Republic to abandon ineffective tools for recording and reporting on religious organizations, to expand its activities in the field of conflict prevention and the establishment of mutual tolerance and respect between the followers of different religions, believers and atheists.
- Parliament shall eliminate limitations of the right to freedom of religion and other rights and freedoms in the legislation, in accordance with the Constitution of the Kyrgyz Republic and international standards of human rights and freedoms.
- The Government of the Kyrgyz Republic to take into account the results of examination of normative legal acts in the field of freedom of religion;
- The Government of the Kyrgyz Republic, together with experts and advocates, to develop a new design concept for state policy in the sphere of religion.

### **Norwegian Helsinki Committee**

The main recommendations of the report are unfortunately very similar to the recommendations of 2010:

- Revise the legislation in order to ensure they are in compliance with Kazakhstan's and Kyrgyzstan's international obligations and national legislation, namely to end:
  - mandatory registration of religious groups,
  - censorship of content and limitations on distribution of religious material,
  - complicated restrictions on foreign religious workers and proselytism,
  - severe punishments for religious activities that are protected by human rights law.
- In particular, we urge Kazakhstan to revise the 2011 Law on Religion, the 2014 Criminal Implementation Code and other related laws, namely to end:
  - discrimination of leaders of religious and other civil society groups;
  - and the shameful practice of enforced psychiatric confinement for religious activities that are protected by human rights law.
- We also urge the states to halt the practice of:

- unfair trials,
  - surveillance and raids on religious groups,
  - threats to signatories of documents submitted for registration of a religious group,
  - deportation of foreign citizens or exit bans of nationals for religious activities that are protected by human rights law.
- The Kyrgyz Republic is now in the process of revising its state policy on religion, and we appreciate the beginning efforts, the welcoming attitude in dialogue meetings and the invitation to provide assistance. However, there is still room for improvement in the procedures and the documents that exist as draft version at present. We therefore urge the Kyrgyz Republic to:
- Ensure that revised legislation is in compliance with international human rights documents they are signatory to and prevent provisions that contradict national legislation;
- Involve civil society actors and religious believers in a genuine dialogue in the process; ensure that necessary information is available to all participants of the working groups; and that discussion is carried out in both the official and the state languages.
- Finally, we would like to underline the need to ensure that burial can take place in the way the deceased and relatives wish in all regions of the country, having in mind the challenges that exist despite already functioning legislation.

## **Open Viewpoint Public Foundation**

Recommendations to ensure the right to religious freedom

- To ensure revision of effective law on religious freedom and religious organizations to bring it in line with the provisions of the Constitution of the Kyrgyz Republic and commitments of the Kyrgyz Republic assumed within the frame of international human rights instruments, where the Kyrgyz Republic is a party.
- To ensure training of staff of public agencies dealing with freedom of conscience and religious freedom to respect diversity of views and convictions, and to observe human rights and freedoms. To eliminate from practice of authorities and officials incorrect (insulting and discriminatory) terminology used in relation to religious organizations. To ensure legality and equal attitude to religious organizations from the part of authorities.
- To facilitate education of the society on diversity of views, which could include religious, atheistic or other views. To enable production of the relevant programs by mass media companies where the state participates as shareholder, to encourage production of the programs or coverage of these issues by private channels. To focus on fighting stereotypes that affect status of believers. To fight radicalization by means of awareness raising, education and provision of assistance.

- To establish effective communication between authorities and confessions and promote constructive inter-confessional dialogue. In this view, to refer to the international experience related to arrangement of the work aimed at development of inter-confessional interaction formats. The state should perform protocol function: interact with the confessions to identify relevant issues and find solutions.
- Registration procedure for religious organizations needs improvement in terms of harmonization with the approaches used in relation to legal entities, as well as considering rules, structures and governance bodies within the organizations. It is required to eliminate shortcomings of practice that turned believers to infringers in a view of presence of illegitimate norms.
- To ensure application of legal mechanism to combat those organizations that pursue illegal objectives, including by using religion. To ensure revision of decisions that are based on illegitimate categories, such as “sect”, “traditional religion”, “destructive organization”, “totalitarian organization”, and to bring these decisions in compliance with the law. To touch upon these issues while arranging religious expert examination.
- While interacting with religious organizations it is required to develop single approach to regulate relations between the state and confessions in the sphere of education, public and municipal service, provision of support to the activity of religious organizations within the frame of general strategy for supporting generally useful activity, considering diversity of the society and views in accordance with effective constitutional legal framework and international standards.

### **European Union (EU)**

In conclusion, the EU would like to offer the following recommendations:

- In promoting freedom of religion or belief, the indivisibility, interdependence and interrelation of human rights and the OSCE human dimension commitments should be kept in mind. The implementation of commitments in this area goes hand in hand with respect for other fundamental freedoms and human rights, especially freedom of expression and equality and non-discrimination for all without distinction. If one of them is lacking, the other one cannot be fully achieved and vice versa.
- Participating States should safeguard the rights of all persons independent of their religion or belief, or the absence thereof, by following a rights-based approach. This goes beyond promoting tolerance and urges positive measures to create an inclusive pluralistic society. States should protect all persons - not religions or beliefs in themselves - and also protect the right to express opinions on any or all religions and beliefs. We welcome ODIHR's decision to create two posts related to Freedom of Religion or Belief in its Human Rights Department.
- Participating States should create an environment that enables citizens and

groups to challenge prejudices and discrimination against any persons or communities, whether it be in the minority or the majority, on grounds of their religious or non-religious beliefs.

### **Alliance Defending Freedom**

Participating States are urged to:

- guarantee the conscientious objection not only to the compulsory military service but also in relation to all morally sensitive questions.
- not force children to a compulsory sexual, religious or ethical teaching which may be not consistent with the convictions of the children's parents, providing for this case non-discriminatory opt-out possibilities.

### **European Association of Jehovah's Christian Witnesses**

Jehovah's Witnesses respectfully request the government of Ukraine to:

- Ensure that law enforcement authorities follow through with the UN Human Rights Committee recommendations (§ 11 CCPR/C/UKR/CO/7) by providing protection against assaults on Jehovah's Witnesses, and to identify these as religious hate crimes;
- Ensure that all acts of violence against Jehovah's Witnesses are promptly and effectively investigated and that criminal cases are initiated against the perpetrators;
- Ensure that the law enforcement authorities and judicial authorities refrain from discriminating against Jehovah Witnesses by hiding investigation results and making procedural decisions that protect the perpetrators instead of victims; and
- Abide by its commitment to uphold the fundamental freedoms of Jehovah's Witnesses, as guaranteed by the Constitution of Ukraine, the European Convention on Human Rights, and the International Covenant on Civil and Political Rights.

Jehovah's Witnesses respectfully request the government of South Korea to:

- Recognize the legal right of conscientious objection to refuse military service;
- Grant amnesty for conscientious objectors now imprisoned;
- Implement alternative civilian service for conscientious objectors in line with international standards and obligations which South Korea accepted as a State party to the ICCPR; and
- Expunge the criminal record of those convicted for conscientious objection to military service and provide for rehabilitation of their civil rights.

### **Buergerbewegung Pax Europa**

Pax Europa thus recommends:

- That OSCE pS, Turkey in particular, do not only prevent their citizens from

traveling to Syria, but also make efforts to prevent their return.

- That OSCE pS demand from all organizations calling themselves ‘Islamic’ that they approve neither of the goal nor the methods of Islamic State, and that such violent behavior against Muslims and non-Muslims is contrary to Islamic teachings and tradition.
- That OSCE pS re-categorize any Islamic organization not willing to do so as ‘political’ rather than ‘religious’, subject to scrutiny by relevant authorities and intelligence agencies for seeking to undermine democracy and human rights, or even implement Sharia law.
- That Islamic organizations and representatives, including the distinguished Islamic delegates to the OSCE, undertake a joint, comprehensive effort to prove that Islamic State is acting contrary to the teachings of Islam. Carrying proof that Islam is a peaceful and tolerant religion would have the additional benefit of disarming ‘Islamophobia’.

## **Canada**

Canada's recommendations for this session are:

- For OSCE participating States to ensure that legislation pertaining to registration of religious organizations embrace the principles of Article 18 and are not used to obstruct and curtail activities of religious communities;
- For OSCE participating States to repeal the provisions of blasphemy laws that consider criticism of religious beliefs, religious organizations and religious practices or religious debate as a crime;
- For OSCE participating States to respect the right of those individuals who wish to change their religion or belief;
- For OSCE participating States to ensure that religious communities are able to peacefully practice their religion without the threat of violence and persecution.
- For OSCE participating States to cooperate and work closely with ODIHR's Human Rights and Tolerance and Non-Discrimination Departments to benefit from their expertise and experience, so as to better meet OSCE commitments on Freedom of thought, conscience, religion or belief, as well as combating hate crime and discrimination on the basis of religion.

## **Switzerland**

- Switzerland calls on all participating States as well as all religious and civil society leaders alike to speak out to prevent sectarian violence and to promote tolerance and mutual respect.

## **Soteria International**

- Soteria International recommends that Sweden consider the recent ECHR

decision and thoroughly investigate the new procedural openings to refuse the EAW when it violates human rights, as in the Bivolaru case.

#### *Recommendations to International Organizations*

##### **Set My People Free**

- To pressure the Organisation of Islamic Cooperation (OIC) to give muslims the freedom to change Religion or Belief and promote tolerance. In most of the 57 Member states of OIC conversion from Islam is illegal or punishable by death. OSCE should put more pressure on the OIC member States to give everyone the right of freedom of thought, conscience and religion and this include the freedom to change religion.
- Protection of former Muslims. Former Muslims face threats in OCSE countries from their Muslim communities for leaving Islam. OCSE countries need to take a stand and protect converts from threats, blackmailing and honour killing. The perpetrators need to be put to justice so that the converts can live free and openly confess that they are no longer muslims. Former Muslims should be protected against accusation of defaming Islam. Offer asylum for those accused of Blasphemy and Apostasy in Islam.
- Education and promotion of Religious Freedom in Islamic Institutions in Europe is key. Assure that the teaching in Islamic institution promote and implement tolerance and the application of Article 18. To stop European states of becoming a safe-heaven for radicles to hatch and their leadership to develop. Example for that is Khomeini who returned from France and stripped a whole country from its religious freedom; a country of 78 million. People in Iran are suffering until today. Today the people of Syria and Iraq are suffering under 3000 jihadist radicalised and exported from the West.
- We have all the opportunity to ensure that they are influenced by the values of Tolerance, Freedom, Justice and Equality and how to live in a multi-cultural society. If the situation in Europe is as bad for immigrants as we heard on Tuesday evening working session we will not have thousands every day trying to come to Europe illegally. They are coming because they are seeking security and are attracted to Europe values of freedom, equality and justice which they miss in their home land. We need to keep the teaching this values on top of our agenda.

#### *Recommendations to the OSCE*

##### **Coordination des Associations et Particuliers pour la Liberte de Conscience**

- CAP respectfully requires that the OSCE intervenes with the French government so that such policy and measures cease and freedom of religion or belief is restored in France.

##### **Observatory on Intolerance and Discrimination Against Christians in Europe**

- Anti-discrimination policies may cause a kind of „reverse discrimination“ –

namely an unintended discrimination as a side effect. Excessive regulation of private conduct with regard to discrimination on the grounds of religion or sexual orientation may cause conscience problems and discrimination of Christians. We recommend to ODIHR to look more deeply into this problem; and to participating states not to extend anti-discrimination legislation to private businesses.

### **ELEUTHEROS (Pour le droit d'etre Chretien)**

Recommandations OSCE :

- Le respect et la prise en compte de nos convictions chretiennes
- Que ces convictions prennent le pas sur toutes motivations commerciales d'entreprises qui, pour des raisons ecnomoiques et flnancieres, s'alignent sur les interets de cornmunautes religieuses qui ne sont pas les nôtres.'
- Que les pays participants notamment la France rendent obligatoire l'étiquetage des produits issus des abattages rituels et [ou de tout autre ingredient ou préparation incluant un rituel halal ou casher.

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

To the ODIHR:

- Organizing in cooperation with other international institutions an expert meeting on promotion cultural objects and warship's places protection in the OSCE area based on relevant provisions of the Document of the Cracow Symposium on the Cultural Heritage of the CSCE Participating States of 1991, the OSCE Code of Conduct on Politico-Military Aspects of Security and the Kyiv Ministerial Council Decision 3/13 on Freedom of Thought, Conscience, Religion or Belief;
- Supporting the creation of the international fact-finding missions as well as network of national focal points on places of warship and religious objects protection;
- Elaborating a best practice guide on places of warship and other religious objects protection in "hybrid" war.

To the OSCE field operations (incl. OSCE SMM to Ukraine):

- Monitoring the ongoing humanitarian crisis in the East of Ukraine and in the occupied Crimea with unbiased focus on violations against warship's places and other religious objects;
- Providing practical support and advise on the ground to all non-governmental actors involved in elaboration of protective measures, establishing contacts with authorities and creation of monitoring network;
- Developing new projects in affected host countries on places of warship protection;
- Providing support and maintain contacts with civil monitoring networks and initiatives on protection of places of warship;

- Executing complementarity coordination efforts between different FOPS and fact-finding missions of other international organizations deployed in common area of responsibility.

### **Azerbaijan**

- We would call OSCE to pay much closer and needed attention to the desecration and destruction of cultural and religious monuments in the occupied territories of the Republic of Azerbaijan. We are fully convinced only through concerted international efforts such shameful acts of violence could be prevented and their results and consequences eliminated.

### **Norwegian Helsinki Committee**

To the international community:

- Address freedom of religion or belief from a human rights-based perspective as an individual and collective human right for all, not from a perspective that splits consideration of this freedom based on beliefs;
- Underline the importance of respecting privacy, rule of law and human rights, including freedom of religion or belief, in protecting the population from terrorism;
- Halt the threat of the "traditional" values, beliefs and communities approach to established human rights universality, state responsibilities and terminology, and return to the intrinsic principle of human dignity for all.

### **Alliance Defending Freedom**

The OSCE/ODIHR and to the OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief are called upon to:

- assist - in cooperation with the Advisory Panel of Experts on Freedom of Religion or Belief - the participating States in reviewing or drafting legislation pertaining freedom of religion or belief in order to guarantee the right to conscientious objection in all morally sensitive questions, providing that the rights of others to be free from discrimination are respected and that the access to lawful services is guaranteed.
- assist the participating States in reviewing or drafting legislation pertaining to freedom of religion or belief in order to guarantee (a) that the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions is fully respected and (b) that the participating States provide non-discriminatory opt-out possibilities that would accommodate the right of parents.

**Wednesday, 1 October 2014**

**WORKING SESSION 15: Fundamental freedoms II (continued),  
including freedom of movement**

### Recommendations to participating States

#### **United States of America**

- We also call on all participating States to fully uphold their OSCE human dimension commitments and neither interfere with nor harass civil society participants who have participated in and/or attended HDIM or similar events.

#### **European Center for Artsakh (EUCFA)**

- I would like to recommend taking action to eliminate artificial and deliberate barriers in limiting the freedom of movement in conflict zones, thus providing equal rights to everybody in the OSCE area.

#### **Russian Federation**

- Поэтому настоятельно призываем те государства, которые не готовы выполнять свои политические обязательства по облегчению и отмене визовых режимов, зафиксированные в Хельсинкском Заключительном акте, пересмотреть свои позиции.

#### **Human Rights Educational Centre, Belarus**

##### Рекомендации, в соответствии с темой:

- Активно использовать «IT –technology» для эффективного продвижения Образования по Правам Человека.
- Соответственно , создавать компьютерные и сетевые игры, для этой же цели.
- Предлагать писателям, художникам создавать мультфильмы, короткие документальные фильмы, мини-спектакли и т.п. для этой же цели.
- Активно пользоваться документами ООН, ОБСЕ, Совета Европы, “Graz Declaration”” с целью успешного Образования по Правам Человека.

#### **European Humanist Federation**

- We call upon all OSCE states to reject religious doctrine as a justification for denying women their basic right to control and own their bodies, and children the sexual and reproductive health education they need.

#### **European Union (EU)**

We would therefore like to make the following recommendations:

- The EU continues to firmly believe that everyone has the right to freedom of movement and residence within the borders of their own country.
- The systems of residency registration should be abolished. In the instances where residency registration and declaration procedures are used they should be applied fully respecting freedom of movement.
- The EU believes that such practices as imposing exit visa regimes should be abolished to ensure that the rights of all citizens to freedom of movement are

respected.

- OSCE participating States should enable residents of conflict zones, refugees and IDPs to exercise their right to freedom of movement, in particular, to access health-care as well as for other humanitarian purposes, including reunification of families.
- Freedom of movement of human rights defenders must be respected to ensure they can perform their tasks without any restrictions regarding their movement.

#### *Recommendations to The OSCE*

#### **International Association of Independent Democrats Against Authoritarian Regimes**

- OSCE must send the letter to EU with the proposal to stop the violation of “Schengen agreement convention” for member –states of EU.
- OSCE must send the letter to EU with the title “ to stop the discrimination for refugees with the legal status and do next proposal:

There are “ The Convention for the Protection of Human Rights and Fundamental Freedoms”, art.1; art.4 (liberty); art.14; art.17 and the Charter of fundamental rights of EU.

Political refugees must have same rights for trips those citizens of member-states of EU for stopping Human Rights violations and a humanistic support of political refugees.

The valid document for it is the document with the chip.

### **Wednesday, 1 October 2014**

#### **SIDE EVENTS**

#### *Recommendations to The OSCE*

#### **CIS-EMO- Centre for Monitoring Democratic Processes "Quorum"**

Таким образом, прошедшие на Украине 25 мая досрочные президентские выборы нельзя назвать соответствующими принятым демократическим стандартам. В этой связи есть два пожелания для будущих наблюдателей на парламентских выборах:

- обратить внимание на то, будут ли исправлены на парламентских выборах на Украине те несоответствия демократическим стандартам, которые были на президентских;
- начать разработку методологии для международного наблюдения за выборами в условиях фактической гражданской войны.

### **Thursday, 2 October 2014**

#### **WORKING SESSION 16: Rights of migrants**

#### *Recommendations to participating States*

#### **Moscow Institute of Open Education under the Government of Moscow**

## **РЕКОМЕНДАЦИИ**

Необходимо учитывать, что интеграция представляет собой долгосрочный и многомерный процесс, требующий взаимного уважения и взаимной адаптации. Такой подход позволит устраниТЬ барьеры на пути к взаимоуважению и кооперацИИ. Альтернатива этому – изоляция сообществ мигрантов - повлечет за собой социальные риски, в том числе стать источником конфликтов, представляющих серьезную угрозу региональной и международной безопасности.

Международная практика, глобальный и региональный диалог по вопросам миграционной политики подтверждают следующие выводы:

- успешная интеграция международных мигрантов в принимающее сообщество зависит, прежде всего, от их правового статуса, знания национального языка, способности найти приемлемо оплачиваемую работу согласно своей квалификации, степени их социализации и участия в жизни общества, а также доступа к системе социального обеспечения;
- государственная власть всех уровней должна оказывать поддержку интеграции, публично и однозначно выражать свою приверженность этой цели;
- государствам и работодателям следует исходить из целесообразности инвестирования в процесс интеграции, содействовать приобретению языковых навыков тем, кто не говорит на местном (государственном) языке;
- разрабатывать и осуществлять комплексные программы интеграции, уделяя особое внимание этому по месту работы и в учебных учреждениях, где возможно наиболее эффективно и скорее развить чувство взаимного уважения и добиться общих целей;
- гарантировать права, социальное обеспечение и образовательные потребности детям из семей международных мигрантов, их защиту от проявлений дискриминации и ксенофобии;
- развивать культурно-образовательные программы и межкультурный диалог, в том числе с целью рассеять мифы, разрешить непонимание и установить доверие; привлекать для этого средства массовой информации;
- мигранты должны выполнять свои правовые обязательства и воздерживаться от любой деятельности, ставящей под угрозу общественный порядок, нарушающей закон и посягающей на права других людей.

