

COMPILATION OF WRITTEN RECOMMENDATIONS **(Covering Working sessions 1-5)**

This compilation contains recommendations submitted to the HDIM Documentation Centre in accordance with the established procedure. The compilation is organized by working sessions and by what was submitted by delegations / international organizations / civil society to participating States and, separately, to OSCE institutions / field missions or other international organizations. Recommendations are compiled in original language. This compilation contains recommendations from all documents received at the HDIM Documentation Centre by the end of working session 5; documents received after this time will be included later in the consolidated summary.

Monday, 19 September 2016

Working session 01: 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 strengthening, not weakening, ODIHR's election observation activities.
- And finally, for participating States, to recommit to the core values of the OSCE and to reverse actions that undermine democratic institutions and the holding of free, fair, and inclusive elections.

Slovakia / European Union

- Participating States should take all appropriate measures to ensure the right of citizens to political participation, in a free and fair climate without undue restrictions imposed by the administration, violence, intimidation or fear of retribution, against voters, candidates, parties and elected representatives, both in the run-up to and beyond the elections. We highlight the importance of enhancing the political participation of women, in particular in terms of being eligible to publicly elected bodies on equal terms with men.
- Participating States should ensure transparent, inclusive, pluralist and competitive elections that provide the electorate with a genuine choice on the basis of a level playing field and an informed vote.
- We encourage participating states to extend early and unrestricted invitations to ODIHR to observe WITHOUT CONSTRAINTS their elections in line with OSCE commitments.
- We acknowledge the crucial role of ODIHR in building public confidence in the governance processes and thus strengthening democratic societies and accountable and representative institutions across the OSCE area, especially through its dedicated work in providing electoral assistance and deploying election observation missions.

- Therefore we encourage participating states to get involved in follow-up activities to Election Observation Missions' recommendations in cooperation with ODIHR, including by making voluntary reports to the OSCE Human Dimension Committee in line with EU's Action Plan on democracy and human rights 2015-2019.
- We also encourage the participating States to consider seconding more observers and/or consider other possible ways of engagement, such as contributing to ODIHR's Observation Sustainability Fund.

Human Rights Movement "Bir Duino Kyrgyzstan"

Recommendations to Jogorku Kenesh of **Kyrgyzstan** and the Government of Kyrgyzstan:

On the issues of citizen's protection on freedom of association

- To the government officials and politicians to be guided by the recommendations of the Venice Commission and to stop lobbying amending the Constitution
- To refuse the promotion and adoption of unconstitutional laws aimed at restricting basic civil and political rights, including freedom of association and peaceful assembly;
- To accelerate the implementation of 664 recommendations of the UN agencies in the field of human rights addressed to Kyrgyzstan, making them central to the realization of all state bodies and institutions.
- To the state and local authorities to create favorable conditions for the work of NGOs in accordance with the principle 2 (the State's obligation to respect, protect and promote the right to freedom of association) and other principles laid down guiding principles on the freedom of associations of OSCE / ODIHR;
- To cancel the compulsory registration of religious groups and to ensure that legislation concerning the registration guarantees human rights to ensure the free practice of religion and religious beliefs, including creation of formal organizations. To exclude various territorial statuses for religious and public associations since as the violation of international guarantees of the right to freedom of association;
- To envisage in the Law "On state registration of legal entities, branches (representations)" a provision on granting the applicant a reasonable time to correct the identified technical inaccuracies excluded from the list of grounds for refusal of registration " detection of inaccuracies or any inconsistencies in the information contained in the documents";
- To end the excessive control and undue interference in the activities of NGOs, as well as the intimidation and harassment of individuals and groups that deal with human rights;
- To refrain from political initiatives and rhetoric discrediting NGOs and human rights defenders, and not to perceive NGOs (local or international) as a source of threat to stability and security. Instead, they should publicly recognize the importance of NGO efforts to promote human rights, to condemn the attacks on NGOs and their members, to support the participation of NGOs in decision-making at all levels, and to cooperate with NGOs to improve the situation with human rights protection at the level of legislation and practice.
- To the Ministry of Justice to develop and implement service standards in the field of NGO registration, to provide ready-made templates in Russian and Kyrgyz languages;
- To create conditions for the organization of electronic registration (submission of documents, expert advice online, etc.);
- To pay attention to the "hate speech", a widely used in media, TV, radio of Kyrgyzstan against NGOs, human rights organizations and human rights defenders.