## **Human Rights Movement "Bir Duino-Kyrgyzstan"**

### **РЕКОМЕНДАЦИИ:**

В целях формирования международно-правовой базы и совершенствования национального законодательства в соответствии с международными стандартами в области защиты прав трудящихся- мигрантов, рекомендуем Правительству и Парламенту Республики Казахстан ратифицировать :

- Конвенцию №97 «О трудящихся-мигрантах» от 1949 года;
- Конвенцию №143 «О злоупотреблениях в области миграции и об обеспечении трудящимся-мигрантам равенства возможностей и обращения» 1975 года.
- Конвенцию ООН о борьбе с дискриминацией в области образования.
- Екомендуем развивать трехстороннее сотрудничество в рамках Единого экономического пространства (с консультациями со странами ЕврАзЭС) в области условий безопасности и оплаты труда, социального обеспечения и защиты прав трудящихся-мигрантов и членов их семей.
- Отменить необходимость получения специального разрешения для трудящихся иммигрантов на получение права на трудоустройство в домашнем хозяйстве
- Увеличить срок регистрации для трудоустройства до года, отменить необходимость периодического продления срока пребывания в РК
- Отменить предварительную оплату ИПН. Обязать работодателя перечислять налоги с реального заработка работника ежемесячно.
- Обязать работодателя официально оформлять трудовые отношения с работниками с момента принятия на работу в соответствии с действующим законодательством РК.

**Thursday, 2 October 2014**

### **WORKING SESSION 17: Rights of migrants (continued)**

*Recommendations to participating States*

**NGO 'Sandidzan'**

- Наши рекомендации странам участникам ОБСЕ, большинство которых также принимает участие в голосовании в Генеральной Ассамблее ООН по вносимым грузинской стороной резолюциям, рассматривать проблему с учетом беженцев из самой Грузии осетинской национальности, их более ста тысяч после этнических чисток 1989-91 годах и более 36 тысяч вынужденных покинуть свои дома в Республике Южная Осетия и бежать в Российскую Федерацию вследствие агрессии Грузии в августе 2008 года.

**Russian Federation**

- В этой связи призываем Украину принять все возможные меры для мирного урегулирования внутреннего вооруженного конфликта, развивать широкий диалог со всеми слоями общества, представителями всех регионов, создать политические, экономические и социальные условия для возвращения вынужденных мигрантов к себе на родину

### **UNHCR Liaison Office to the OSCE and Vienna-based UN Agencies**

- Transit countries to establish legal procedures that allow for better protection of displaced persons in these countries;
- OSCE pS to foster cooperation in managing migration to promote the respect for refugees, asylum-seekers, migrants, and all citizens within the OSCE region;
- OSCE pS to provide their relevant national data, as this allows for better understanding, which leads to more effective responses and durable solutions;
- Make use of the OSCE-UNHCR Protection Checklist through all OSCE field presences in close cooperation with UNHCR;
- Apply OSCE instruments to issues surrounding the refoulement of asylum-seekers;

### *Recommendations to International Organizations*

#### **European Center for Artsakh (EUCFA)**

- In conclusion, I would like to recommend ensuring to specialized agencies, in particular UNHCR with free access to all refugees and displaced people irrespective of their places of residence and the status of the country they took refuge in.

### **UNHCR Liaison Office to the OSCE and Vienna-based UN Agencies**

- EU and OSCE participating States to work more closely together with transit countries and put into practice a dialogue with countries of origin and transit;
- Ensure enhanced cooperation between EU, OSCE pS and UNHCR in supporting those countries which are most exposed to massive movements of displaced persons;
- OSCE and its field operations to assist humanitarian access of UNHCR to refugees, asylum-seekers and IDPs in conflict areas within the entire OSCE area.

### *Recommendations to the OSCE*

#### **Human Rights Centre "Memorial"**

- Мы призываем ОБСЕ провести специальный мониторинг ситуации с беженцами из Центральной Азии как особой группы, в отношении которой существуют специфические серьезные угрозы, а власти России – обеспечить безусловное выполнение своих обязательств, предусмотренных международными соглашениями и национальным законодательством.

### **Switzerland**

Für die zukünftigen Anstrengungen der OSZE bezüglich der Stärkung der Menschenrechte von intern Vertriebenen möchten wir folgende **Empfehlungen** anbringen:

- Umsetzung der „Protection Checklist“ durch die OSZE-Missionen und betroffenen Teilnehmerstaaten in Zusammenarbeit mit dem

- Sonderberichterstatter für die Menschenrechte von intern Vertriebenen und UNHCR;
- Dimensionsübergreifende Weiterentwicklung der Instrumente der OSZE in Bezug auf Naturkatastrophen, insbesondere was interne und grenzüberschreitende Ver-treibung betrifft.

#### **UNHCR Liaison Office to the OSCE and Vienna-based UN Agencies**

- EU and OSCE participating States to work more closely together with transit countries and put into practice a dialogue with countries of origin and transit;
- OSCE to assist in establishing better cooperation among transit countries;
- OSCE to play a more significant coordination role among all the countries involved in order to improve cooperation and the situation at the borders;
- Ensure enhanced cooperation between EU, OSCE pS and UNHCR in supporting those countries which are most exposed to massive movements of displaced persons;
- OSCE and its field operations to assist humanitarian access of UNHCR to refugees, asylum-seekers and IDPs in conflict areas within the entire OSCE area.

**Friday, 3 October 2014**

#### **WORKING SESSION 18: Discussion of human dimension activities (with special emphasis on project work)**

##### *Recommendations to participating States*

##### **European Union**

Before I begin my statement, I would like to make the following recommendations on behalf of the EU:

- Participating States should take full advantage of the range of services offered by the OSCE in enhancing the implementation of commitments.
- Participating States should take account of and follow up on recommendations made by the OSCE Institutions and field operations.
- Executive Structures should continue to enhance cooperation and coordination to maximise the impact of their activities. As part of this, field operations should redouble their efforts to work closely with other field missions in their region.
- Executive Structures should continue to work closely with other relevant international and regional organisations, such as the Council of Europe and the UN, in order to learn from each other's experiences, bolster their impact and ultimately, help improve the implementation of our commitments.
- When designing projects and activities, Executive Structures should foster close collaboration with civil society. Participating States should ensure that civil society is given the necessary space to make their contribution.

### Recommendations to the OSCE

#### **Russian Federation**

To: ODIHR

- Серьёзные замечания остаются у нас в адрес БДИПЧ. Значительная часть работы ведётся в отсутствие коллективных поручений государств-участников – вне рамок мандата. Продолжаем настаивать на пересмотре методологии наблюдения за выборами, выработке единых норм и критериев избирательного мониторинга. В 2007 году страны ОДКБ представили свой проект Базовых принципов наблюдения за выборами. Он не утратил актуальности. В 2013 году по инициативе России и Белоруссии был реализован внебюджетный проект сравнительного анализа избирательного законодательства стран ОБСЕ. Работу по этой теме нужно продолжать.

To: OSCE Representative on Freedom of the Media

- Отмечаем необходимость пересмотра мандата Представителя ОБСЕ по вопросам свободы СМИ, который был принят в 1997 году, когда интернет только зарождался и существовали иные представления о СМИ, журналистах и журналистике.

## **V. REMARKS AND SPEECHES**

### *Opening remarks by Mr. Michael Georg Link, Director of the OSCE/ODIHR*

Excellencies,

Ladies and Gentlemen,

It is my pleasure and a privilege to welcome you to the opening of the 2014 Human Dimension Implementation Meeting in Warsaw.

Let me start by welcoming our distinguished speakers, thanking them for accepting our invitation and being able to join us this morning. We are now going to hear the following opening remarks:

First of all, Ambassador Thomas Greminger, the Permanent Representative of Switzerland to the OSCE and Chair of the OSCE Permanent Council, will speak to us on behalf of the OSCE Chairperson-in-Office;

Next, Paweł Wierdak from the Polish Ministry of Foreign Affairs is going to address us with some words of welcome from our host country. Let me use this opportunity to assure you that we very much appreciate your support and our excellent partnership.

Ms. Dunja Mijatović, the OSCE Representative on Freedom of the Media, will speak to us next.

She will be followed by Ms. Astrid Thors, the OSCE High Commissioner for National Minorities.

Furthermore, Ambassador Adam Kobieracki, the Director of the OSCE Conflict Prevention Centre, will speak to us on behalf of the OSCE Secretary General.

Next, we will hear some words from Mr. Mehmet Şevki Kulkuloğlu, the Vice-Chair of the Committee for Democracy, Human Rights and Humanitarian Questions of the OSCE Parliamentary Assembly, representing the President of the OSCE PA;

After I have given my own opening remarks, Ms. Elisa Massimino, President of Human Rights First, will conclude today's opening by delivering this year's keynote speech. Thank you very much for being with us. It is an honor and a privilege to welcome you here in Warsaw, and we are all looking forward to what you have to share with us today.

Ladies and Gentlemen,

I would also like to welcome the representatives from the participating States, from OSCE Institutions, from the media, and, very importantly, from Civil Society.

I would furthermore like to welcome all viewers who are with us today through the live stream on the OSCE website. The fact that it is possible to watch this year's HDIM live on the Internet, from any part of the World, is a demonstration of my commitment to modernizing and reforming the Human Dimension Implementation Meeting.

Before I give the floor to our distinguished speakers, I would like to thank our dedicated ODIHR staff, who have gone to great lengths to make this Human Dimension Implementation Meeting possible. As you well know, this is my first HDIM as ODIHR Director, and I feel proud and humbled for having the opportunity to work with such excellent colleagues.

Ladies and Gentlemen, please now welcome with me Ambassador Thomas Greminger, who will be welcoming us on behalf of the Swiss OSCE Chairmanship.

Ladies and Gentlemen,

I am certainly not the first one to start a speech with this very line, and yet, I believe, it holds true this time again: This is a special year.

The events of 2014 are certainly going to be remembered for many years to come; but there are also a number of historical anniversaries that occur in this year. Let's take a look back in history:

The Congress of Vienna, for example, was held almost exactly 200 years ago, in September 1814. While the outcome of the Congress is certainly not positively remembered because of its rather reactionary result of restoration, it is by many historians considered to be the birthplace of modern, multilateral diplomacy.

And, indeed, this multilateral diplomacy lies at the very heart of the OSCE.

While attempts to codify diplomatic immunity at the Congress of Vienna in 1814 failed, it was in the very same city that the Vienna Convention on Diplomatic Relations was negotiated. This highly important international treaty came into effect almost exactly 50 years ago, and to date it regulates the daily work of many of the people gathered here today.

But the year 2014 must also be associated with more tragic dates: It was just a little bit more than a hundred years ago when World War I started with the Assassination of Archduke Franz Ferdinand in Sarajevo. This war marked the beginning of what the prominent historian Eric Hobsbawm called the “short Twentieth Century”, from the beginning of World War I until the end of the Cold War; a time that will be remembered for some of the crudest crimes against humanity ever committed.

World War II, without any doubt the culmination point of these crimes, started almost exactly 75 years ago, with the attack of Nazi Germany on Poland on September 1st 1939.

While some of this may seem very remote, none of these dates will ever lose their relevance. They remain relevant as important turning points in time that influenced the destinies and ended the lives of many millions of people. But they also stand as warning signs for the generations to come.

And while many of the world’s leaders publicly commemorated the victims of these wars in numerous ceremonies filled with words of grief and regret, people all over Europe and, indeed, the whole World are worried that the threat of war in Europe, long thought overcome on this continent, has returned.

Even though we hope that the armed struggle we have all been so concerned about in the recent past is losing its intensity, thanks also to the restless efforts of leading OSCE personalities, a fundamental conflict between the parties concerned remains. This conflict is, among other reasons, about access to infrastructure and resources, and about strategic interests. But I do believe that at the very heart of this struggle lies, as in all conflicts, a normative battle. A battle for values.

When it is argued by some, as we have heard time and again, that human rights are nothing but a proxy used to destabilize governments; that efforts to improve the livelihood of religious, ethnic or sexual minorities are, in fact, plots orchestrated by foreign powers to bring civil unrest, this only demonstrates that there is a fundamental misunderstanding as to what the values that underlie these efforts are about.

When those who protect others against the abuse of power are labeled unpatriotic and traitors to a greater national good, those who proclaim this succumb to a flawed logic. The very concept of human rights, as defined by the Universal Declaration of Human Rights and reaffirmed by numerous OSCE Third Dimension Commitments, such as those agreed in the Helsinki Final Act of 1975 or the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, is - and must be - universally applicable. The idea that human rights could only be valid in one part of the world or could be used by one government against another is therefore based on a flawed premise.

For human rights are rights serving to protect the individual against any government, or any other entity infringing upon the individual’s fundamental freedoms. They are rooted in values that are inherent to every human being, defending the individual from any abuse of power, no matter where and when.

The real struggle, therefore, is not between East and West, between North and South, but between those who abuse their power and those who exercise restraint in order to

protect the individual's human rights. This is what the Human Dimension is very much about.

Ladies and Gentlemen,

ODIHR has, from its very beginnings, strived to protect and to serve these rights of the individual.

It is our daily work to support those who are threatened in their right to exercise their fundamental right to live free from discrimination on grounds of racial or ethnic origin, religious, political or other opinion, as well as to foster respect for rule of law, democratic values, human rights and fundamental freedoms, including freedom of expression, thought, conscience, religion or belief; We have, furthermore, with the 1994 Budapest Document and the 2010 Astana Commemorative Declaration, committed ourselves to protect and support those who risk their safety and their very lives to defend and to strive for the protection and realization of human rights and fundamental freedoms of others: Human Rights Defenders.

These are people who deserve our greatest respect: Individuals who face harassment, threats and intimidation for devoting their time and energy to the promotion and protection of human rights.

The Human Rights Defenders Guidelines, developed and published under the auspices of my esteemed predecessor, Ambassador Janez Lenarčič, are an invaluable tool to support their laudable, yet dangerous work. It is a privilege for me to continue his work as Director of ODIHR with the translation and distribution of the Guidelines, hopefully throughout the participating States.

Ladies and Gentlemen,

The development of new technologies is rapidly changing the circumstances under which we all live, but also under which Human Rights Defenders operate.

On the one hand, the digital age offers incredible possibilities when it comes to the documentation of human rights violations. With smartphones and wireless Internet access becoming increasingly ubiquitous, everything can be photographed, recorded and published for a worldwide audience to see within minutes. It has never been easier to spread the word about any abuse of power; access to any kind of media and impartial information has never been more widespread.

But the abusers of power, those who put the validity of human rights in question, can also make use of these new possibilities. With new technologies allowing to track all movements, to easily gather compromising information and to infiltrate the spheres that are most intimate for each individual, we must step up our measures to protect ourselves and those who engage in protecting other people's rights. But in order to prevent this from becoming a digital arms race where only the stronger party will prevail, all participants must adhere to those basic rules we call human rights.

For the right to privacy is as much of a human right as any other. And in an age where information becomes one of the most valuable commodities, where entire companies turn over billions purely based on their knowledge of people's consumer preferences or health records, we must be extremely vigilant as to how we treat and process these data.

On the other hand, the rights of those who use these new technologies as a means to exercise their right of freedom of expression or association must also be protected. A blogger, for example, writing about the misconduct of a local administration, deserves the same protection as a journalist working for a conventional media outlet. Given that an opinion expressed in written and disseminated on the Internet may easily reach a larger audience, those who express their opinion online deserve the same amount of protection as those who do it offline.

Ladies and Gentlemen,

Freedom of expression is of the utmost importance for our concept of fundamental freedoms. But sometimes the thin line between the expression of an opinion and hate speech is crossed.

One of the areas where this may lead to particularly emotional outbursts is where it touches on questions of faith. And indeed we are, despite growing secularization, experiencing a surge of conflicts rooted in religion.

This does not only concern the aspect of freedom of belief, but also applies to situations where Religion is used as a vehicle to exercise power over others or as a pretext to infringe on other people's rights.

The longstanding commitments of the OSCE community on freedom of belief are still very far from being met. Too many religious communities all over the OSCE area still face restrictions with regard to their right to gather, worship or register their legitimate activities.

Our message in this respect is clear: We stand ready to protect those who want to believe and want to exercise their right to freedom of religion. But we are also ready to guarantee the right to have any belief, including those who have no spiritual belief at all.

Ladies and Gentlemen,

I do know that some of the things I have said today were abstract, but also somewhat controversial. But controversy makes life more interesting. I hope that we will have many more controversial debates over the next two weeks, debates where every voice can be heard and everybody can participate on an equal footing.

In the following days we will be able to discuss these and many other issues in 18 Working Sessions covering the entire spectrum of OSCE human dimension commitments. There will furthermore be more than 80 side events, along with many other opportunities to have informal discussions with participants from the whole OSCE area.

The goal of the Human Dimension Implementation Meeting, as it has been since our first meeting more than 20 years ago, is to conduct a peer-review of the implementation of commitments among the participating States, to listen to the concerns and proposals from Civil Society and to discuss the assessment of this implementation by ODIHR and other OSCE Institutions, as well as Field Operations,

whose role is to monitor, assist and report to participating States according to their respective mandates.

ODIHR has been very active in monitoring the implementation of human dimension commitments in a number of areas covered by our mandate, from elections to fair trial rights and to freedom of peaceful assembly. I appreciate that most participating States have been open to our monitoring and have facilitated the work of our observers on the ground. I would like to thank them for this and strongly encourage all participating States to use the opportunity and take further advantage of ODIHR's monitoring work.

Because only if we engage in an open dialogue with each other, applying equal standards all over the OSCE area, can we find effective means to translate our commitments into meaningful realities for the individuals in the participating States, guaranteeing a life for each and every one of them, based on the protection of their human rights, their freedom and their human dignity.

Thank you very much for your attention.

***Opening address by Ambassador Thomas Greminger, Chairperson of the OSCE Permanent Council, Permanent Representative of Switzerland to the OSCE***

Monsieur le Directeur,  
Mesdames, Messieurs,

Au nom de la Présidence suisse de l'OSCE, je remercie chaleureusement toute l'équipe du Bureau des institutions démocratiques et des droits de l'homme pour la préparation de cette réunion sur la mise en oeuvre des engagements concernant la dimension humaine. Monsieur le Directeur, je vous félicite pour l'organisation de cette première réunion sous votre direction et me réjouis de notre excellente coopération. Monsieur Wierdak, je souhaite également vous exprimer toute la gratitude de la Présidence suisse pour votre hospitalité et votre soutien, mais surtout je vous félicite pour votre superbe victoire hier soir et votre titre de champions du monde de volley ball.

La Présidence suisse a indiqué dès 2013 qu'elle avait deux priorités dans la dimension humaine 1) la mise en oeuvre des engagements et 2) le renforcement du dialogue avec la société civile. Ces deux priorités font partie intégrante du plan de travail biennal développé avec la Serbie. Après 9 mois à la tête de cette organisation, nous sommes en mesure de vous présenter aujourd'hui les résultats déjà accomplis et ceux que nous espérons encore atteindre jusqu'à la fin de l'année. Ensuite, nous passerons le relais à nos collègues serbes et, dans l'esprit de continuité du plan de travail biennal, nous nous efforcerons de réaliser pleinement ces objectifs.

Les engagements auxquels les Etats participants ont souscrits ces 40 dernières années dans la dimension humaine sont solides. Mais il est avéré que le renforcement de leur mise en oeuvre est nécessaire pour promouvoir efficacement les droits de l'homme, la démocratie et l'état de droit. La Présidence suisse a oeuvré activement au respect et à la promotion de ces engagements depuis le début de l'année et elle continuera à le

faire au-delà de l'année 2014. Notre réunion à Varsovie est le lieu de prédilection pour se pencher sur l'application des engagements pris. Les Etats participants sont liés par ces engagements. Chacun a, et continuera, à avoir du travail à faire afin de garantir pleinement leur mise en oeuvre et tenir les promesses faites à ses citoyens.

En assumant la Présidence de l'OSCE, la Suisse a pris ses responsabilités. Elle a donc décidé d'évaluer dans quelle mesure elle met en oeuvre ses engagements pris au sein de l'OSCE. Dans le cadre d'un dialogue ouvert avec la société civile et la Présidence serbe à venir, la Suisse a développé une évaluation de sa mise en oeuvre des engagements. Nous vous en parlerons plus en détail le 1er octobre lors d'un « side event ». Mais une chose est sûre, nous avons tous des progrès à faire dans l'un ou l'autre des nombreux domaines couverts par les engagements de l'OSCE. Nous espérons que cette « Self evaluation » sera reprise par les présidences de l'OSCE à l'avenir.

Nous pouvons actuellement nous réjouir des aboutissements suivants :

La Présidence suisse a contribué au renforcement de la coopération entre les organisations régionales et internationales dans le domaine de la promotion et de la protection des droits de l'homme, de la démocratie et de l'état de droit pour augmenter l'impact du travail de chacun de manière significative. La coopération entre l'ONU et la mission spéciale d'observation de l'OSCE en Ukraine est remarquable et nous nous efforcerons de continuer à favoriser les échanges. La coopération entre le Conseil de l'Europe et l'OSCE a également fait l'objet de toute notre attention, non seulement en Ukraine, mais également dans des domaines thématiques, tels que la lutte contre la traite des êtres humains. A cet égard, l'Autriche et la Suisse ont organisé conjointement, en février, une conférence dans leurs fonctions de Présidences respectives des deux organisations. Le cadre d'action commun qui en est ressorti est actuellement mis en oeuvre par les secrétariats respectifs à Strasbourg et à Vienne.

La prévention de la torture a été au cœur de notre action. La définition de cette priorité répondait à une demande expresse de la société civile et à un constat quant à la persistance d'actes de torture ou d'autres mauvais traitements dans tous les Etats participants. L'organisation de la première réunion supplémentaire sur la dimension humaine en avril à Vienne a confirmé que l'OSCE disposait d'un rôle stratégique dans la prévention de la torture. L'OSCE se devait de renforcer son engagement et développer la coopération avec les autres acteurs clé aux niveaux global, régional et national. Cet événement a été trouvé son écho dans une série d'ateliers régionaux visant à impliquer davantage la société civile de toutes les régions de l'OSCE dans la prévention de la torture. Dans cet esprit, la Présidence suisse propose une décision ministérielle visant à renforcer et à étoffer les réponses et initiatives de l'OSCE en matière de prévention de la torture. Nous sommes convaincus que tous les Etats participants partage ces objectifs et nous réjouissons d'obtenir un consensus sur ce texte lors de la réunion du Conseil ministériel de Bâle.

Mesdames, Messieurs,

La réunion sur la mise en oeuvre des engagements concernant la dimension humaine illustre chaque année le rôle crucial de la société civile pour soutenir les Etats participants dans la pleine protection des droits de l'homme, de la démocratie et de

l'état de droit. La Présidence suisse a impliqué des représentants de la société civile à tous les niveaux, de manière systématique, tant en Suisse que dans toute l'OSCE.

Nous avons organisé quatre conférences régionales à Belgrade, Vienne, Douchanbe et Tbilissi réunissant plus de 200 représentant(e)s de la société civile de tout l'espace de l'OSCE. Des recommandations à l'attention des 57 Etats participants et des institutions de l'OSCE ont été préparées et transmises aux intéressés afin d'assurer un suivi. Toutes les recommandations de ces rencontres viendront alimenter la conférence finale de la société civile qui se tiendra le 2-3 décembre à Bâle en marge de la réunion du Conseil ministériel.

Je me réjouis également que la Suisse ait été la première Présidence-en-exercice depuis des décennies qui ait organisé une conférence à haut niveau sur les défenseurs des droits de l'homme avec le Bureau des institutions démocratiques et des droits de l'homme et la Serbie. Cet événement a permis de souligner le rôle que jouent ces hommes et ces femmes dans la promotion et la protection des droits de l'homme et de rappeler qu'ils doivent pouvoir évoluer dans un environnement sûr.

Les nombreux défenseurs des droits de l'homme et acteurs de la société civile présents ici à Varsovie pendant ces 10 jours contribuent par leurs recommandations à faire avancer la dimension humaine. Ils sont nos partenaires dans la mise en oeuvre de nos engagements. Il apparaît évident que l'OSCE doit poursuivre ses efforts visant à renforcer la participation de la société civile au travail de l'organisation et à donner une voix à la société civile lors des discussions thématiques. Forte de cette conviction, la Présidence suisse propose une déclaration ministérielle dans ce sens.

Finalement, je me félicite qu'en cette année du 10e anniversaire du plan d'action de l'OSCE pour la promotion de l'égalité entre les sexes, la première Conférence d'examen sur l'égalité entre les sexes de l'histoire de l'OSCE ait eu lieu. Organisée par la Présidence suisse en coopération avec les institutions, la participation de plusieurs ministres et un engagement remarquable de tous les Etats participants ont permis des résultats prometteurs. La proposition d'organiser cette conférence de manière régulière est actuellement en considération. Ces signaux positifs nous permettent donc de proposer une décision ministérielle sur le sujet. La session consacrée aux questions de genre le jeudi après-midi ainsi que la journée spéciale de ce vendredi sur le sujet de la violence contre les femmes et les enfants constitueront une source d'inspiration pour les négociations du texte de cette décision ministérielle. D'avance nous nous réjouissons du soutien des Etats participants à cette proposition.

Au nom de la Présidence suisse, je souhaite profiter de l'occasion d'avoir toutes les institutions à mes côtés pour féliciter le Bureau des institutions démocratiques et des droits de l'homme, la Représentante pour la liberté des médias, la Haute commissaire pour les minorités nationales, ainsi que les missions sur le terrain pour leur professionnalisme et engagement continu dans la promotion du respect des droits de l'homme, de la démocratie et de l'état de droit. Dans un espace où de nombreux défis persistent quant à la mise en oeuvre des engagements adoptés, la Présidence suisse est convaincue de l'importance de leur mandat et réitère son plein soutien à leurs activités. Nos progrès dans la dimension humaine ne se comptent pas en nombre de nouveaux engagements adoptés au niveau politique. Ils sont mesurés à l'aune du travail précieux et indispensable fournis par ces institutions dans toutes les régions de l'OSCE. Cette année, les institutions ont - encore une fois - prouvé qu'elles pouvaient

répondre rapidement à toute situation critique et imprévue. Les institutions sont le visage de l'organisation et méritent tout notre soutien.

Mesdames, Messieurs,

Laissez-moi maintenant vous adresser quelques remarques plus personnelles. C'est la cinquième année consécutive que je suis ici, le 3ème lundi de septembre, pour l'ouverture de la réunion sur la mise en oeuvre des engagements concernant la dimension humaine. Je reviens année après année parce qu'il s'agit traditionnellement de la plus importante réunion de la dimension humaine, parce que cet événement reste le seul qui permette aux Etats participants de faire le point sur la mise en oeuvre des engagements auxquels ils ont souscrits, parce que c'est le lieu où nous pouvons avoir un dialogue ouvert et franc avec tous les partenaires. Je reviens également car je sais que les panelistes seront intéressants et que je rencontrerai chaque jour lors de side events des défenseurs des droits de l'homme qui s'engagent sur le terrain pour mettre en oeuvre les principes que nous discutons dans cette enceinte aujourd'hui.

Toutefois, ce serait mentir de dire que je ne vois pas les disfonctionnements de cet événement année après année. En effet, le format de l'événement, la qualité des discussions, la réduction du temps de parole, l'omniprésence de certaines organisations non gouvernementales et l'absence d'autres, ou encore l'insuffisance de dialogues constructifs et d'échanges de bonnes pratiques en plénière mériteraient une réflexion. Moderniser cet événement et la dimension humaine - voilà ce qu'on entend dans les couloirs et quelque fois en plénière. Vous n'êtes pas sans savoir que je me suis personnellement impliqué pour mener à bien le processus de renforcement des événements de la dimension humaine. Malgré nos efforts pendant plusieurs années, aucun consensus n'a pu être trouvé. Je réitère ici ce que nous avons dit précédemment : la Suisse est prête à s'engager pour la modernisation de ces événements et en particulier la réunion sur la mise en oeuvre des engagements concernant la dimension humaine.

Il est de notre devoir en tant qu'Etats participants, et d'autant plus en tant que Présidence-en-exercice, de donner les moyens à cette organisation d'avancer. Une modernisation des événements n'est qu'une étape dans cette entreprise. Donner les moyens à l'organisation de répondre aux situations dans l'espace OSCE passe par l'adoption dans les délais d'un budget adéquat. Depuis 5 ans, le budget est approuvé avec une croissance nominale nulle. Derrière cette élégante formule de « Zero Nominal Growth» se cache purement et simplement une baisse du budget. Et si la promotion de la dimension humaine est souvent au coeur des débats des négociations du budget, l'organisation ne pourra continuer à fonctionner, dans aucune dimension, dans ces conditions. L'année 2014 a rappelé le rôle que joue l'OSCE dans les processus de promotion de la paix, médiation, démocratisation, promotion des droits de l'homme et de l'état de droit.

Il est nécessaire de s'éloigner de ce « Zero Nominal Growth » et d'adopter un budget crédible qui permette des réponses telles que celles attendues par une organisation régionale au titre de l'article VIII de la Charte des Nations Unies.

En 1975 à Helsinki ou au début des années 1990, la CSCE a su se réinventer. Elle s'est équipée pour relever les défis et avait une vision. En 2010 à Astana, nous avons réaffirmé nos engagements. L'année 2014 nous met face à nos responsabilités, que ce

soit dans la dimension humaine ou ailleurs. C'est notre rôle de donner les moyens à cette organisation de répondre aux défis actuels à l'aube des 40 ans de l'organisation. Nous avons une excellente opportunité de nous y atteler dans cette année où l'OSCE se retrouve au centre de l'attention de la politique internationale. Et vous savez aussi bien que moi que la fin du « Zero Nominal Growth » n'est possible politiquement que si toute l'organisation en profite. La réclamer uniquement pour la dimension humaine ne suffira pas.

Je vous remercie de votre attention et vous souhaite, à toutes et tous, une réunion constructive.

***Address by Mr. Paweł Wierdak, Deputy Director of the Department of UN and Human Rights in the Ministry of Foreign Affairs of the Republic of Poland***

Mister Chairman,

Excellencies,

Ladies and Gentlemen,

It gives me a great pleasure to welcome you, on behalf of the Minister of Foreign Affairs to this year's Human Dimension Implementation Meeting in Warsaw. Allow me to extend a special welcome to the distinguished heads of the OSCE institution and the Parliamentary Assembly, representative of the Swiss chairmanship and our key-not speaker today.

For some years now, the worsening human rights situation in the OSCE area has become a predominant theme raised by a number of delegations as well as institutions and invited guests. What concerns us is also the lack of constructive approach during discussions on the Implementation Meeting agenda and the inability to reach a consensus on new important issues like the freedom of speech in cyberspace.

Unfortunately, these are not the only issues that will be absorbing us and overshadowing our discussions during this year's session. We are confronted with the most serious crisis that the OSCE has experienced in several years. Since the beginning of the crisis in Ukraine, we have seen serious violations of the rules of international law leading to a radical deterioration of security conditions and mutual trust in the Euro-Atlantic area, while also undermining Europe's security architecture. In order to rebuild them we need to find a peaceful and lasting solution to the crisis, in line with the principles of sovereignty and territorial integrity.

The OSCE occupies a significant place in this regard. The organisation has reaffirmed its important role in the face of the crisis. Moreover it has demonstrated that it possesses useful mechanisms in order to play this role. In this regard, the efforts undertaken by the Swiss Chair of the Organisation were no doubt of key importance. I also wish to emphasize the role played by the Special Monitoring Mission, which has enabled us to observe the situation in the region of the conflict, thus helping the international community to react to the changing circumstances. The contribution made by the Human Rights Assessment Mission to enable an assessment of the situation and the ODIHR activities in monitoring presidential elections cannot be overestimated. We also wish to express our appreciation to the Representative on

Freedom of the Media for her work in monitoring freedom of speech in Ukraine and for her principled condemnation of instances of its restriction.

Ladies and Gentlemen,

The OSCE's overall security concept assumes that the observance of human rights and democratic rules is a key condition of friendly relations between states. The events of the last few months in Ukraine have proven how very true this concept is. They demonstrate that whenever attempts are made to restrict freedom of speech and the activities of civil society, media pluralism gives way to government propaganda. This also leads to lesser government accountability and to the government not keeping its end of the social contract. Very often disrespect to own society, rule of law and democracy, consequently translates into actions undertaken at the international level.

Ladies and Gentlemen,

Irrespective of the external circumstances, the Implementation Meeting remains the fundamental mechanism used to verify the execution of commitments undertaken in the human dimension and an important instrument of promoting democracy and human rights in the Euro-Atlantic area. Its importance is due mainly to the large participation and full commitment of non-governmental organisations. I would like to express my appreciation to the OSCE Swiss Chair for its relentless efforts that have ultimately led to the adoption of the meeting agenda and made the meeting possible.

Our approval for the activities of the Chair is obviously based on much wider grounds. We fully share its conviction that commitments in the third dimension have to be better implemented. We also support giving the priority this year to counteracting torture and to the situation of human rights defenders. We greatly value the Berne Conference devoted to this subject matter, as well as its help in preparing and publishing the Guidelines on the Protection of Human Rights Defenders.

Ladies and Gentlemen,

Let me now direct a few words to the organiser of our conference – the Office for Democratic Institutions and Human Rights. It should be given credit for effectively preparing the conference in difficult circumstances because of the late adoption of the agenda. In turn, the above mentioned Guidelines are an excellent example of the Office's right-on-target reaction to the current human rights situation. The same can be said about its reaction to the developments in Ukraine and the dynamically changing international situation.

In this context, I would like to wish Mr. Michael Link, the new ODIHR director who has been in office for less than three months, perseverance and many successes while fulfilling the tasks facing the ODIHR.

In closing, I would like to draw your attention to a side event, organised by the Polish MFA, devoted to the Warsaw Dialogue for Democracy. The Warsaw Dialogue initiative, whose next edition will be held in less than a month, was born out of a conviction that in order to promote democracy and human rights, a wide spectrum of instruments must be used, experiences exchanged and civil society should receive constant support.

I cordially invite you to take part in this side event on 1 October as well as to our reception today, traditionally organised by the MFA.

I wish you interesting and fruitful proceedings.

***Address by Dr. Mehmet Sevki Kulkuloglu, Vice-chair of the OSCE Parliamentary Assembly's Committee on Democracy, Human Rights, and Humanitarian Questions***

Ladies and Gentlemen,

It is a pleasure for me to once again represent the OSCE Parliamentary Assembly at this key event in the OSCE calendar. I take this opportunity to welcome the new Director of ODIHR, Mr Michael Link – we look forward to continuing and expanding on the close co-operation that we had with your predecessor.

And I applaud the organizers for their work in bringing us all together. The topic could not be more important, as we must maintain focus on the implementation of our commitments. Without effective implementation the hard work of our governments in agreeing commitments is wasted and perhaps even insulted. As Members of Parliament that are regularly held to account through elections, we in the OSCE Parliamentary Assembly are keenly aware of the need to deliver on our commitments.

I would like to take this opportunity not only to update you on some of the recent work of the OSCE PA in the human dimension, but also to offer some thoughts regarding implementation of commitments.

In our Annual Session in Baku three months ago, OSCE parliamentarians particularly voiced their concern on issues related to the rights of migrants and refugees. In our Baku Declaration, the OSCE PA made it clear that it is high time for OSCE participating States to prioritize the protection of migrants' rights, and in particular the rights of labour migrants and asylum-seekers. These segments of society are far too often neglected and we must help them to come out of the shadows with human dignity. I was pleased to note that there was broad recognition from MPs from all parts of the OSCE region that these are serious issues that must be addressed. As a result, the OSCE PA strongly condemned hate crimes against any migrant and called for the investigation of crimes and protection of victims, regardless of their status in the host country.

In Baku OSCE Parliamentarians also indicated their resolve to address the issue of political prisoners in the OSCE area with openness and candor. While the topic is sensitive, a culture of impunity works against us, and indeed against the spirit of the Helsinki Final Act. Specific recommendations are presented to OSCE Ministers, including a call to avoid the political use of INTERPOL Red Notices. The persistence of the persecution of people based on their political views goes against the very fundamental principles that underpin our Organization going back to the days of Helsinki.

Parliamentarians also took the time to again address issues related to tolerance, and to combatting trafficking and torture. The broad consensus achieved on these issues within our Assembly should not be allowed to hide the fact that these problems persist within the OSCE. We all have work to do in this regard. With reference to trafficking, the OSCE PA presented some clear and practical recommendations related to the protection of victims particularly when prosecuting perpetrators. The need for a proactive commitment by participating States to combat torture was also underlined, reiterating the concern the MPs have regarding the persistence of torture in the OSCE region.

Needless to say, the situation in Ukraine and the significant human rights challenges in that country was also brought into focus. On a humanitarian level, the tragedy that took place in Odessa on 2 May was also highlighted by parliamentarians in Baku, when we called upon the authorities of Ukraine to carry out an open investigation. Parliamentarians passed a specific resolution entitled the “Clear, Gross and Uncorrected Violations of Helsinki Principles by the Russian Federation” which brought both political and human rights concerns forward. With thousands dead from the ongoing fighting, and more than a million now displaced, the human tragedy of this crisis cannot be ignored. I have personally visited Ukraine in December 2013 and expressed my solidarity with Ukrainian people in Maidan. There is an urgent need to address the humanitarian disaster that has occurred as a result of the conflict in Ukraine and to prevent further violence. The OSCE’s important role is recognized by all parties of the conflict. But we need to step up our peace building measures and other actions to ensure immediate impact on the ground. We need to address the humanitarian disaster unfolding especially now when the winter season is not far away.

In Baku, the OSCE PA also offered a number of suggestions on how to improve the OSCE’s effectiveness in implementing our human rights commitments. Most notable in this regard was the concern we expressed regarding the continuous reduction in the capacity of OSCE field operations to monitor and report on human rights issues. Over many years the OSCE has established missions staffed with excellent professionals well-equipped to support participating States in many fields. Unfortunately, we have seen a trend through which the monitoring and reporting mandates, particularly to do with human rights, have been diminished and entire missions closed. OSCE Parliamentarians have consistently and strongly advocated in favour of more robust field missions, where much of the most important work of the OSCE takes place. In these missions, we have at our disposal an excellent tool to help with implementation of human rights commitments – for the benefit of all of our citizens, we should make use of them.

The important role that civil society plays in our work was also addressed, when OSCE parliamentarians reiterated our call for the creation of a civil society board comprised of representatives of leading NGOs working on OSCE issues. Civil society has always played a critical role in making this Human Dimension Implementation Meeting an interesting place for debate. Unfortunately however, it is currently one of very few OSCE events where civil society plays such a central role and where representatives of governments come face-to-face with courageous individuals and groups who want to hold us all to account. Further development in this field would be

of benefit to the OSCE as an institution and to our constituents – the populations of all our countries.

We must all be open to improvements on how we deliver on our commitments – we owe it to our populations. Therefore I want to once again reiterate the OSCE Parliamentary Assembly's long-standing recommendation to the OSCE Permanent Council on addressing human rights. We have recommended that the Permanent Council organize fortnightly meetings on human rights in a way that is open to the public and media and with the participation of civil society representatives. For regardless of how hard we all work for these next two weeks here in Warsaw, this HDIM should not be seen as a replacement for continuous monitoring of the implementation of OSCE human dimension commitments.

Of course monitoring of some of our key democratic commitments does place on a regular basis through OSCE election observation missions. As the basis for all of our representation, the role that elections play in our societies cannot be overstated. As politicians with our hands on the pulse of our populations, parliamentarians feel the importance of democratic institutions more than anybody else. Indeed, if democratic institutions fail, we are some of the first ones to feel the effects. As a publicly elected official myself, and as a person who has observed elections with the OSCE PA, it is a point of pride that we regularly point to shortcomings whenever and wherever we see them – East or West of Vienna. There is no room for compromise on this issue of principle. Indeed, compromise in this field would present a serious setback for us all – democratic values should not be open to compromise. The leadership role of OSCE parliamentarians in election observation, whose independence and political judgment brings added legitimacy, together with the expertise and data from ODIHR's long-term observers, provides a sound basis for the OSCE's monitoring activities.

Ladies and Gentlemen:

The OSCE Parliamentary Assembly has become a key place for debate on OSCE topics, where each elected parliamentarian has a voice and a vote, regardless of what their government may say. I hope that the ideas that have come out of the OSCE PA debates in Baku will now be addressed here, with governments also taking a stand. An open airing of all opinions is critical if we are to find lasting solutions to the challenges that we all share.

The PA will continue playing its part in the monitoring of human rights commitments and you can count on us to continue to raise difficult issues that may otherwise remain stuck in the pipelines of diplomacy. Next week in Geneva, our OSCE PA Autumn Meetings will give us the opportunity to further discuss the role of MPs in addressing the new security challenges arising in the OSCE area. Thank you.

### ***Address by Adam Kobieracki, Director of the OSCE Conflict Prevention Centre***

Dear Ambassadors, Ladies and Gentlemen, Dear Michael,

I am very pleased to be in Warsaw once again for the Opening of the 2014 Human Dimension Implementation Meeting. The address of the CPC Director to HDIM has now become a tradition in its third year. This is certainly a strong indication of the

cross-dimensional nature of our respective work and the resulting good cooperation that the CPC and the ODIHR continue to enjoy. Since this is the first HDIM that takes place after you assumed your responsibilities as the Director of ODIHR, it gives me additional pleasure to underline this very point.