Recommendations on defense and provision of rights of defenders:

- To develop and implement a mechanism of protection of human rights defenders, including a mechanism for monitoring the implementation of rights pursuant to adopted UN General Assembly Resolution on the Protection of human rights defenders (Kyrgyzstan voted for the adoption of this resolution), and in accordance with the Guidelines on Human Rights Defenders BDIP / OSCE;
- To ensure compliance of domestic legislation with the provisions of the UN Declaration on Human Rights Defenders, the Guidelines on the Protection of the ODIHR / OSCE human rights, paying special attention to the exclusion of legal obstacles to obtaining financial resources, their independence, freedom of association, of assembly and freedom of expression;
- To ensure that the human rights organizations, activists and lawyers could carry out their work without hindrance and fear; properly investigate all cases of persecution and bring the perpetrators to justice, and to release all human rights defenders detained for their activities;
- To stop impeding an open public debate on matters of public interest such as respect for human rights by blocking the work of civil society organizations, independent Web sites, using defamation suits or other legal proceedings as a means to silence critics;
- To abandon the practice of the use of prosecutions against human rights defenders and human rights organizations, due to their human rights activities.

Regarding Azimzhan Askarov, the defender:

- To enforce the decisions of the UN Committee on Human Rights on production of a new trial in Chui Oblast Court. Thus, the case was redirected to Azimzhan Askarov;
- To provide access to a fair trial and to justice for the human rights activist Azimzhan Askarov when considering a new trial in the Chui regional court and on confiscation of A.Askarov 's family property;
- To ensure access to quality health care for the human rights activist Azimzhan Askarov, located in the colony №47.

Regarding threats to attorneys:

- To implement the legislative acts of the Kyrgyz Republic the norm, according to which any criminal effect against lawyers, including criminal prosecution should take place after the official consent of Council of the Bar of the Kyrgyz Republic's;
- To provided toughened punishment for obstruction of lawyer activity.

[Recommendations to the OSCE Institutions](#)

Canada

- For ODIHR, to continue strengthening and updating its election observation activities and methodology to ensure it remains a global leader in this field.
- Also for ODIHR, to work in close cooperation with other governmental and civil society organizations to support efforts where civil society space and democratic principles are most threatened in the OSCE region.
- For both **ODIHR** and OSCE Field Operations, to continue their efforts to strengthen democratic institutions through the provision of advice, legislative review and training.

European Center for Artsakh (EUCFA)

to ODIHR:

- to co-operate with unrecognized governments throughout the OSCE region, regardless of the status of the country, and engage in exchange of best practice on elections and election monitoring,
- and that leading non-governmental organizations are able to observe democratic processes in unrecognized territories in the OSCE area.

Recommendations to the OSCE Field Missions

Canada

- For both ODIHR and **OSCE Field Operations**, to continue their efforts to strengthen democratic institutions through the provision of advice, legislative review and training.

Tuesday, 20 September 2016

Working session 02 (specifically selected topic): The international covenants on human rights and their importance for the OSCE human dimension

Recommendations to participating States

Slovakia / European Union

- OSCE participating states must ensure that they fulfill all commitments already made under the OSCE framework and in line with the covenants
- Encourage all states that have not yet done so to ratify the covenants.

Recommendations to the OSCE Institutions

Serbia

- we particularly welcome the recommendation as proposed by the EU, that the OSCE strengthens its links with the Office UN High Commissioner for Human Rights with the aim of ensuring complementarity and better achievement of the common goals

Slovakia / European Union

- We recommend that OSCE strengthens its links with OHCHR, to remain up to speed on developments in human rights understanding. This will ensure future commitments are in line with these and existing OSCE commitments, avoiding regressive steps being taken

East European Security Research Initiative Foundation (EESRI)

To the OSCE Chairmanship:

- Supporting regional initiatives, both formal and informal, on monitoring and protecting human rights in “grey” zones based on agreed commitments, undertaken obligations within international human rights Covenants and humanitarian law treaties and elaborating new innovative approaches for human rights protection and monitoring in the conflict areas.

To the OSCE Secretary General:

- Supporting relevant Track II regional initiatives, incl. those within the margins of the OSCE Network of Think Tanks and Academic Institutions, devoted to the protection and monitoring of human rights in conflict regions in the whole OSCE area, including in the illegally annexed Crimea and occupied territories in Donbas.

To the **ODIHR**:

- Continuing the practice of monitoring and reporting on human rights situation in so-called “grey” zones based on the existing mandate and agreed commitments as well as basic international human rights Covenants and humanitarian law treaties, with special emphasis on the annexed Crimea and occupied territories in Donbas;
- Calling on the Russian Federation to ensure access to justice for all illegally detained Ukrainian citizens, and to ensure that people will not be detained indefinitely, under arduous conditions and without adequate legal counsel;
- Making regular and strict appeals to the Russian Federation for meeting human rights standards set out in the basic international human rights Covenants and humanitarian law treaties focusing on illegally detained Ukrainian activists, including those in the occupied Crimea as well as for allowing immediate, unfettered access of all international human rights monitoring bodies to the annexed Crimea and occupied territories in Donbas;
- Appointing a special rapporteur on cases of indefinite detention or rule of law violations in the annexed Crimea and occupied territories in Donbas.