Needless to say that, at the CPC, we attach great importance to and take due account of the work done in the Human Dimension. As the most significant event of the year in the Human Dimension, The Annual Implementation Assessment Meeting provides all of us with a unique opportunity to review the broad set of commitments and activities in this field, while at the same time we look into possibilities of improving our common efforts. Many of the issues that you will address during the next two weeks, do not only have direct relevance for the work that we do at the CPC in conceptual terms, but also have significant impact on the ground, in particular through the work of our field operations. Therefore, we look forward to fruitful exchanges during this meeting in order to enhance our cooperation on the wide range of interconnected issues that are on the HDIM agenda.

What makes our daily work at the CPC truly cross-dimensional is our function as the key link between the Secretariat and the field operations, mainly by providing extensive policy support. Human dimension is an important aspect of the work of the field missions, which co-operate closely on many issues with ODIHR as well as with the High Commissioner on National Minorities and the Representative on Freedom of the Media. It is gratifying to note that this co-operation has proved beneficial not only for the field operations and the executive structures to properly carry out their mandates, but also for the societies that benefit directly from the tangible results of this co-operation.

As you are all well aware, one very crucial aspect of our work at the moment relates to the crisis in and around Ukraine. This is where the CPC and all OSCE executive structures cooperate intensively in order to contribute to ongoing efforts to achieve sustainable peace and security. The comprehensive nature of the OSCE engagement in Ukraine since the beginning of the crisis has been a clear testimony to the fact that there is indeed great need for this close cooperation among OSCE executive structures covering various aspects of the Human Dimension work as well as the Special Monitoring Mission on the ground.

At the same time, the ongoing developments proved once again that we have to strengthen our early warning and conflict prevention capabilities, in order to prevent escalations from occurring in the first place. There is also a clear need to improve our mediation capabilities to better support the parties in their settlement efforts. These are actually some of the key elements of the Ministerial Council Decision 3/11 on the Conflict Cycle, which outlines the framework of our efforts in early warning, conflict prevention and resolution, crisis management and post-conflict rehabilitation. The CPC has been working intensively towards enhancing the OSCE toolbox across the conflict cycle in all of these areas, always with the understanding that a comprehensive, cross-dimensional response is crucial to address the multi-faceted causes of crises and conflicts, requiring an effective co-operation and co-ordination among all OSCE executive structures.

Dear Ambassadors, Ladies and Gentlemen,

Since its foundation, our organization has based itself on the understanding that sustainable peace and stability is not achievable without due respect for human rights and fundamental freedoms. This understanding is now more valid than ever in addressing the current challenges across the OSCE area. Accountable and functioning democratic institutions are no doubt indispensable elements of an environment where those rights and freedoms are guaranteed. Not least for these reasons, we have been grateful for the important contribution of the ODIHR to the CPC work in all phases of the conflict cycle. I am sure that our mutually beneficial cooperation will continue on the broad range of issues on your agenda, ranging from fundamental freedoms and rule of law to tolerance and non-discrimination and violence against women and children.

In the upcoming period ahead, we will continue to work closely with ODIHR and take due account of Human Dimension related aspects of our work, while we continue our efforts to strengthen our capabilities across the conflict cycle. If the Human Dimension experts in this forum also keep in mind the CPC work in their relevant discussions, they will certainly contribute to our collective thinking on how to better address the ongoing challenges in the OSCE area. Therefore, I encourage all of you to keep the interconnected nature of our work in mind while you discuss the wide range of issues on the agenda.

With these final thoughts, I wish all participants a successful HDIM full of interesting debates.

Thank you for your attention.

### ***Keynote Address by Elisa Massimino, President and CEO of Human Rights First***

*Back to Basics:  
Advancing Human Rights in a Time of Crisis*

Thank you, Mr. Chairman. Ladies and gentleman, it's an honor to be here today to help set the context for this important meeting.

And it's a special pleasure for me to return to Warsaw. I was last here 24 years ago, a time of great promise and opportunity for Poland and other newly independent states, and it is here I began my own work as a human rights activist. I returned home from that trip invigorated by the energy and optimism of the people I met here. Shortly thereafter I joined Human Rights First, an independent non-governmental organization whose mission is to challenge the United States to live up to its ideals and advance the universal values of human rights.

The world is very different—and arguably more dangerous—today than it was back then. It's not possible in my short time here to address the many threats to peace, security, and human rights that challenge us today. But here is a snapshot.

A war in Ukraine—now in a tenuous lull—threatens to unsettle all of Europe. A war in Syria has killed nearly 200,000 people and displaced more than half of the Syrian population, and grinds on with no end in sight. Together with the longstanding

mayhem in Iraq, Syria's war has bred a new threat that combines genocidal barbarism with social media savvy.

And many people in the OSCE nations have more immediate woes: poverty, hunger, joblessness and—six years after the financial crisis—a profound lack of faith that their leaders can fix these problems. In this environment, hateful demagogues feed on misery, and scapegoat vulnerable minorities.

Refugees are the very embodiment of upheaval, a barometer of distress. And there are more refugees in the world today than at any other time since World War II. Many of them, as you know, are finding their way to Europe and North America, where they often face hostility, discrimination, and even violence.

I wish I could report that governments and political leaders are responding to these challenges with boldness, intelligence, and imagination. But too many leaders are undermining the very principles that make for healthy societies— freedom of religion, assembly, and expression; protection of refugees; due process and the rule of law; and a vibrant civil society.

To the short-sighted and ill-intended, rights are seen as expendable in times of crisis. But this is exactly backwards. It is by respecting rights that we find a pathway out of crisis.

Governments around the world—not least of which my own—have cited the threat of terrorism to constrain liberty, claim more power, and claim the need to maintain more and more secrecy.

I am not naïve about the threat of terrorism; it is serious, and it presents its own challenge to human rights. But unless governments couple their resolve to meet these threats with an equal resolve to ground those efforts in respect for rights and freedoms, we will all lose. Counterterrorism efforts—whether well-intended or veiled executive power grabs—that are unmoored from human rights tend to weaken democracies, strengthen autocracies, and perpetuate the conditions from which terrorist movements draw their strength.

This is a long struggle. Today there are high school students who were not yet born when the US launched its so-called “war on terror.” That conflict has spawned torture, indefinite detention, pervasive secrecy, invasive surveillance, and legally dubious drone strikes that have killed hundreds of civilians. President Obama took the important step of repudiating torture in the opening days of his first term, but Guantanamo, that site and symbol of abuse, remains an indelible stain. One hundred and fifty-four prisoners languish there, including some scheduled for trial in military commissions that lack legitimacy. We are pressing the Obama Administration to end the failed experiment of Guantanamo, ensure release of the Senate’s report on the CIA torture program, come clean about the rules that govern its use of drones for targeted killing, and address legitimate concerns about overly broad data collection and wholesale invasions of privacy that seem unrelated to addressing threats to national security.

The world recently got a window into how the reflexive resort to military force risks infecting broader law enforcement tactics. In the aftermath of the police shooting of an unarmed black teenager by a white police officer in Ferguson, Missouri this summer, police used excessive force against protestors. The police department of this small town had militarized weapons, as well as a militarized mindset—both products, in part, of the war on terrorism.

By the time nations feel the need to resort to force to confront terrorism, the challenges are compounded. Counterterrorism strategies that rely too heavily on force have invariably led to human rights abuses, exacerbating the very conditions that give rise to terrorism and creating a vicious cycle that is difficult to break.

Perpetual war—without geographical limits, a declared enemy, and a sound legal foundation—poses a real and present danger to our societies. Last year, President Obama declared his intention to move U.S. counterterrorism operations off of a war footing. He should use his speech at the UN this week to reaffirm that goal. And he should assure other nations that US military action against ISIS will be tailored to meet that threat and does not represent an unbounded broadening of the use of military force as part of US counterterrorism strategy.

Meanwhile in Russia, an increasingly authoritarian leader has used purported security threats as a pretext for cracking down on dissent, muzzling independent media, and intimidating civil society. A so-called “foreign agents law” has imperiled NGOs by restricting support from foreign sources; several have been forced to shut down. A Treason Law has dangerously expanded the definitions of treason and espionage, leaving openings for abuse. Anti-extremism laws have been used to restrict rights both online and on the street. The government has persecuted independent journalists, whistleblowers, and activists. And President Putin has signed a harsh law that threatens the human rights of LGBT people.

Russia is promoting its homophobic law as a model, as other countries in Eastern Europe and Central Asia—such as Belarus and Kyrgyzstan—consider their own anti-LGBT laws. The crackdown on NGOs also extends beyond Russia. Governments have used restrictions on foreign funding and other tactics to shut down NGOs in Azerbaijan, Belarus, Tajikistan, and Uzbekistan. These laws have a chilling effect on civil society wherever they exist.

President Putin is cultivating a dangerous nationalism that is now used to justify the war he sponsored in Ukraine. And, while Russia has a Neo-Nazi problem of its own, President Putin uses exaggerated charges of antisemitism and Fascism to delegitimize the Ukrainian government and whip up domestic support in Russia for intervention. All parties to the armed conflict in Ukraine – including Russia – must respect their international humanitarian law obligations in the conduct of hostilities and the protection of civilians. And there is strong evidence that they are all failing.

But if Ukraine’s fledgling democracy is imperiled, it’s not entirely Russia’s fault. Ukraine’s leaders have yet to show a sufficient commitment to inclusive, democratic governance. They have moved to ban the Communist Party, left the LGBT community in Kiev feeling insecure (the gay pride parade there had to be cancelled when the government failed to provide sufficient security to protect the marchers),

and have done little to earn public trust that it will end corruption and protect fundamental rights. The government should, for example, seek accountability for the killings that took place during the Maidan protests and pursue meaningful campaign finance reform. Ultimately, a rights-respecting democracy will provide the stability that Ukrainians need and that can deter Russian interference in the country.

The more established democracies of Europe are facing their own challenges. In much of the continent, ultranationalist movements have risen on a tide of anti-immigrant sentiment, economic distress and public anger at the ruling elites. These movements have fomented hatred that has sometimes led to violence.

But economic distress doesn't fully explain the rise of hate parties. After all, the phenomenon predates the crash, and in some countries severe joblessness has not spawned a resurgence of fascism. How governments navigate these shoals—or don't—makes a major difference.

The Jobbik party in Hungary and Golden Dawn in Greece are two examples. Both parties demonize Jews, Roma, LGBT people, Muslims, and migrants, portraying the existence of minorities as a threat to their national, cultural, religious, or ethnic identities. These xenophobic, anti-E.U., anti-NATO views have propelled them into their national parliaments and the European Parliament.

One need not accept facile analogies to the 1930s to be alarmed by the resurgence of fascism in Europe.

Yet the political leaders in both Hungary and Greece have not only tolerated these parties; they sometimes empowered them. In Greece, Golden Dawn gained a foothold in virtually every level of government—including the police and the military—before the government finally charged its leaders with running a criminal organization bent on terrorizing migrants and minorities. The upcoming trial of Golden Dawn leaders is a critical opportunity to begin to stem this tide. To seize it, the government must ensure that the trial is credible and complies with international fair trial standards.

In Hungary—where Jobbik won 20% percent of the vote last spring—Prime Minister Viktor Orban is playing a dangerous game. While ostensibly opposing Jobbik, he has tapped into the very hatred that is its lifeblood. He condemns anti-Semitism; yet he names as his ambassador to Rome a well-known anti-Semite. The government's growing authoritarianism legitimizes Jobbik and itself poses a threat to the rights of Hungarians. The authorities have raided NGOs that accepted funds from Norway, branding them agents of foreign powers, and put 13 NGOs deemed hostile to the government on an “enemies list.” Meanwhile, the government has restricted media freedoms and passed tax laws that seem designed to undermine foreign-owned media outlets. Prime Minister Orban's open declaration that Hungary will become an “illiberal democracy” is a chilling prediction of a future inconsistent with the Helsinki principles.

This is a bleak picture, no doubt. But there are bright spots. The Swedish Prime Minister's bid to defy the anti-immigrant tide and defend his country's tradition of openness. The determination of the U.S. Congress to publicly release details about the CIA's torture program. The powerful joint statement, after a recent spate of hate crimes against Jews, of the French, German, and Italian foreign ministers condemning

anti-Semitism. And everywhere, in every OSCE country, courageous activists working to make their societies freer, more inclusive, and more just.

Still, the rends are alarming, and the dangers are undeniable. The good news is that we need not go searching for a roadmap. We know the route to peace and stability. It is set forth in the Helsinki Declaration of 1975, the OSCE's founding document, where member nations pledged to uphold human rights as the "essential element" to ensure peace, justice, and wellbeing.

Despite that critical and hard-won insight, it is hard to dislodge the conventional wisdom that, in times of insecurity, so-called "soft" concerns like human rights must take a back seat until more urgent needs are addressed. But time and again we see the prescient wisdom of the Helsinki drafters. The solution to security challenges lies not in postponing action on human rights, but in doubling down on rights protection. The demonization or neglect of minorities, the failure to ensure the safety and political participation of women, the crackdown on civil society that works to protect the rights of the vulnerable—these factors are both symptoms of and lead to broader insecurity. Many of the security challenges we face today are the result of erosion of—or an all-out assault on—human rights. That's why it is imperative that the OSCE participating states not sideline or soft-pedal scrutiny of human rights, despite the security challenges.

I leave you with a few concrete and modest recommendations for translating these challenges into opportunities.

First, I encourage all governments to implement their obligations on tolerance and hate crime, including data collection, providing information to ODHIR, and inviting ODHIR to train law enforcement. In that regard, I commend the Swiss Chairmanship and the German Foreign Office for hosting an event in November to mark the 10th Anniversary of the Berlin Declaration on Anti-Semitism. I encourage every participating state to send a high-level representative. Now is a particularly important moment to demonstrate that hatred and intolerance have no place in Europe and North America, and that governments and civil society are committed to working together to combat it.

Second, I want to highlight an issue that is central to all three OSCE dimensions—economic, security, and human rights—and that is protecting the rights of women. We know from empirical evidence that ensuring women's safety and equality promotes peace and security, and strengthens economies. Violence against women, a serious problem in all OSCE states, prevents societies from realizing these benefits. Since the first OSCE action plan a decade ago, the consensus that women are both particularly vulnerable to violence and have a critical role to play in conflict resolution and peace-building, has only grown stronger. And at a time when the economies of the E.U. continue to struggle, women's participation, free from discrimination and violence—including domestic violence—is essential. The OSCE action plan is long overdue for an update, both to reflect new data and to share knowledge among and spur action in participating countries. I urge you to move forward on it.

Finally, progress on rights is never made simply by reaffirming lofty principles, however important that is. I challenge each government represented here to make—at the closing session of this meeting—three concrete commitments of actions their

governments will take to translate the lofty ideals of the Helsinki accords into reality in peoples' lives.

This is a year when many of the founding principles of this important body have been violated. This presents a challenge to the OSCE, and it's one that the world is counting on you to meet.

I hope you will not flinch from a clear-eyed and honest review of whether and how states are upholding their commitments to protect and advance human rights. The rights and lives of many people depend on it—as does the peace and security of the region.

Thank you.

## ***MODALITIES FOR OSCE MEETING ON HUMAN DIMENSION ISSUES***

The 1992 Helsinki Document mandates ODIHR – as the main institution of the human dimension – to organize a meeting to review the implementation of human dimension commitments entered into by all OSCE participating States and to look at ways to enhance compliance with these commitments.

The modalities for the Human Dimension Implementation Meeting are set in the Permanent Council Decision No. 476 of 23 May 2002 (on the modalities for OSCE Meetings on Human Dimension Issues). The Decision can be found here: <http://www.osce.org/pc/13198>.

Since 1998, the HDIM has taken place annually for a two-week period in Warsaw (except for 1999 and 2010, due to the Istanbul and Astana Summits, respectively). The agenda for these meetings is adopted by the Permanent Council reflecting three special subjects to be dealt with more in-depth. For the 2014 meeting, the Permanent Council adopted the agenda in its Decision No. 1132 of 8 September 2014. It is available here: <http://www.osce.org/pc/123518>.

### ***LINK TO THE ANNOTATED AGENDA***

<http://www.osce.org/odihr/123548>

### ***LINK TO THE TIMETABLE***

<http://www.osce.org/odihr/123789>

### ***LINK TO THE OVERVIEW OF SIDE EVENTS***

<http://www.osce.org/odihr/123499>

### ***LINK TO JOURNALS***

<http://www.osce.org/odihr/125797>

### ***LINK TO DOCUMENTS***

By session or author: [http://www.osce.org/odihr/hdim\\_2014](http://www.osce.org/odihr/hdim_2014) (under Documents sections)

### ***INDEX OF DISTRIBUTED DOCUMENTS***

# **OSCE Human Dimension Implementation Meeting, Warsaw, 22 September - 3 October 2014**

## **Distributed documents sorted by author**

List generated by the ODIHR Documents Distribution System for Conferences, on Monday, 20 Oct, 21:04

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### **OSCE Participating States**

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<b>European Union (EU)</b>	80. EU Opening Statement, Opening Plenary Session. [English, 6 pages] 106.Statement by European Union for Working Session 1, Working Session 2: Fundamental Freedoms I. [English, 3 pages] 133.EU Statement on Freedom of Expression, Working Session 2, Working Session 2: Fundamental Freedoms I. [English, 4 pages] 134.EU Statement on Fundamental Freedoms 1 continued, Working Session 3, Working Session 3: Fundamental Freedoms I (continued). [English, 3 pages] 165.European Union Statement for Working Session 4, Working Session 4: Rule of Law I. [English, 4 pages] 166.European Union Statement for Working Session 5, Working Session 5: Rule of Law II. [English, 3 pages] 212.EU Statement on Combating Trafficking in Human Beings, Working Session 6: Humanitarian Issues and other commitments. [English, 4 pages] 213.EU Statement for Working Session 7: Tolerance and Non-Discrimination I, Working Session 7: Tolerance and non-discrimination I. [English, 3 pages] 233.EU Statement, Working Session 8: Violence against women and children. [English, 4 pages] 216.Statement by the Spokesperson on the ongoing intimidation of Medzhlis of Crimean Tatars in Crimea, Working Session 10: Rights of persons belonging to national minorities. [English, 1 page] 322.EU Statement for Working Session 10 and 11: Rights of Persons Belonging to a National Minority, Working Session 10: Rights of persons belonging to national minorities. [English, 3 pages] 257.EU Statement for Working Session 12: Tolerance and Non-discrimination II, Working Session 12: Tolerance and non-discrimination II. [English, 6 pages] 323.EU Statement for Working Session 13: Tolerance and non-discrimination II (continued), Working Session 13: Tolerance and non-discrimination II (continued). [French, 3 pages] 395.EU Statement for Working Session 14: Fundamental Freedoms II, Working Session 14: Fundamental Freedoms II. [English, 3 pages] 431.EU Statement for WS 15, Working Session 15: Fundamental Freedoms II (continued). [English, 3 pages] 448.Statement of the European Union, Working Session 16: Rights of migrants. [English, 2 pages] 476.European Union Statement, Working Session 17: Rights of migrants. [English, 3 pages] 524.EU Statement, Working Session 18: Discussion of human dimension activities. [English, 4 pages] 525.EU Closing Statement, Closing Plenary Session. [English, 4 pages]
<b>Albania</b>	329.Intervention from Albania, Working Session 5: Rule of Law II. [English, 2 pages]
<b>United States of</b>	23. United States Mission to the OSCE Opening Plenary Statement, Opening

**America**

- Plenary Session. [English, 3 pages; Russian, 3 pages]
47. Statement by the United States of America on Working Session 1, Working Session 1: Democratic Institutions. [English, 3 pages; Russian, 3 pages]
77. Statement by the United States of America on Working Session 2, Working Session 2: Fundamental Freedoms I. [English, 3 pages; Russian, 4 pages]
78. Right of Reply at Session 2 - Response to Russian Federation, Working Session 2: Fundamental Freedoms I. [English, 1 page; Russian, 1 page]
100. Statement by United States - Working Session 3, Working Session 3: Fundamental Freedoms I (continued). [English, 2 pages; Russian, 3 pages]
101. Right of Reply: to Russian Federation regarding the recent climate protests in New York City, Working Session 3: Fundamental Freedoms I (continued). [English, 1 page; Russian, 1 page]
119. Statement by United States of America: Protection of human rights and fighting terrorism Prevention of Torture; Exchange of views on the question of the abolition of capital punishment, Working Session 4: Rule of Law I. [English, 3 pages; Russian, 3 pages]
146. United States of America Statement for Working Session 5, Working Session 5: Rule of Law II. [English, 3 pages; Russian, 3 pages]
171. United States of America Statement for Working Session 6, Working Session 6: Humanitarian Issues and other commitments. [English, 2 pages; Russian, 3 pages]
172. Right of Reply to Russian Federation at Session 6, Working Session 6: Humanitarian Issues and other commitments. [English, 1 page; Russian, 1 page]
175. Statement by United States of America for Working session 7, Working Session 7: Tolerance and non-discrimination I. [English, 2 pages; Russian, 3 pages]
205. Statement by the United States Mission to the OSCE, Working Session 8: Violence against women and children. [English, 3 pages; Russian, 3 pages]
206. Statement by the United States Mission to the OSCE, Working Session 9: Violence against women and children (continued). [English, 2 pages; Russian, 3 pages]
237. Statement by the United States Mission to the OSCE, Working Session 10: Rights of persons belonging to national minorities. [English, 2 pages; Russian, 2 pages]
266. Statement by United States of America, Working Session 11: Rights of persons belonging to national minorities. [English, 2 pages; Russian, 2 pages]
267. Statement by United States of America, Working Session 12: Tolerance and non-discrimination II. [English, 2 pages; Russian, 3 pages]
394. Statement by the United States, Working Session 13: Tolerance and non-discrimination II (continued). [English, 2 pages; Russian, 3 pages]
355. Recommendations for Belarus, Working Session 14: Fundamental Freedoms II. [English, 2 pages; Russian, 3 pages]
356. Recommendations for Azerbaijan, Working Session 14: Fundamental Freedoms II. [English, 10 pages; Azerbaijani, 4 pages]
357. Recommendations for Kazakhstan, Working Session 14: Fundamental Freedoms II. [English, 4 pages; Russian, 4 pages]
358. Recommendations for Kyrgyzstan, Working Session 14: Fundamental Freedoms II. [English, 2 pages; Russian, 2 pages]
359. Recommendations for Russia, Working Session 14: Fundamental Freedoms II. [English, 4 pages; Russian, 6 pages]
360. Recommendations for Tajikistan, Working Session 14: Fundamental Freedoms II. [English, 4 pages; Tajik, 4 pages]
361. Recommendations for Turkmenistan, Working Session 14: Fundamental Freedoms II. [English, 4 pages; Turkmen, 4 pages]

	<p>362.Recommendations for Uzbekistan, Working Session 14: Fundamental Freedoms II. [English, 4 pages; Uzbek, 4 pages]</p> <p>404.Statement by the United States, Working Session 14: Fundamental Freedoms II. [English, 2 pages; Russian, 3 pages]</p> <p>405.Right of Reply by the United States, Working Session 14: Fundamental Freedoms II. [English, 1 page; Russian, 1 page]</p> <p>444.Statement by the United States Mission to the OSCE, Working Session 15: Fundamental Freedoms II (continued). [English, 2 pages; Russian, 2 pages]</p> <p>493.Statement by the United States, Working Session 16: Rights of migrants. [English, 2 pages; Russian, 2 pages]</p> <p>494.Statement by the United States, Working Session 17: Rights of migrants. [English, 2 pages; Russian, 2 pages]</p> <p>518.Statement by the United States Delegation, Any Other Business, Closing Plenary Session. [English, 1 page; Russian, 2 pages]</p> <p>530.Closing Plenary Statement - As delivered by the Honorable Professor J. Brian Atwood, U.S. Head of Delegation, Closing Plenary Session. [English, 3 pages]</p>
<b>Armenia</b>	<p>177.Opening Statement by Delegation of Armenia, Opening Plenary Session. [English, 2 pages]</p> <p>174.Statement of Armenia for Working session 2, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p> <p>318.Statement by the Armenian Delegation, Working Session 4: Rule of Law I. [English, 2 pages]</p>
<b>Austria</b>	<p>38. Statement by Austria, Working Session 2: Fundamental Freedoms I. [English, 3 pages]</p>
<b>Azerbaijan</b>	<p>186.Right of reply by the delegation of the Republic of Azerbaijan, Working Session 1: Democratic Institutions. [English, 1 page]</p> <p>519.Statement by Republic of Azerbaijan, Working Session 2: Fundamental Freedoms I. [English, 4 pages]</p> <p>86. Activity of Azerbaijani Ombudsman in the field of Human Rights, Working Session 3: Fundamental Freedoms I (continued). [English, 3 pages]</p> <p>127.Activity of the Azerbaijani Ombudsman as a National Preventive Mechanism against torture, Working Session 4: Rule of Law I. [English, 4 pages]</p> <p>162.The role of the Ombudsman in Fight against Human Trafficking in Azerbaijan, Working Session 6: Humanitarian Issues and other commitments. [English, 3 pages]</p> <p>168.The role of the Azerbaijani Ombudsman in the protection of womenâ€™s rights and ensuring gender equality, Working Session 7: Tolerance and non-discrimination I. [English, 3 pages]</p> <p>197.Activities of the Human Rights Commissioner of Azerbaijan in the field of protection of child rights, Working Session 9: Violence against women and children (continued). [English, 3 pages]</p> <p>455.Statement by the Delegation of the Republic of Azerbaijan, Working Session 10: Rights of persons belonging to national minorities. [English, 2 pages]</p> <p>373.Remarks by Azerbaijan, Working Session 14: Fundamental Freedoms II. [English, 3 pages]</p> <p>531.Right of Reply by Azerbaijan, Working Session 14: Fundamental Freedoms II. [German, 1 page]</p> <p>526.Remarks by Azerbaijan, Working Session 15: Fundamental Freedoms II (continued). [English, 2 pages]</p> <p>527.Right of Reply by Azerbaijan, Working Session 15: Fundamental Freedoms II (continued). [English, 1 page]</p> <p>441.Remarks by Azerbaijan, Working Session 16: Rights of migrants. [English,</p>

	<p>1 page]</p> <p>467. Remarks by Azerbaijan, Working Session 17: Rights of migrants. [English, 3 pages]</p> <p>528. Right of Reply by Azerbaijan, Working Session 17: Rights of migrants. [English, 1 page]</p> <p>532. Right of Reply by Azerbaijan, Closing Plenary Session. [German, 1 page]</p>
<b>Bulgaria</b>	<p>158. Statement by the Republic of Bulgaria on Tolerance and non-discrimination I, Working Session 7: Tolerance and non-discrimination I. [English, 2 pages]</p> <p>477. Statement, Working Session 17: Rights of migrants. [English, 2 pages]</p>
<b>Canada</b>	<p>29. Canada opening statement, Opening Plenary Session. [English, 2 pages; French, 2 pages]</p> <p>87. Statement by the Delegation of Canada, Working Session 1: Democratic Institutions. [English, 2 pages; French, 2 pages]</p> <p>88. Statement by the Delegation of Canada for Working Session 2, Working Session 2: Fundamental Freedoms I. [English, 2 pages; French, 2 pages]</p> <p>159. Statement by the Delegation of Canada Working Session 7: Tolerance and Non-Discrimination I, including equality of opportunity for women and men and the implementation of the OSCE Action Plan for the Promotion of Gender Equality, Working Session 7: Tolerance and non-discrimination I. [English, 2 pages; French, 2 pages]</p> <p>190. Statement by the Delegation of Canada Working Session 9, Working Session 9: Violence against women and children (continued). [English, 2 pages; French, 2 pages]</p> <p>330. Statement from Canada, Working Session 12: Tolerance and non-discrimination II. [English, 3 pages; French, 3 pages]</p> <p>331. Statement from Canada, Working Session 13: Tolerance and non-discrimination II (continued). [English, 2 pages; French, 2 pages]</p> <p>432. Statement by the Delegation of Canada, Working Session 14: Fundamental Freedoms II. [English, 2 pages; French, 2 pages]</p>
<b>Estonia</b>	<p>326. Delegation of Estonia- Right of Reply, Working Session 11: Rights of persons belonging to national minorities. [English, 1 page]</p> <p>327. Delegation of Estonia- Right of Reply, Working Session 12: Tolerance and non-discrimination II. [English, 1 page]</p>
<b>Finland</b>	<p>189. Statement by Finland for Working Session 8, Working Session 8: Violence against women and children. [English, 2 pages]</p>
<b>France</b>	<p>156. Statement on Media Freedom by France, Working Session 2: Fundamental Freedoms I. [English, 1 page; French, 1 page]</p> <p>541. Statement by the French Delegation, Working Session 4: Rule of Law I. [English, 2 pages; French, 2 pages]</p> <p>195. Speech by the French delegation on Working Session 7, Working Session 7: Tolerance and non-discrimination I. [English, 1 page; French, 1 page]</p> <p>196. Statement by France for Working session 8, Working Session 8: Violence against women and children. [French, 2 pages]</p> <p>450. Statement by the French Delegation, Working Session 12: Tolerance and non-discrimination II. [English, 1 page; French, 1 page]</p> <p>523. Statement by the French Delegation, Working Session 14: Fundamental Freedoms II. [English, 2 pages; French, 2 pages]</p>
<b>United Kingdom</b>	<p>43. UK Statement on Freedom of Expression 2, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p> <p>124. United Kingdom statement for Working session 4, Working Session 4: Rule of Law I. [English, 3 pages]</p> <p>180. Statement by United Kingdom - TND 1 EQUAL OPPORTUNITY FOR</p>

	<p>MEN AND WOMEN, Working Session 7: Tolerance and non-discrimination I. [English, 3 pages]</p> <p>181.United Kingdom- Statement for Working session 8, Working Session 8: Violence against women and children. [English, 1 page]</p> <p>222.Statement by United Kingdom, Working Session 10: Rights of persons belonging to national minorities. [English, 1 page]</p> <p>332.Statement from United Kingdom, Working Session 13: Tolerance and non-discrimination II (continued). [English, 1 page]</p>
<b>Greece</b>	<p>315.STATEMENT BY THE DELEGATION OF GREECE- RIGHT OF REPLY, Working Session 10: Rights of persons belonging to national minorities. [English, 1 page]</p> <p>316.STATEMENT BY THE DELEGATION OF GREECE- RIGHT OF REPLY, Working Session 11: Rights of persons belonging to national minorities. [English, 1 page]</p> <p>317.STATEMENT BY THE DELEGATION OF GREECE- RIGHT OF REPLY, Working Session 12: Tolerance and non-discrimination II. [English, 1 page]</p> <p>328.STATEMENT BY THE DELEGATION OF GREECE- RIGHT OF REPLY, Working Session 13: Tolerance and non-discrimination II (continued). [English, 1 page]</p> <p>403.STATEMENT BY THE DELEGATION OF GREECE- RIGHT OF REPLY, Working Session 14: Fundamental Freedoms II. [English, 1 page]</p>
<b>Hungary</b>	<p>221.Statement by the Delegation of Hungary at Working Session 10, Working Session 10: Rights of persons belonging to national minorities. [English, 2 pages]</p> <p>240.Statement by the Delegation of Hungary at the OSCE Human Dimension Implementation Meeting, Working Session 11: Rights of persons belonging to national minorities. [English, 2 pages]</p> <p>265.Statement by the Delegation of Hungary at the OSCE Human Dimension Implementation Meeting, Working Session 12: Tolerance and non-discrimination II. [English, 2 pages]</p>
<b>Kyrgyzstan</b>	<p>33. Statement of Kyrgyz Republic at Working Session 2, Working Session 2: Fundamental Freedoms I. [Russian, 2 pages]</p> <p>91. Statement by the Delegation of the Kyrgyz Republic, Working Session 3: Fundamental Freedoms I (continued). [Russian, 2 pages]</p> <p>140.Statement by Kyrgyzstan during Working Session 3, Working Session 3: Fundamental Freedoms I (continued). [Russian, 2 pages]</p> <p>142.Statement by Ministry of Foreign Affairs of Kyrgyzstan during Working Session 4, Working Session 4: Rule of Law I. [Russian, 2 pages]</p> <p>111.Statement by Ministry of Foreign Affairs of Kyrgyzstan, Working Session 5: Rule of Law II. [Russian, 2 pages]</p> <p>161.Statement of the Republic of Kyrgyzstan to Working session 7, Working Session 7: Tolerance and non-discrimination I. [Russian, 2 pages]</p> <p>307.Statement of the Kyrgyz Delegation, Working Session 10: Rights of persons belonging to national minorities. [Russian, 2 pages]</p> <p>491.Statement of Kyrgyz Delegation, Working Session 14: Fundamental Freedoms II. [Russian, 2 pages]</p>
<b>Latvia</b>	<p>125.Reply of the Latvian Delegation, Working Session 1, Working Session 1: Democratic Institutions. [English, 1 page]</p> <p>155.Citizenship policy in Latvia, Working Session 1: Democratic Institutions. [English, 3 pages]</p> <p>126.Reply of the Latvian Delegation, Working Session 2, Working Session 2: Fundamental Freedoms I. [English, 1 page]</p>

	<p>255.Statement by the Republic of Latvia on Working Session 10: Rights of Persons Belonging to a National Minority, Working Session 10: Rights of persons belonging to national minorities. [English, 2 pages]</p> <p>256.Language policy in Latvia, Working Session 11: Rights of persons belonging to national minorities. [English, 1 page]</p>
<b>Liechtenstein</b>	529.Liechtensteinâ€™s Statement, Closing Plenary Session. [German, 2 pages]
<b>Lithuania</b>	<p>164.Statement by Lithuania for Working session 2, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p> <p>453.Reply of Lithuanian Delegation to Russian Delegation, Working Session 7: Tolerance and non-discrimination I. [English, 1 page]</p> <p>207.Violence against women and children, Working Session 8: Violence against women and children. [English, 1 page]</p> <p>454.Statement in response to the interventions on Law on National Minorities, Working Session 8: Violence against women and children. [English, 2 pages]</p> <p>243.Statement of the delegation of Lithuania, Working Session 10: Rights of persons belonging to national minorities. [English, 2 pages]</p> <p>244.Rights of Minorities in Lithuania, Working Session 10: Rights of persons belonging to national minorities. [English, 3 pages]</p>
<b>Norway</b>	<p>6. Statement of Norway, Opening Plenary Session. [English, 3 pages]</p> <p>145.Joint Statement of the Netherlands, France and Norway for Working Session 4, Working Session 4: Rule of Law I. [English, 2 pages]</p> <p>520.Statement, Side Events (Wednesday, 24 September, 13:00). [English, 3 pages]</p>
<b>Poland</b>	<p>163.Address by Mr Paweł Wierdak Deputy Director of the Department of UN and Human Rights, In the Ministry of Foreign Affairs of the Republic of Poland At the Opening Session, Opening Plenary Session. [English, 3 pages]</p> <p>438.Contribution by the representative of the Human Rights Protection Team, Ministry of Interior of the Republic of Poland, Working Session 13: Tolerance and non-discrimination II (continued). [English, 1 page]</p>
<b>Uzbekistan</b>	<p>381.Democratic elections in Uzbekistan, Working Session 1: Democratic Institutions. [Russian, 4 pages]</p> <p>380.National Human Rights Institutions in Uzbekistan, Working Session 3: Fundamental Freedoms I (continued). [Russian, 7 pages]</p> <p>152.Protection of Human Rights and Freedom and Combating Terrorism, Working Session 4: Rule of Law I. [English, 11 pages; Russian, 11 pages]</p> <p>154.Independence of judiciary in Uzbekistan, Working Session 5: Rule of Law II. [English, 3 pages; Russian, 4 pages]</p> <p>153.Combating Trafficking in Persons, Working Session 6: Humanitarian Issues and other commitments. [English, 5 pages; Russian, 6 pages]</p> <p>379.Tolerance and non-discrimination in Uzbekistan, Working Session 13: Tolerance and non-discrimination II (continued). [Russian, 4 pages]</p> <p>390.Freedom of thought, conscience, religion or belief in Uzbekistan, Working Session 14: Fundamental Freedoms II. [Russian, 6 pages]</p> <p>393.Speech by the Head of the Department of the human rights protection and legal support of the Ministry of Internal affairs of the Republic of Uzbekistan, I.T.Turgunov, Working Session 14: Fundamental Freedoms II. [English, 4 pages; Russian, 4 pages]</p> <p>416.Speech by Head of the Department of the human rights protection and legal support of the Ministry of Internal affairs of the Republic of Uzbekistan, I.T.Turgunov, Working Session 15: Fundamental Freedoms II (continued). [English, 5 pages; Russian, 6 pages]</p> <p>417.Speech by the Head of the Department of the human rights protection</p>

	<p>and legal support of the Ministry of Internal affairs of the Republic of Uzbekistan, I.T.Turgunov, Working Session 15: Fundamental Freedoms II (continued). [English, 6 pages; Russian, 6 pages]</p> <p>418.Speech by Head of the Department of the human rights protection and legal support of the Ministry of Internal affairs of the Republic of Uzbekistan, I.T.Turgunov, Working Session 15: Fundamental Freedoms II (continued). [English, 5 pages; Russian, 6 pages]</p>
<b>Russian Federation</b>	<p>83. Statement of the Russian Delegation on the Opening Session, Opening Plenary Session. [Russian, 5 pages]</p> <p>82. European standarts of electoral democracy, Working Session 1: Democratic Institutions. [Russian, 7 pages]</p> <p>311.Statement of the Russian Delegation, Working Session 2: Fundamental Freedoms I. [Russian, 6 pages]</p> <p>239.Statement of the Russian Delegation, Working Session 3: Fundamental Freedoms I (continued). [Russian, 5 pages]</p> <p>182.Statement by the Russian Federation for Working Session 4, Working Session 4: Rule of Law I. [Russian, 7 pages]</p> <p>231.Statement by the Russian Federation, Working Session 5: Rule of Law II. [Russian, 7 pages]</p> <p>406.Statement of the Russian Delegation, Working Session 6: Humanitarian Issues and other commitments. [Russian, 3 pages]</p> <p>533.Statement of the Russian Delegation, Working Session 7: Tolerance and non-discrimination I. [Russian, 5 pages]</p> <p>534.Statement of the Russian Delegation, Working Session 8: Violence against women and children. [Russian, 5 pages]</p> <p>497.Statement of the Russian Delegation, Working Session 9: Violence against women and children (continued). [Russian, 3 pages]</p> <p>374.Statement of the Russian Delegation, Working Session 10: Rights of persons belonging to national minorities. [Russian, 6 pages]</p> <p>496.Statement from the Russian Delegation, Working Session 11: Rights of persons belonging to national minorities. [Russian, 5 pages]</p> <p>308.Statement of the Russian Delegation, Working Session 12: Tolerance and non-discrimination II. [Russian, 6 pages]</p> <p>536.Statement of the Russian Delegation, Working Session 13: Tolerance and non-discrimination II (continued). [Russian, 5 pages]</p> <p>402.Statement of the Russian Delegation, Working Session 14: Fundamental Freedoms II. [Russian, 5 pages]</p> <p>445.Statement of the Russian Federation, Working Session 15: Fundamental Freedoms II (continued). [Russian, 3 pages]</p> <p>537.Statement of the Russian Delegation, Working Session 16: Rights of migrants. [Russian, 4 pages]</p> <p>535.Statement of the Russian Delegation, Working Session 17: Rights of migrants. [Russian, 4 pages]</p> <p>517.Statement by Russian Federation, Working Session 18: Discussion of human dimension activities. [Russian, 4 pages]</p> <p>516.Statement by Russian Federation, Closing Plenary Session. [English, 6 pages]</p>
<b>Holy See</b>	<p>45. The Holy See statement on the Working Session 2, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p> <p>147.Holy See Statement for Working Session 6, Working Session 6: Humanitarian Issues and other commitments. [English, 2 pages]</p> <p>272.Holy See intervention at working session 13, Working Session 13: Tolerance and non-discrimination II (continued). [English, 2 pages]</p> <p>385.Intervention of the Holy See, Working Session 14: Fundamental</p>

	Freedoms II. [English, 2 pages]
<b>Serbia</b>	<p>505.Statement by the Permanent Representative, Ambassador Vuk Zugic, Opening Plenary Session. [English, 4 pages]</p> <p>504.Statement by the Permanent Representative Ambassador Vuk Zugic, Working Session 1: Democratic Institutions. [English, 3 pages]</p> <p>502.Statement by Permanent Representative, Ambassador Vuk Zugic, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p> <p>501.Statement by Deputy Head of Mission, Mrs. Sanja Milinkovic, Working Session 7: Tolerance and non-discrimination I. [English, 2 pages]</p> <p>508.Statement by Mr Dragomir Knezevic, Member of Serbian Delegation, Working Session 8: Violence against women and children. [English, 2 pages]</p> <p>507.Statement by Mrs Snezana Trkulja, Member of Serbian Delegation, Working Session 10: Rights of persons belonging to national minorities. [English, 2 pages]</p> <p>509.Statement by Mrs Tamara Rastovac Siamashvili, Member of Serbian Delegation, Working Session 12: Tolerance and non-discrimination II. [English, 2 pages]</p> <p>506.Statement by Snezana Trkulja, Member of Serbian Delegation, Working Session 13: Tolerance and non-discrimination II (continued). [English, 2 pages]</p> <p>503.Statement by Mrs Tamara Rastovac Siamashvili, member of Serbian Delegation, Working Session 17: Rights of migrants. [English, 2 pages]</p>
<b>Slovakia</b>	280.Presentation of the Office of the Plenipotentiary of the Government of the Slovak Republic for National Minorities, Working Session 11: Rights of persons belonging to national minorities. [English, 2 pages]
<b>Slovenia</b>	<p>157.Statement of Slovenia for Working Session 7: Tolerance and non-discrimination I, including equality of opportunity for women and men and the implementation of the OSCE Action Plan for the Promotion of Gender Equality, Working Session 7: Tolerance and non-discrimination I. [English, 2 pages]</p> <p>191.Statement of Slovenia for Working Sessions 8 and 9: Specifically selected topic: Violence against women and children (with focus on domestic violence), Working Session 8: Violence against women and children. [English, 2 pages]</p>
<b>Sweden</b>	<p>55. National statement by Sweden, Working Session 1: Democratic Institutions. [English, 2 pages]</p> <p>90. Statement on behalf of Sweden, Working Session 1: Democratic Institutions. [English, 2 pages]</p> <p>104.National Statement by Sweden, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p>
<b>Switzerland</b>	<p>28. Declaration of Switzerland during working session 1, Working Session 1: Democratic Institutions. [English, 2 pages]</p> <p>103.Declaration of Switzerland for Working Session 2, Working Session 2: Fundamental Freedoms I. [French, 2 pages]</p> <p>105.Declaration of Switzerland for Working Session 3, Working Session 3: Fundamental Freedoms I (continued). [French, 2 pages]</p> <p>132.Statement of Switzerland, Working Session 4, Working Session 4: Rule of Law I. [French, 2 pages]</p> <p>135.Statement of Switzerland for Working Session 5, Working Session 5: Rule of Law II. [French, 2 pages]</p> <p>187.Statement of Swiss Delegation for Working Session 6, Working Session 6: Humanitarian Issues and other commitments. [German, 2 pages]</p> <p>188.Statement of Swiss Delegation for Working Session 7, Working Session</p>

	<p>7: Tolerance and non-discrimination I. [German, 2 pages]</p> <p>242.Declaration of Switzerland, Working Session 10: Rights of persons belonging to national minorities. [French, 2 pages]</p> <p>241.Declaration of Switzerland, Working Session 11: Rights of persons belonging to national minorities. [French, 2 pages]</p> <p>434.Statement of the Swiss Delegation, Working Session 12: Tolerance and non-discrimination II. [French, 2 pages]</p> <p>435.Statement of the Swiss Delegation, Working Session 13: Tolerance and non-discrimination II (continued). [French, 3 pages]</p> <p>433.Statement of the Swiss Delegation, Working Session 14: Fundamental Freedoms II. [English, 2 pages]</p> <p>449.Statement of Switzerland, Working Session 16: Rights of migrants. [French, 3 pages]</p> <p>499.Statement of the Swiss Delegation, Working Session 17: Rights of migrants. [German, 2 pages]</p>
<b>Tajikistan</b>	<p>46. Democratic Election and Election Observation in Tajikistan, Working Session 1: Democratic Institutions. [Russian, 10 pages]</p> <p>107.Torture Prevention, Working Session 4: Rule of Law I. [Russian, 3 pages]</p> <p>108.Improvement of Judicial System in Tajikistan, Working Session 4: Rule of Law I. [Russian, 4 pages]</p> <p>459.Statement, Working Session 16: Rights of migrants. [Russian, 6 pages]</p>
<b>Czech Republic</b>	<p>22. Statement of the Czech Republic during Working Session 1, Working Session 1: Democratic Institutions. [English, 2 pages]</p> <p>50. Statement of the Czech Republic on Freedom of Expression and the Media, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p> <p>246.Statement of the Czech Republic at the OSCE Human Dimension Implementation Meeting, Working Session 12: Tolerance and non-discrimination II. [English, 2 pages]</p>
<b>Turkey</b>	<p>27. Statement by Ambassador Tacan Il dem at the Opening Plenary Session, Opening Plenary Session. [English, 2 pages]</p> <p>407.STATEMENT BY TURKEY, Working Session 7: Tolerance and non-discrimination I. [English, 2 pages]</p> <p>408.STATEMENT BY TURKEY, Working Session 8: Violence against women and children. [English, 2 pages]</p> <p>409.STATEMENT BY TURKEY, Working Session 10: Rights of persons belonging to national minorities. [English, 2 pages]</p> <p>428.STATEMENT BY AMBASSADOR TACAN Ä°LDEM, PERMANENT REPRESENTATIVE OF TURKEY, Working Session 13: Tolerance and non-discrimination II (continued). [English, 3 pages]</p>
<b>Ukraine</b>	<p>56. Opening statement by the Delegation of Ukraine at the HDIM, 22 September 2014, Opening Plenary Session. [English, 3 pages]</p> <p>30. Statement on elections by Vladimir Petrovich Bondarchuk representing the Supreme Administrative Court of Ukraine, Working Session 1: Democratic Institutions. [Russian, 5 pages]</p> <p>310.Statement by the National Television and Radio Broadcasting Council of Ukraine at the Working session 2: Fundamental freedoms I, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p> <p>84. Statement by Vitaliy Bragar, Working Session 3: Fundamental Freedoms I (continued). [Russian, 4 pages]</p> <p>185.Statement by the Delegation of Ukraine at the Working Session 4, Working Session 4: Rule of Law I. [Russian, 4 pages]</p> <p>136.Ukraine. Rule of Law, Working Session 5: Rule of Law II. [English, 6 pages]</p>

- Russian, 7 pages]
- 208.Statement by the Delegation of Ukraine, Working Session 6: Humanitarian Issues and other commitments. [Russian, 2 pages]
- 209.Statement by the Delegation of Ukraine, Working Session 7: Tolerance and non-discrimination I. [Russian, 2 pages]
- 210.Statement by the Delegation of Ukraine, Working Session 8: Violence against women and children. [Russian, 2 pages]
- 261.Statement 29.09.2014 (National minorities) Ukraine Podyuk, Working Session 11: Rights of persons belonging to national minorities. [Russian, 2 pages]
- 262.Statement 30.09.2014 (tolerance, roma) Ukraine Podyuk, Working Session 12: Tolerance and non-discrimination II. [Russian, 3 pages]
- 474.Oral statement of the Ombudsman of Ukraine, Working Session 17: Rights of migrants. [English, 2 pages]
- 538.Closing Statement by the Delegation of Ukraine, Closing Plenary Session. [English, 3 pages]

## OSCE Institutions

<b>OSCE Chairperson-in-Office</b>	20. Intervention of Ambassador Thomas Greminger during the Opening Session, Opening Plenary Session. [French, 9 pages]
<b>OSCE High Commissioner on National Minorities</b>	510.Keynote Address by Astrid Thors, OSCE High Commissioner on National Minorities, Working Session 10: Rights of persons belonging to national minorities. [English, 10 pages]
<b>OSCE ODIHR</b>	<p>1. Annotated Agenda, Background Documents. [English, 47 pages; Russian, 52 pages]</p> <p>2. AGENDA FOR THE 2014 HUMAN DIMENSION IMPLEMENTATION MEETING, Background Documents. [English, 9 pages]</p> <p>3. TIMETABLE OF THE 2014 HUMAN DIMENSION IMPLEMENTATION MEETING AND SIDE EVENTS, Background Documents. [English, 12 pages; Russian, 15 pages]</p> <p>4. Bios of speakers, introducers and moderators, Background Documents. [English, 18 pages]</p> <p>5. OVERVIEW OF SIDE EVENTS, Background Documents. [English, 39 pages; Russian, 44 pages]</p> <p>59. Provisional List of Participants, Background Documents. [English, 100 pages]</p> <p>199.Compilation of Written Recommendations (Working sessions 1-3), Background Documents. [English, 12 pages]</p> <p>204.Compilation of Written Recommendations (Working Sessions 4-7), Background Documents. [English, 12 pages]</p> <p>238.Compilation of Written Recommendations (Working Sessions 8-11), Background Documents. [English, 14 pages]</p> <p>470.Compilation of Written Recommendations (Working Sessions 12-15), Background Documents. [English, 40 pages]</p> <p>495.Compilation of Written Recommendations (Working sessions 16-17), Background Documents. [English, 3 pages]</p> <p>500.Final List of Participants, Background Documents. [English, 100 pages]</p> <p>48. Opening remarks by Mr. Michael Georg Link, Director of the Office for Democratic Institutions and Human Rights, OSCE, Opening Plenary Session. [English, 13 pages]</p> <p>483.Address by Mr. Michael Georg Link, Director of the OSCE/ODIHR, at the HDIM Working Session I, Working Session 1: Democratic</p>

- Institutions. [English, 8 pages]
150. Strengthening the Human Dimension and the Helsinki +40 Process, Side Events (Tuesday, 23 September, 18:00). [English, 10 pages]
144. Implementation of the OSCE Commitments to Combat Trafficking in Human Beings, Introductory Presentation, Working Session 6: Humanitarian Issues and other commitments. [English, 10 pages]
427. Welcoming Address by Ambassador Madina Jarbussynova, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Working Session 6: Humanitarian Issues and other commitments. [English, 10 pages]
291. Statement by Professor Talip Kucukcan, Personal Representative of the OSCE-Chairperson-in-Office On Combating Discriminations and intolerance against Muslims, Working Session 13: Tolerance and non-discrimination II (continued). [English, 2 pages]
292. Presentation to the Human Dimension Implementation Meeting by Rabbi Andrew Baker, Personal Representative of the Chairperson-in-Office for Combating Anti-Semitism, Working Session 13: Tolerance and non-discrimination II (continued). [English, 3 pages]
550. Testimony at HDIM 2014 by Alexey Avtonomov, Personal Representative of the OSCE CiO on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, Working Session 13: Tolerance and non-discrimination II (continued). [Russian, 4 pages]
460. Rapporteur's Report for Working Session 1, Closing Plenary Session. [English, 3 pages]
461. Rapporteur's Report for Working Session 3, Closing Plenary Session. [English, 3 pages]
462. Rapporteur's Report for Working Session 4, Closing Plenary Session. [English, 3 pages]
463. Rapporteur's Report for Working Session 7, Closing Plenary Session. [English, 3 pages]
464. Rapporteur's Reports for Working Session 8, Closing Plenary Session. [English, 3 pages]
465. Rapporteur's Report for Working Session 9, Closing Plenary Session. [English, 2 pages]
466. Rapporteur's Reports for Working Session 5, Closing Plenary Session. [English, 4 pages]
478. Rapporteur's Reports for Working Session 2, Closing Plenary Session. [English, 3 pages]
479. Rapporteur's Reports for Working Session 6, Closing Plenary Session. [English, 4 pages]
480. Rapporteur's Reports for Working Session 10, Closing Plenary Session. [English, 3 pages]
482. Rapporteur's Reports for Working Session 12, Closing Plenary Session. [English, 4 pages]
485. Rapporteur's Reports for Working Session 13, Closing Plenary Session. [English, 4 pages]
486. Rapporteur's Reports for Working Session 14, Closing Plenary Session. [English, 2 pages]
487. Rapporteur's Reports for Working Session 15, Closing Plenary Session. [English, 3 pages]
488. Rapporteur's Reports for Working Session 16, Closing Plenary Session. [English, 2 pages]
489. Rapporteur's Reports for Working Session 17, Closing Plenary Session. [English, 3 pages]
511. Rapporteur's Report (Working Session 18), Closing Plenary Session. [English, 3 pages]
512. Rapporteur's Report (Working Session 11), Closing Plenary Session.

	[English, 3 pages]
	515.Closing Remarks by Michael George Link, OSCE/ODIHR Director, Closing Plenary Session. [English, 8 pages]
<b>OSCE Parliamentary Assembly</b>	<p>7. Statement for Opening Session of OSCE Parliamentary Assembly, Opening Plenary Session. [English, 5 pages]</p> <p>8. Message to participants of the OSCEâ€™s 2014 Human Dimension Implementation Meeting from Ms Isabel Santos, Chair of the OSCE Parliamentary Assemblyâ€™s General Committee on Democracy, Human Rights and Humanitarian Questions, Opening Plenary Session. [English, 1 page]</p> <p>42. Statement for Working Session 2 by Dr. Mehmet Sevki Kulkuloglu, Working Session 2: Fundamental Freedoms I. [English, 3 pages]</p>

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## **OSCE Secretariat**

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<b>OSCE Secretariat</b>	224.Statement by Thomas Wuchte, OSCE Head on Anti-Terrorism Issues Transnational Threats Department, OSCE Secretariat, Working Session 4: Rule of Law I. [English, 2 pages]
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## **International Organizations**

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<b>Commonwealth of Independent States (CIS)</b>	<p>9. Problems of Election Campaign in Ukraine, Working Session 1: Democratic Institutions. [Russian, 2 pages]</p> <p>412.The rise of neo-nazism in Ukraine, Working Session 12: Tolerance and non-discrimination II. [Russian, 1 page]</p>
<b>Council of Europe</b>	<p>10. Contribution by the Council of Europe to Working Session 1 Democratic Institutions, including: Democracy at the national, regional and local levels, Working Session 1: Democratic Institutions. [English, 3 pages]</p> <p>11. Contribution of the Council of Europe: Election assistance, Working Session 1: Democratic Institutions. [English, 4 pages]</p> <p>37. Council of Europe Contribution to the Working session 2: Fundamental freedoms I, Working Session 2: Fundamental Freedoms I. [English, 6 pages]</p> <p>69. Contribution of the Council of Europe to Working Session 3: Fundamental freedoms, including: Freedom of peaceful assembly and association, Working Session 3: Fundamental Freedoms I (continued). [English, 2 pages]</p> <p>97. Contribution of the Council of Europe, Working Session 4: Rule of Law I, Working Session 4: Rule of Law I. [English, 5 pages]</p> <p>96. Contribution of the Council of Europe, Working Session 4, Working Session 5: Rule of Law II. [English, 3 pages]</p> <p>115.Contribution by Council of Europe for the Working Session 5, Working Session 5: Rule of Law II. [English, 12 pages]</p> <p>148.Council of Europe Contribution to Working Session 6, Working Session 6: Humanitarian Issues and other commitments. [English, 2 pages]</p> <p>167.Council of Europe Statement for Working session 6, Working Session 6: Humanitarian Issues and other commitments. [English, 2 pages]</p> <p>160.Contribution of the Council of Europe to Working Session 7, Working Session 7: Tolerance and non-discrimination I. [English, 4 pages]</p> <p>202.Council of Europe activities in the field of protection of national minorities, Working Session 10: Rights of persons belonging to national minorities. [English, 11 pages]</p> <p>253.The Council of Europe Project "Education of Roma Children in Europe" (2002-2009) and the follow-up of its results: new programme on intercultural mediation for Roma communities (ROMED) and the</p>

	<p>International Task Force for the Education of Roma, Working Session 12: Tolerance and non-discrimination II. [English, 6 pages]</p> <p>254.The European Social Charter and Roma Rights, Working Session 12: Tolerance and non-discrimination II. [English, 5 pages]</p> <p>309.Statement By Ulrich Bunjes, Special Representative of the Secretary General on Roma Issues, Working Session 12: Tolerance and non-discrimination II. [English, 2 pages]</p> <p>294.Promotion of mutual respect and understanding through global education, history teaching and interreligious dialogue (North-South Centre), Working Session 13: Tolerance and non-discrimination II (continued). [English, 2 pages]</p> <p>295.MEDIANE - Media in Europe for Diversity Inclusiveness, Working Session 13: Tolerance and non-discrimination II (continued). [English, 2 pages]</p> <p>296.EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE (ECRI), Working Session 13: Tolerance and non-discrimination II (continued). [English, 4 pages]</p> <p>297.RIGHTS OF PEOPLE WITH DISABILITIES, Working Session 13: Tolerance and non-discrimination II (continued). [English, 3 pages]</p> <p>298.Non-discrimination as guaranteed by the European Social Charter, Working Session 13: Tolerance and non-discrimination II (continued). [English, 6 pages]</p> <p>419.Human Rights Education and Youth, Working Session 15: Fundamental Freedoms II (continued). [English, 2 pages]</p> <p>420.Education for democratic citizenship and human rights education, Working Session 15: Fundamental Freedoms II (continued). [English, 6 pages]</p> <p>442.Contribution of the Council of Europe, Working Session 16: Rights of migrants. [English, 3 pages]</p> <p>443.Contribution of the Council of Europe, Working Session 16: Rights of migrants. [English, 12 pages]</p>
<b>Organization of Islamic Cooperation</b>	139.Organization of Islamic Cooperationâ€™s Statement on Freedom of Expression and Hate Speech, Working Session 2: Fundamental Freedoms I. [English, 1 page]
<b>United Nations High Commissioner for Refugees (UNHCR)</b>	468.UNHCR Statement, Working Session 17: Rights of migrants. [English, 3 pages]

## **Non-Governmental Organizations**

<b>"Russian Birch" Charitable Fund to Assist Orphans and Families with Many Children</b>	439.Help given to Ukrainian Refugees, Working Session 16: Rights of migrants. [Russian, 6 pages]
<b>"Veresk" Charity Foundation for Disabled and Amputees</b>	447.Freedom of Movement, Working Session 15: Fundamental Freedoms II (continued). [English, 1 page] 522.Statement, Working Session 15: Fundamental Freedoms II (continued). [English, 2 pages]
<b>ABTTF - Federation of Western Thrace Turks in Europe</b>	300.The rise of far-right politics and xenophobia in Greece, and hate crimes against the Turkish Minority of Western Thrace, Working Session 13: Tolerance and non-discrimination II (continued). [English, 2 pages]

Action by Christians Against Torture - ACAT	95. Torture: the need for universal jurisdiction in OSCE States, Working Session 4: Rule of Law I. [English, 2 pages]
Activist from Moldova	312.HDIM 2014 Written Statement on the situation of Roma in Moldova, Working Session 12: Tolerance and non-discrimination II. [English, 3 pages]
Actual Historical Research Assistance Foundation Historical Memory	170.Statement of Historical Memory Foundation for Working Session 4, Working Session 4: Rule of Law I. [Russian, 2 pages] 169.Statement by Historical Memory Foundation for Working Session 5, Working Session 5: Rule of Law II. [Russian, 1 page]
Administrative Centre of Jehovah's Witnesses in Russia	352.RELIGIOUS FREEDOM CONCERNS IN RUSSIA, Working Session 14: Fundamental Freedoms II. [English, 3 pages; Russian, 3 pages]
All-Russian Public Organization of Assistance to the Protection of Freedom of Conscience	369.Statement, Working Session 14: Fundamental Freedoms II. [Russian, 1 page]
Alliance Defending Freedom	288.Working Session 13: Tolerance and non-discrimination II, Working Session 13: Tolerance and non-discrimination II (continued). [English, 1 page] 366.Statement for Working Session 14: Fundamental Freedoms II, Working Session 14: Fundamental Freedoms II. [English, 1 page] 396.Joint Recommendations, Working Session 14: Fundamental Freedoms II. [English, 1 page]
American Civil Liberties Union Foundation	92. Access to Justice for Victims of Torture in the National Security Context, Working Session 4: Rule of Law I. [English, 2 pages]
Amnesty International	93. Accountability for European Complicity in CIA Torture and Enforced Disappearance: An Update on Developments in Europe, 2013-2014, Working Session 4: Rule of Law I. [English, 9 pages] 116.Statement by Amnesty International for Working Session 5, Working Session 5: Rule of Law II. [English, 3 pages]
Aral-Jayqun Karakalpak Diaspora in Kyrgyzstan	128.For independence and freedom of Karakalpakstan, Working Session 2: Fundamental Freedoms I. [Russian, 2 pages]
Asociacion Gitanas Feministas por la Diversidad	193.The Intersectionality in roma Women, Working Session 9: Violence against women and children (continued). [English, 2 pages]
Association Central Asia	232.Statement on the role of the Tajik language in the Republic of Uzbekistan, Working Session 10: Rights of persons belonging to national minorities. [Russian, 4 pages]
Association Internationale de Defense des Droits de l'homme "Club des Coeurs Ardens"	99. Statement by Association Human Rights "Fiery Hearts Club", Working Session 4: Rule of Law I. [Russian, 4 pages]
Association of Internet Service	51. Internet blocking and digital switch-over in Tajikistan, Working Session 2: Fundamental Freedoms I. [English, 2 pages]

<b>Providers of Tajikistan</b>	
<b>Atheist Ireland</b>	539. Recommendations to OSCE HDIM from Atheist Ireland, Working Session 13: Tolerance and non-discrimination II (continued). [English, 11 pages]
<b>Azerbaijan Institute for Democracy and Human Rights</b>	25. DEMOCRATIC INSTITUTIONS IN SOUTH CAUCASUS, Working Session 1: Democratic Institutions. [English, 6 pages] 62. Freedom of Assembly in South Caucasus Countries, Working Session 3: Fundamental Freedoms I (continued). [English, 4 pages] 110. Combat against terrorism and ensuring human rights, Strugle for ceasing tourtue, Working Session 4: Rule of Law I. [English, 6 pages; Russian, 5 pages] 149. Human trafficking in South Caucasus, Working Session 6: Humanitarian Issues and other commitments. [English, 5 pages] 398. NATIONAL MINORITIES IN SOUTH CAUCASUS, Working Session 11: Rights of persons belonging to national minorities. [English, 6 pages] 399. Rights to Freedom of conscience, religion and expression, Working Session 13: Tolerance and non-discrimination II (continued). [English, 3 pages; Russian, 4 pages] 400. TOLERANCE AND NON-TOLERANCE, Working Session 14: Fundamental Freedoms II. [English, 3 pages; Russian, 3 pages]
<b>Balkan Sunflowers - Roma and Ashkalia Non-profit Documentation Office</b>	223. Statement by Balkan Sunflowers, Working Session 10: Rights of persons belonging to national minorities. [English, 1 page] 258. Statement, Working Session 12: Tolerance and non-discrimination II. [English, 2 pages]
<b>Baltic Center of Historical and Socio-Political Research</b>	13. The End Resolution, Working Session 1: Democratic Institutions. [Russian, 3 pages] 14. Statement by Baltic Centre of Historical and Socio-Political Research on Elections, Working Session 1: Democratic Institutions. [Russian, 1 page] 15. Totalitarian Tendencies in Latvia, Estonia and Lithuania, Working Session 1: Democratic Institutions. [Russian, 2 pages] 16. Elections in Latvia and Estonia, Working Session 1: Democratic Institutions. [Russian, 2 pages] 17. Statement of Baltic Center of Historical and Socio-Political Research: Ethnocracy, Working Session 1: Democratic Institutions. [Russian, 2 pages] 18. Statement by Baltic Center of Historical and Socio-Political Research: Preamble, Working Session 1: Democratic Institutions. [Russian, 2 pages] 19. Limitation of Democracy, Working Session 1: Democratic Institutions. [Russian, 2 pages] 31. Speech of Victor Gushchin, Working Session 1: Democratic Institutions. [Russian, 2 pages] 44. Speech of Victor Gushchin, Latvia, Working Session 2: Fundamental Freedoms I. [Russian, 1 page] 70. Statement of conference, Working Session 3: Fundamental Freedoms I (continued). [Russian, 1 page] 71. Ukraine, Working Session 3: Fundamental Freedoms I (continued). [Russian, 1 page] 72. About situation with Russian schools, Working Session 3: Fundamental Freedoms I (continued). [Russian, 2 pages] 73. Panevkin, Working Session 3: Fundamental Freedoms I (continued). [Russian, 1 page] 74. Ukraine, Working Session 3: Fundamental Freedoms I (continued). [Russian, 1 page] 75. Children, Working Session 3: Fundamental Freedoms I (continued).

	<p>[Russian, 1 page]</p> <p>76. School, Working Session 3: Fundamental Freedoms I (continued). [Russian, 1 page]</p>
<b>Buergerbewegung Pax Europa</b>	<p>245.Statement by Burgerbewegung Pax Europa, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p> <p>319.Dangerous trends in hate crimes against Jews &amp; Christians, Working Session 12: Tolerance and non-discrimination II. [English, 2 pages]</p> <p>320.To the Austrian Delegation, Working Session 13: Tolerance and non-discrimination II (continued). [English, 2 pages]</p> <p>321.Statement by Burgerbewegung Pax Europa, Working Session 13: Tolerance and non-discrimination II (continued). [English, 2 pages]</p> <p>429.Fundamental Freedoms II including freedom of thought, conscience, religion or belief, Working Session 14: Fundamental Freedoms II. [English, 2 pages]</p>
<b>Center for Information and Analysis (SOVA)</b>	<p>252.Address and recommendations at the working sessions 12 and 13 "Tolerance and non-discrimination II", Working Session 12: Tolerance and non-discrimination II. [English, 3 pages; Russian, 4 pages]</p> <p>341.Statement for wession 14 on Freedom of Religion and Belief, Working Session 14: Fundamental Freedoms II. [English, 2 pages; Russian, 2 pages]</p>
<b>Central Council of German Sinti and Roma</b>	<p>220.Statement of the Central Council of German Sinti and Roma, Working Session 10: Rights of persons belonging to national minorities. [English, 2 pages]</p>
<b>Central Council of the African Community in Germany</b>	<p>513.Statement, Working Session 14: Fundamental Freedoms II. [English, 2 pages]</p>
<b>Centre d'Action Laique</b>	<p>248.Continuing Education as a Way to Oppose Extremism, Working Session 12: Tolerance and non-discrimination II. [English, 2 pages]</p> <p>386.Freedom of religion is no license to discriminate, Working Session 14: Fundamental Freedoms II. [English, 2 pages]</p>
<b>Centre for Research and Protection of Fundamental Rights</b>	<p>472.Statement, Working Session 10: Rights of persons belonging to national minorities. [Russian, 2 pages]</p>
<b>Chernivtsy Regional NGO 'Human Rights'</b>	<p>98. The defence of human rights and combating terrorism, Working Session 4: Rule of Law I. [Russian, 4 pages]</p> <p>118.Statement by Chernivtsy Regional NGO 'Human Rights', Working Session 5: Rule of Law II. [Russian, 1 page]</p>
<b>Christian Solidarity Worldwide (CSW)</b>	<p>375.WS 14: Fundamental Freedoms 11, including freedom of thought, conscience, religion or belief, Working Session 14: Fundamental Freedoms II. [English, 2 pages]</p>
<b>Church of Scientology; Human Rights Office</b>	<p>293.Parliamentary Assembly of the Council of Europe voted down an anti-religious legislation, Working Session 13: Tolerance and non-discrimination II (continued). [English, 2 pages]</p> <p>343.Parliamentary Assembly of the Council of Europe voted down an anti-religious legislation, Working Session 14: Fundamental Freedoms II. [English, 2 pages]</p>
<b>CIS-EMO- Centre for Monitoring Democratic Processes "Quorum"</b>	<p>422.Regional elections in Russia 2014- Key issues, Side Events (Wednesday, 1 October, 18:00). [Russian, 5 pages]</p> <p>423.Problems of election campaign in Ukraine 2014, Side Events (Wednesday, 1 October, 18:00). [Russian, 5 pages]</p>

	424.CIS-EMO Side Event- Presidential Elections in Ukraine 2014, Side Events (Wednesday, 1 October, 18:00). [Russian, 2 pages]
<b>Civil Network OPORA</b>	117.Statement by Civil Network OPORA, Working Session 1: Democratic Institutions. [Russian, 2 pages]
<b>Constantinopolitan Society</b>	219.The Greek Minority in Turkey. Recommendations to OSCE/ODIHR, Working Session 11: Rights of persons belonging to national minorities. [English, 4 pages] 225.The Greek Minority in Turkey. Statement, Working Session 11: Rights of persons belonging to national minorities. [English, 7 pages] 301.The Ecumenical Patriarchate in Turkey: RECOMMENDATIONS TO OSCE / ODIHR, Working Session 13: Tolerance and non-discrimination II (continued). [English, 2 pages] 302.The Ecumenical Patriarchate in Turkey: STATEMENT, Working Session 13: Tolerance and non-discrimination II (continued). [English, 3 pages]
<b>Coordination des Associations et Particuliers pour la Liberte de Conscience</b>	339.Combating intolerance, negative stereotyping, stigmatization and discrimination based on religion or belief- Report on France OSCE 2014, Working Session 14: Fundamental Freedoms II. [English, 3 pages]
<b>Core Issues Trust</b>	285.Protecting Competent Professional Guidance and Therapeutic Care for Unwanted Sexual Feelings, Working Session 13: Tolerance and non-discrimination II (continued). [English, 1 page] 336.Viewpoint Discrimination: The UK governmentsâ€™ determination to disallow contrary views around the discredited idea that sexual preference in inborn, Working Session 14: Fundamental Freedoms II. [English, 1 page]
<b>E-ROMNJA</b>	194.How we talk and act against violence on Rromani women?, Working Session 9: Violence against women and children (continued). [English, 4 pages]
<b>Ecumenical Federation of Costantinopolitans</b>	200.Waiting of Remedy and Reparations towards the Greek-Orthodox Community of the Republic of Turkey at the 50th Anniversary of their Massive Deportation, Working Session 10: Rights of persons belonging to national minorities. [English, 1 page]
<b>ELEUTHEROS (Pour le droit d'etre Chretien)</b>	278.Statement of Eleutheros - Pour le Droit detre chretien, Working Session 13: Tolerance and non-discrimination II (continued). [French, 1 page] 367.Statement from Eleutheros- Pour le droit d'etre chretien, Working Session 14: Fundamental Freedoms II. [French, 1 page]
<b>European Association of Jehovah's Christian Witnesses</b>	344.RELIGIOUS FREEDOM CONCERNS IN AZERBAIJAN, Working Session 14: Fundamental Freedoms II. [English, 4 pages; Russian, 4 pages] 345.RELIGIOUS FREEDOM CONCERNS IN BULGARIA, Working Session 14: Fundamental Freedoms II. [English, 2 pages] 346.RELIGIOUS FREEDOM CONCERNS IN KYRGYZSTAN, Working Session 14: Fundamental Freedoms II. [English, 2 pages; Russian, 2 pages] 347.RELIGIOUS FREEDOM CONCERNS IN KAZAKHSTAN, Working Session 14: Fundamental Freedoms II. [English, 3 pages; Russian, 4 pages] 348.RELIGIOUS FREEDOM CONCERNS IN TAJIKISTAN, Working Session 14: Fundamental Freedoms II. [English, 2 pages; Russian, 2 pages] 349.RELIGIOUS FREEDOM CONCERNS IN TURKEY, Working Session 14: Fundamental Freedoms II. [English, 1 page] 350.RELIGIOUS FREEDOM CONCERNS IN TURKMENISTAN, Working Session 14: Fundamental Freedoms II. [English, 3 pages; Russian, 4 pages] 351.RELIGIOUS FREEDOM CONCERNS IN UZBEKISTAN, Working

	<p>Session 14: Fundamental Freedoms II. [English, 2 pages; Russian, 2 pages]</p> <p>410.RELIGIOUS FREEDOM CONCERNS IN UKRAINE, Working Session 14: Fundamental Freedoms II. [English, 3 pages]</p> <p>411.RELIGIOUS FREEDOM CONCERNS IN SOUTH KOREA, Working Session 14: Fundamental Freedoms II. [English, 3 pages]</p>
<b>European Center for Artsakh (EUCFA)</b>	<p>32. Democratic Institutions in Nagorno-Karabakh, Working Session 1: Democratic Institutions. [English, 1 page]</p> <p>49. On Fundamental Freedoms, Working Session 2: Fundamental Freedoms I. [English, 1 page]</p> <p>57. Background: On situation in Nagorno-Karabakh around of democratic elections, freedom of media and human rights institutions, Working Session 2: Fundamental Freedoms I. [Russian, 3 pages]</p> <p>414.Freedom of Movement, Working Session 15: Fundamental Freedoms II (continued). [English, 1 page]</p> <p>469.Refugees in Nagorno Karabakh Republic, Working Session 17: Rights of migrants. [English, 1 page]</p>
<b>European Humanist Federation</b>	<p>269.Intolerance on religious grounds of those of differing sexual orientation, Working Session 13: Tolerance and non-discrimination II (continued). [English, 2 pages]</p> <p>387.The importance of freedom of thought, conscience, religion or belief for all, Working Session 14: Fundamental Freedoms II. [English, 2 pages]</p> <p>415.The importance of sexual and reproductive health rights in the context of human rights education, Working Session 15: Fundamental Freedoms II (continued). [English, 2 pages]</p>
<b>European Organisation of Military Association (EUROMIL)</b>	<p>66. EUROMIL Recommendation, Working Session 3: Fundamental Freedoms I (continued). [English, 2 pages]</p>
<b>European Russian Movement</b>	<p>121.Statement by European Russian Movement, Working Session 4: Rule of Law I. [Russian, 5 pages]</p>
<b>FATIMA- Society for Protection of Children of African Origin in the Republic of Moldova</b>	<p>498.Statement for Working Session 13: Tolerance and Non-À-â€ • Discrimination II, Working Session 13: Tolerance and non-discrimination II (continued). [English, 1 page]</p>
<b>Federation Europeenne des Centres de Recherche et d'Information sur le Sectarisme (FECRIS)</b>	<p>333.Statement from FECRIS, Working Session 14: Fundamental Freedoms II. [French, 2 pages]</p> <p>334.Freedom of thought, conscience, religion or belief: Presentation by Daniele Muller-Tulli, Vice-chair, Working Session 14: Fundamental Freedoms II. [English, 2 pages; French, 2 pages]</p>
<b>Federation of Western Thrace Turks in Europe</b>	<p>217.The right to education in mother tongue of the Turkish Minority of Western Thrace and the problem of bilingual minority kindergartens in Greece, Working Session 10: Rights of persons belonging to national minorities. [English, 3 pages]</p> <p>226.The Electoral Threshold of 3 % in Greece and Political Representation of the Turkish Minority of Western Thrace, Working Session 11: Rights of persons belonging to national minorities. [English, 3 pages]</p>
<b>Forum 18</b>	<p>299.Freedom of Religion or Belief, Working Session 13: Tolerance and non-discrimination II (continued). [English, 2 pages]</p>

	340.Fundamental freedoms including freedom of thought, conscience, religion or belief, Working Session 14: Fundamental Freedoms II. [English, 2 pages]
<b>Forum for Religious Freedom Europe (FOREF)</b>	290.HUNGARY: New Religion Law at Variance with OSCE Standards and the European Convention on Human Rights, Working Session 13: Tolerance and non-discrimination II (continued). [English, 3 pages] 371.Statement from FOREF Europe, Working Session 14: Fundamental Freedoms II. [English, 2 pages]
<b>Foundation "CitizenGO"</b>	365.STATEMENT BY MAGDALENA KORZEKWA, POLISH CAMPAIGNS MANAGER OF FOUNDATION CITIZENGO, Working Session 14: Fundamental Freedoms II. [English, 1 page]
<b>Foundation for Development Civil Society Institution "Public Diplomacy"</b>	260.Neo-nazism and xenophobia in post-Soviet countries, Working Session 12: Tolerance and non-discrimination II. [Russian, 4 pages]
<b>Freedom House</b>	138.Intervention of Freedom House, Working Session 2, Working Session 2: Fundamental Freedoms I. [English, 2 pages] 60. Statement by Freedom House on the Deteriorating State of Freedoms of Association and Assembly, Working Session 3: Fundamental Freedoms I (continued). [English, 3 pages]
<b>Giuseppe Dossetti Observatory for Religious Tolerance and Freedom</b>	250.Statement by Dr. Mattia F. Ferrero, Working Session 12: Tolerance and non-discrimination II. [English, 2 pages] 251.Recommendations by Dr. Mattia F. Ferrero, Working Session 12: Tolerance and non-discrimination II. [English, 1 page] 324.Statement by Dr. Mattia F. Ferrero, Working Session 13: Tolerance and non-discrimination II (continued). [English, 2 pages] 325.Recommendations by Dr. Mattia F. Ferrero, Working Session 13: Tolerance and non-discrimination II (continued). [English, 1 page] 363.Statement by Dr. Mattia F. Ferrero, Working Session 14: Fundamental Freedoms II. [English, 2 pages] 364.Recommendations by Dr. Mattia F. Ferrero, Working Session 14: Fundamental Freedoms II. [English, 1 page]
<b>Group 484</b>	452.Determination of Residence Status of Displaced Persons in Western Balkans Countries, Side Events (Thursday, 2 October, 13:00). [English, 9 pages]
<b>Helsinki Foundation for Human Rights, Poland</b>	94. An overview of positive developments and ongoing concerns regarding torture and other ill-treatment in Kazakhstan, Kyrgyzstan and Tajikistan, Working Session 4: Rule of Law I. [English, 4 pages]
<b>Human Rights Center of Azerbaijan</b>	79. Statement at the Session 3, Working Session 3: Fundamental Freedoms I (continued). [English, 1 page]
<b>Human Rights Centre "Memorial"</b>	471.Statement about Central Asian Refugees, Working Session 17: Rights of migrants. [Russian, 2 pages]
<b>Human Rights Educational Centre, Belarus</b>	271.The discrimination of Belarusian people, Working Session 11: Rights of persons belonging to national minorities. [Russian, 5 pages] 458.HUMAN RIGHTS EDUCATIONAL CENTRE, BELARUS, Working Session 15: Fundamental Freedoms II (continued). [Russian, 3 pages]
<b>Human Rights First</b>	21. Keynote Address of Elisa Massimino - Back to Basics: Advancing Human Rights in a Time of Crisis, Opening Plenary Session. [English,

	7 pages]
<b>Human Rights House Foundation</b>	<p>112.State of the Legal Profession in Azerbaijan, Working Session 5: Rule of Law II. [Russian, 6 pages]</p> <p>113.Statement by Human Rights House Foundation, Working Session 5: Rule of Law II. [English, 2 pages]</p>
<b>Human Rights Movement "Bir Duino-Kyrgyzstan"</b>	490.Republic of Kazakhstan in system of migration processes, Working Session 16: Rights of migrants. [Russian, 19 pages]
<b>Human Rights Without Frontiers</b>	<p>218.Citizenship and Language Rights of Russian-speaking Minorities in Baltic States, Working Session 10: Rights of persons belonging to national minorities. [English, 4 pages]</p> <p>284.FRANCE: Social hostility towards a number of minority religious groups, Working Session 13: Tolerance and non-discrimination II (continued). [English, 4 pages]</p> <p>338.TURKMENISTAN: Prison terms for conscientious objectors and members of unregistered religious groups, Working Session 14: Fundamental Freedoms II. [English, 2 pages]</p>
<b>Humanitas Helvetica</b>	178.Violence against women and children - Statement by Humanitas Helvetica, Working Session 8: Violence against women and children. [German, 2 pages]
<b>Hungarian Helsinki Committee</b>	109.Documents for Side Event - Going Liberal: the Rule of Law and NGOs in Hungary, Side Events (Tuesday, 23 September, 13:00). [English, 22 pages]
<b>Independent Institute for Monitoring the Formation of Civil Society</b>	<p>39. Democracy at national, regional and local levels, Working Session 1: Democratic Institutions. [English, 4 pages; Russian, 5 pages]</p> <p>40. Role of Civil Society in Protection of Human Rights, Working Session 2: Fundamental Freedoms I. [English, 3 pages; Russian, 3 pages]</p> <p>41. Freedom of peaceful gatherings and associations., Working Session 2: Fundamental Freedoms I. [English, 3 pages; Russian, 3 pages]</p>
<b>Information Group on Crimes Against the Person - IGCP</b>	<p>234.Statement by the Information Group on Crimes Against the Person, Working Session 4: Rule of Law I. [Russian, 1 page]</p> <p>151.Intervention by Information Group on Crimes Against the Person, Working Session 5: Rule of Law II. [English, 1 page]</p>
<b>Institute Europeen de Recherches et D'Etudes Des Sciences Sociales et Religieuses (IERES)</b>	282.Tolerance and non-discrimination, Working Session 13: Tolerance and non-discrimination II (continued). [English, 2 pages; French, 2 pages]
<b>Institute for International Research at the Ukrainian Academy of Sciences</b>	<p>227.Ukrainian nationals in the occupied Crimea, Working Session 11: Rights of persons belonging to national minorities. [English, 2 pages]</p> <p>368.Protection of places of warship and other religious objects in "hybrid" war, Working Session 14: Fundamental Freedoms II. [English, 3 pages]</p>
<b>Institute of European Studies, Latvia</b>	122.Anti-democratic markers in legislation of Latvia, Working Session 4: Rule of Law I. [English, 2 pages; Russian, 2 pages]
<b>Institute of Media Policy</b>	426.Statement of Kyrgyz NGOs, Working Session 2: Fundamental Freedoms I. [Russian, 2 pages]
<b>Institute on</b>	401.Know Your Rights- What is Freedom of Religion?, Working Session 14:

<b>Religion and Public Policy</b>	Fundamental Freedoms II. [English, 28 pages]
<b>International Association for the Defense of Religious Liberty (AIDLR), Switzerland</b>	<p>314. URGENT APPEAL: LET'S US WORK FOR NO MORE INTOLERANCE, DISCRIMINATION AND PERSECUTION IN OSCE REGION AND WORLDWIDE, Working Session 13: Tolerance and non-discrimination II (continued). [English, 3 pages]</p> <p>392. Freedom of thought, conscience and religion: Challenges and Perspectives. APPEAL TO RELEASE ADVENTIST PASTOR ABDUCTED DURING CHURCH SERVICE IN EAST UKRAINE, Working Session 14: Fundamental Freedoms II. [English, 4 pages]</p>
<b>International Association of Independent Democrats Against Authoritarian Regimes</b>	<p>52. The Democracy, Working Session 1: Democratic Institutions. [English, 3 pages]</p> <p>102. Statement by International Association of Independent Democrats Against Authoritarian Regimes, Working Session 3: Fundamental Freedoms I (continued). [Russian, 2 pages]</p> <p>492. Free moving for all residents, Working Session 15: Fundamental Freedoms II (continued). [English, 2 pages]</p> <p>484. "Refugees and ... ", Working Session 17: Rights of migrants. [English, 2 pages]</p>
<b>International Civil Liberties Alliance (ICLA)</b>	<p>542. ICLA Statement, Working Session 2: Fundamental Freedoms I. [French, 2 pages]</p> <p>543. ICLA Statement, Working Session 3: Fundamental Freedoms I (continued). [French, 1 page]</p> <p>544. Statement by ICLA, Working Session 4: Rule of Law I. [French, 2 pages]</p> <p>545. Statement by ICLA, Working Session 5: Rule of Law II. [French, 3 pages]</p> <p>546. Statement by ICLA, Working Session 7: Tolerance and non-discrimination I. [French, 2 pages]</p> <p>547. Statement by ICLA, Working Session 9: Violence against women and children (continued). [French, 3 pages]</p> <p>514. Statement, Working Session 12: Tolerance and non-discrimination II. [English, 1 page]</p> <p>548. Statement by ICLA, Working Session 13: Tolerance and non-discrimination II (continued). [French, 2 pages]</p> <p>549. Statement by ICLA, Working Session 14: Fundamental Freedoms II. [French, 3 pages]</p>
<b>International Cultural Center of the Republic of Uzbekistan</b>	382. Statement, Working Session 10: Rights of persons belonging to national minorities. [Russian, 6 pages]
<b>International Federation for Human Rights (FIDH), France</b>	58. Written contribution of The International Federation for Human Rights (FIDH) and The World Organisation Against Torture (OMCT), Working Session 3: Fundamental Freedoms I (continued). [English, 7 pages]
<b>International Federation for Therapeutic Choice (IFTC)</b>	279. IFTC- Intervention on Safeguarding Freedom of Therapeutic Choice for Sexual Minorities, Working Session 12: Tolerance and non-discrimination II. [English, 9 pages]
<b>International Human Rights Movement "World without Nazism"</b>	<p>275. ANTI-DEMOCRATIC MARKERS IN UKRAINE, Working Session 11: Rights of persons belonging to national minorities. [English, 2 pages; Russian, 2 pages]</p> <p>274. The need to protect Latvian Human Rights Activists, Working Session 12: Tolerance and non-discrimination II. [English, 2 pages; Russian, 2 pages]</p> <p>276. HATE CRIME IN UKRAINE, Working Session 12: Tolerance and non-discrimination II. [English, 1 page; Russian, 1 page]</p>

	305.The need for monitoring of radical nationalism in Europe, Working Session 13: Tolerance and non-discrimination II (continued). [Russian, 1 page]
<b>International Legal Initiative Public Foundation</b>	<p>61. Respect for the right to peaceful assembly in the judicial system of Kazakhstan, Working Session 3: Fundamental Freedoms I (continued). [Russian, 2 pages]</p> <p>198.Report on the monitoring of trials related to peaceful assembly in the Republic of Kazakhstan, Side Events (Friday, 26 September, 18:00). [English, 30 pages; Russian, 30 pages]</p>
<b>International Partnership for Human Rights (IPHR)</b>	<p>68. Current threats facing human rights NGOs and defenders in Central Asia, Working Session 3: Fundamental Freedoms I (continued). [English, 8 pages; Russian, 9 pages]</p> <p>173.Statement by International Partnership for Human Rights (IPHR) for Working Session 3, Working Session 3: Fundamental Freedoms I (continued). [English, 7 pages]</p> <p>114.Statement by Civic Solidarity Platform, Working Session 5: Rule of Law II. [English, 4 pages]</p> <p>353.Worrying trends regarding religious freedoms in the OSCE region, Working Session 14: Fundamental Freedoms II. [English, 3 pages]</p> <p>354.A Downward Spiral: Freedom of Religion and Belief in Crimea, Working Session 14: Fundamental Freedoms II. [English, 3 pages]</p>
<b>International Raelian Movement</b>	303.Contribution of the European Raelian Movement of Religion or Belief in the case studies on Freedom of Religion and Belief at the Human Dimension Meeting in Warsaw in 2014, Working Session 13: Tolerance and non-discrimination II (continued). [English, 5 pages]
<b>Islamische Gemeinschaft Milli Gorus e. V.</b>	289.Collection of facts: attacks on mosques in 2014, Working Session 13: Tolerance and non-discrimination II (continued). [English, 8 pages]
<b>Jewish Community Relations Council of New York</b>	277.REGARDING THE LATVIAN STATE MINORITY SCHOOL REFORM, Working Session 11: Rights of persons belonging to national minorities. [English, 2 pages; Russian, 2 pages]
<b>Latvian Anti-Fascist Committee</b>	<p>63. Statement about freedom of meetings, Working Session 3: Fundamental Freedoms I (continued). [Russian, 2 pages]</p> <p>229.Statement and Recommendations, Working Session 11: Rights of persons belonging to national minorities. [Russian, 2 pages]</p> <p>273.Statement and Recommendation, Working Session 13: Tolerance and non-discrimination II (continued). [Russian, 2 pages]</p> <p>413.Statement about European "Black Lists", Working Session 15: Fundamental Freedoms II (continued). [Russian, 1 page]</p>
<b>Latvian Human Rights Committee</b>	<p>12. Latvian Human Rights Committee: Democratic processes in Latvia in 2013-2014, Working Session 1: Democratic Institutions. [English, 3 pages]</p> <p>203.Minority rights in Latvia: 2013-2014, Working Session 10: Rights of persons belonging to national minorities. [English, 6 pages]</p>
<b>Legal Information Centre for Human Rights, Estonia</b>	201.National minorities in Estonia: risk of poverty and social marginalisation, Working Session 10: Rights of persons belonging to national minorities. [English, 2 pages; Russian, 3 pages]
<b>Media Law Institute</b>	81. Speech by Media Law Institute, Ukraine, Working Session 2: Fundamental Freedoms I. [English, 2 pages]
<b>Mission Europa, Netzwerk Karl Martell</b>	264.STATEMENT BY MISSION EUROPA, Working Session 12: Tolerance and non-discrimination II. [English, 2 pages]
<b>Moscow Institute</b>	397.Statement for Working Session 13, Working Session 13: Tolerance and

<b>of Open Education under the Government of Moscow</b>	non-discrimination II (continued). [Russian, 5 pages] 440.Statement by the Moscow Institute of Open Education under the Government of Moscow, Working Session 16: Rights of migrants. [Russian, 5 pages]
<b>Muslim Denomination in Bulgaria</b>	436.Statement by the Muslim Denomination in Bulgaria, Working Session 13: Tolerance and non-discrimination II (continued). [English, 4 pages]
<b>Muslim Problems Research Center</b>	211.Rights of persons belonging to national minorities, Working Session 10: Rights of persons belonging to national minorities. [Russian, 8 pages] 263.Report and Recommendations for the Russian Federation in connection with the Discrimination of Russian Muslim-Girls in Education, Working Session 10: Rights of persons belonging to national minorities. [English, 35 pages] 249.Report on the Situation in the Area of Hate Crimes against Muslims in Russia in 2013-14, Working Session 12: Tolerance and non-discrimination II. [English, 11 pages; Russian, 12 pages] 372.Report about Russian anti-extremist legislation and related with it impairment of rights of Russian Muslims, Working Session 14: Fundamental Freedoms II. [English, 7 pages; Russian, 6 pages]
<b>NGO 'Sandidzan'</b>	378.National Minorities, Working Session 10: Rights of persons belonging to national minorities. [Russian, 2 pages] 377.National Minorities, Working Session 11: Rights of persons belonging to national minorities. [Russian, 2 pages] 376.Tolerance and non-discrimination, Working Session 12: Tolerance and non-discrimination II. [Russian, 2 pages] 446.Freedom of Movement II, Working Session 15: Fundamental Freedoms II (continued). [Russian, 2 pages] 475.Refugees, Working Session 17: Rights of migrants. [Russian, 2 pages]
<b>Norwegian Helsinki Committee</b>	129.Contribution by the Norwegian Helsinki committee, Working Session 2, Working Session 2: Fundamental Freedoms I. [English, 2 pages] 130.Contribution by the Norwegian Helsinki committee, Working Session 3, Working Session 3: Fundamental Freedoms I (continued). [English, 1 page] 131.Contribution by the Norwegian Helsinki committee, Working Session 5, Working Session 5: Rule of Law II. [English, 2 pages] 259.Recommendations from Coalition for Trust in South Caucasus, Working Session 12: Tolerance and non-discrimination II. [English, 2 pages] 270.Tolerance and Freedom of Belief in Turkey and Kazakhstan, Working Session 13: Tolerance and non-discrimination II (continued). [English, 2 pages] 384.Freedom of Religion or Belief in Kazakhstan and Kyrgyzstan, Working Session 14: Fundamental Freedoms II. [English, 2 pages]
<b>Norwegian Refugee Council - Internal Displacement Monitoring Centre</b>	451.Protection of internally displaced persons in the OSCE region. Applying lessons learned to Ukraine, Side Events (Thursday, 2 October, 13:00). [English, 1 page; Russian, 1 page]
<b>Observatory on Intolerance and Discrimination Against Christians in Europe</b>	281.Intervention on behalf of the Observatory on Intolerance and Discrimination against Christians by Barbara Vittucci, Working Session 13: Tolerance and non-discrimination II (continued). [English, 2 pages] 335.Freedom of Conscience and Conscientious Objection, Working Session 14: Fundamental Freedoms II. [English, 2 pages]
<b>Open Dialog Foundation</b>	176.Intervention on behalf of the Open Dialog Foundation, Working Session 5: Rule of Law II. [English, 2 pages]

<b>Open Society Foundations</b>	<p>183. Effective Criminal Defence in Eastern Europe, Side Events (Friday, 26 September, 13:00). [English, 532 pages]</p> <p>184. Presumption of Guilt - The Global Overuse of Pretrial Detention, Side Events (Friday, 26 September, 13:00). [English, 269 pages]</p> <p>236. Executive Summaries of the Global Overuse of Pretrial Detention Report, Side Events (Friday, 26 September, 13:00). [Russian, 9 pages; Spanish, 8 pages; French, 9 pages]</p>
<b>Open Viewpoint Public Foundation</b>	<p>337. Alternative Report from the Open Viewpoint Public Foundation on the Kyrgyz Republicâ€™s Implementation of Provisions of the International Covenant on Civil and Political Rights Related to Freedom of Thought, Conscience, and Religion, Working Session 14: Fundamental Freedoms II. [English, 18 pages; Russian, 20 pages]</p> <p>383. Freedom of Religion or Belief in the Kyrgyz Republic: an overview, Working Session 14: Fundamental Freedoms II. [English, 52 pages; Russian, 55 pages]</p> <p>388. Freedom of Religion and Belief in the Kyrgyz Republic: Overview of the Legislation and Practice, Working Session 14: Fundamental Freedoms II. [English, 72 pages; Russian, 76 pages]</p> <p>389. 2010 Victims of torture/religion, Working Session 14: Fundamental Freedoms II. [Russian, 95 pages]</p>
<b>Order of St. Andrew the Apostle, USA</b>	<p>287. Discrimination- Suffered by Ecumenical Patriarchate, Working Session 13: Tolerance and non-discrimination II (continued). [English, 7 pages]</p> <p>342. Statement on Religious Freedom from the Ecumenical Patriarchate, Working Session 14: Fundamental Freedoms II. [English, 8 pages]</p>
<b>Ossigeno per l'Informazione</b>	<p>34. Intimidation against journalists. How to bring them to light, Working Session 2: Fundamental Freedoms I. [English, 1 page]</p> <p>35. New lenses to see hidden censorship, Working Session 2: Fundamental Freedoms I. [English, 4 pages]</p>
<b>Pan-African Women's Empowerment and Liberation Organization</b>	456. Statement of the Pan-African Womenâ€™s Empowerment & Liberation Organisation (PAWLO-Germany e.V.) On behalf of Women Against Discrimination, Working Session 13: Tolerance and non-discrimination II (continued). [English, 1 page]
<b>Parliament of Non-represented</b>	123. Report: Danger implementation Ukrainian scenario in Latvia, Working Session 4: Rule of Law I. [English, 2 pages; Russian, 3 pages]
<b>Pavee Point Travellers' Centre</b>	<p>179. Pavee Point Travellers' Centre written Statement for Working Session 7, Working Session 7: Tolerance and non-discrimination I. [English, 5 pages]</p> <p>192. Pavee Point Traveller and Roma Centre- Written Statement: Working Session 9 Violence against Women belonging to vulnerable groups, Working Session 9: Violence against women and children (continued). [English, 6 pages]</p>
<b>Protection of Rights Without Borders Armenia</b>	137. The rule of law and independency of judiciary in the Republic of Armenia, Working Session 5: Rule of Law II. [English, 3 pages]
<b>Public Foundation "Arya Eurasia"</b>	<p>85. Aron Atabek. Poet in punishment room, Working Session 3: Fundamental Freedoms I (continued). [Russian, 3 pages]</p> <p>141. Statement by Arya Eurasia Public Foundation, Kazakhstan, Working Session 4, Working Session 4: Rule of Law I. [English, 2 pages]</p> <p>143. Hostages of the Regime: Aron Atabek, Kurman Utegenov, Erganat Taranshiyev, Rustem Tuyakov, Working Session 5: Rule of Law II. [Russian, 2 pages]</p>
<b>Public Fund for Support and</b>	120. Statement by Public Fund for Support and Development of Independent Print Media and News Agencies of Uzbekistan, Working Session 2:

<b>Development of Independent Print Media and News Agencies of Uzbekistan</b>	Fundamental Freedoms I. [Russian, 8 pages]
<b>Public Verdict Foundation</b>	67. Statement by the Public Verdict Foundation, Working Session 3: Fundamental Freedoms I (continued). [English, 4 pages; Russian, 7 pages]
<b>ROMA S.O.S.</b>	540. Intervention on Working session 9 by Nesime Salioska from Macedonia, on behalf association ROMA S.O.S., Working Session 9: Violence against women and children (continued). [English, 1 page]
<b>Russian Association for Religious Freedom</b>	391. Statement of Kudryavtsev, Working Session 14: Fundamental Freedoms II. [Russian, 2 pages]
<b>Russian Public Institute of Electoral Law</b>	36. ROIIP Contemporary challenges to the democratic elections, Side Events (Monday, 22 September, 13:00). [English, 37 pages] 26. Modern Challenges of Electoral Process, Working Session 1: Democratic Institutions. [Russian, 4 pages] 54. ROIIP, Speech by Borisov, Session 2, Working Session 2: Fundamental Freedoms I. [Russian, 5 pages]
<b>Russian School in Estonia</b>	214. Statement by NGO "Russian School in Estonia", Working Session 10: Rights of persons belonging to national minorities. [English, 1 page; Russian, 1 page] 268. Report from NGO Russian School in Estonia, Working Session 12: Tolerance and non-discrimination II. [English, 1 page]
<b>Set My People Free</b>	89. Set My People Free Recommendation, Working Session 2: Fundamental Freedoms I. [English, 2 pages] 230. Set My People Free Intervention and Recommendation, Working Session 9: Violence against women and children (continued). [English, 2 pages] 306. Set My People Free Recommendations for working Session 11, Working Session 11: Rights of persons belonging to national minorities. [English, 2 pages] 521. Intervention, Working Session 13: Tolerance and non-discrimination II (continued). [English, 1 page] 437. Set My People Free Intervention and Recommendation, Working Session 14: Fundamental Freedoms II. [English, 2 pages]
<b>Simon Wiesenthal Centre- Europe</b>	425. Statement for Submission by Mark Weitzman, Director of Government Affairs, Simon Wiesenthal Center, Working Session 13: Tolerance and non-discrimination II (continued). [English, 1 page]
<b>Social Action Center in Ukraine</b>	304. Statement on behalf of the Anti-discrimination Coalition Ukraine, Working Session 13: Tolerance and non-discrimination II (continued). [English, 2 pages]
<b>Soteria International</b>	228. Sami shamanism persecuted in Sweden, Working Session 11: Rights of persons belonging to national minorities. [English, 2 pages] 473. CRUCIAL DECISION STILL TO BE TAKEN IN GREGORIAN BIVOLARUâ€™S CASE, Working Session 14: Fundamental Freedoms II. [English, 2 pages]
<b>ternYpe International Roma Youth Network</b>	313. Roma Youth recommendations to the participating states from TernYpe Network, Working Session 12: Tolerance and non-discrimination II. [English, 2 pages]
<b>Thinkout</b>	430. Recommendations of Thinkout, Working Session 13: Tolerance and non-discrimination II (continued). [English, 4 pages]

<b>Turkische Gemeinschaft Schweiz</b>	286. Proposals to reduce the tensions between the religious and to prevent the discrimination of Muslims, Working Session 13: Tolerance and non-discrimination II (continued). [German, 2 pages]
<b>TURSAM- Center for Strategic Studies</b>	65. Sport embargo in North Cyprus, Working Session 3: Fundamental Freedoms I (continued). [English, 2 pages]
<b>Ukrainian Independent Maritime Trade Union</b>	457. Threats for Labour and Social Rights of Ukrainian Seafarers in the Occupied Crimea, Working Session 13: Tolerance and non-discrimination II (continued). [English, 19 pages]
<b>Union of Poles Unity of the nation (Spilka polyakiw Ednist Nasii)  Western Thrace Minority University Graduates Association</b>	<p>247. Statement, Working Session 12: Tolerance and non-discrimination II. [Russian, 1 page]</p> <p>24. Intervention by Pervin Chairoula during Working Session I: Democratic Institutions, Working Session 1: Democratic Institutions. [English, 1 page]</p> <p>53. Intervention by W.T.M.U.G.A, Working Session 2: Fundamental Freedoms I. [English, 2 pages]</p> <p>64. Presentation by W.T.M.U.G.A., Working Session 3: Fundamental Freedoms I (continued). [English, 2 pages]</p> <p>215. Intervention by Ms. Pervin Chairoula, Working Session 10: Rights of persons belonging to national minorities. [English, 2 pages]</p> <p>235. Intervention by Pervin Chairoula, Working Session 11: Rights of persons belonging to national minorities. [English, 1 page]</p> <p>283. Hate-Motivated Crimes/Hate Speech and State-Hand Discrimination against the Turkish Minority of Western Thrace in Greece, Working Session 13: Tolerance and non-discrimination II (continued). [English, 2 pages]</p> <p>370. Religious Intolerance in Greece, Working Session 14: Fundamental Freedoms II. [English, 2 pages]</p>