International Association of Independent Democrats Against Authoritarian Regimes

- ОБСЕ должна инициировать создание реальных механизмов чувствительных наказаний для нарушителей Пактов (конвенций).
- В пактах записано о запрете пыток.
Мы предлагаем создать постоянно действующую специальную мониторинговую комиссию ОБСЕ по пыткам, которую государства-участники ОБСЕ обязуются регулярно приглашать в свои страны, для осмотра мест заключения.
Написать план посещений, начав с Туркменистана , Узбекистана и Азербайджана...
(об этом мы говорим уже 14 лет)

Kharkiv Institute for Social Researches

- В таких условиях следует рекомендовать **БДИПЧ ОБСЕ** и Специальной Мониторинговой Миссии ОБСЕ в Украине уделять особое внимание аспектам процедуры и содержания отступления Украины от обязательств по договорам в сфере прав человека в зоне украино-российского конфликта: как на подконтрольной правительству, так и на оккупированной РФ территории Украины.
- Также следует рекомендовать **БДИПЧ ОБСЕ** и Специальной Мониторинговой Миссии ОБСЕ в Украине тщательнее отслеживать соблюдения РФ и Украиной своих обязанностей по оккупированным РФ территориям Украины и проживающему там населению, установленных IV Женевской конвенцией и иными применимыми нормами международного гуманитарного права.

Ukrainian Independent Maritime Trade Union

That is why our union recommends to the **ODIHR** and to other **OSCE structures** to make such activities for support and defense the seafarers` rights in 2016-2017:

- to organize the monitoring of situation for cases of violation the rights of seafarers with nationality of OSCE member states working in the international shipping and for full compliance with the relevant rules of MLC;
- to make the research on the national mechanisms of the seafarers' training, placement and recruitment, their self-organization and trade unions' functioning, of the seafarers' collective bargaining and coherent agreements in OSCE member states with compliance to the MLC;
- to develop the methodic guidelines for defense the seafarers' rights in condition of violating their rights by foreign ship-owners and governing bodies, to generalize the practice of national protection mechanisms with identification of the most successful experiences as for solving the specific issues so for the MLC standards implementation;
- to organize consultations for changing the OSCE member states policy with relevance to modern negative practice of the offshore registration the companies able to own vessels and to duty to establish the real connection between the vessel and state of its flag;
- to promote the shared responsibility for providing the MLC guaranteed seafarers' rights in the OSCE region between ILO, IMO, OSCE, national governments, maritime trade unions, organizations of ship-owners and other civil society structures;
- to hold the consultations with Ukrainian government for the reasons and consequences of the Ukrainian non-participation in the key international agreement defending the seafarers' rights and ensuring the shipping safety in the OSCE region;
- to hold the consultations with Russian government for the duty of compliance by Russia on occupied Ukrainian territories all the relevant norms of the international humanitarian law, international maritime law and MLC – in areas of the unacceptability of trade shipping militarization in Black an Azov Seas, of providing the special safety and labor standards in conflict zone around Crimea, of the compliance the international standards such as STCW in areas of training and certification seafarers, ILO covenant standards for a workers' freedom of association, real MLC implementation;
- to incorporate the aspects of the ensuring and compliance the rights of Ukrainian seafarers, residing in the Ukrainian territories, occupied by Russia, and working in the international trade shipping, to the priority attention area of the OSCE Special Monitoring Mission to Ukraine.

[Recommendations to the OSCE Field Missions](#)

Kharkiv Institute for Social Researches

- В таких условиях следует рекомендовать БДИПЧ ОБСЕ и **Специальной Мониторинговой Миссии ОБСЕ** в Украине уделять особое внимание аспектам процедуры и содержания отступления Украины от обязательств по договорам в сфере прав человека в зоне украино-российского конфликта: как на подконтрольной правительству, так и на оккупированной РФ территории Украины
- Также следует рекомендовать БДИПЧ ОБСЕ и **Специальной Мониторинговой Миссии ОБСЕ в Украине** тщательнее отслеживать соблюдения РФ и Украиной своих обязанностей по оккупированным РФ территориям Украины и проживающему там населению, установленных IV Женевской конвенцией и иными применимыми нормами международного гуманитарного права

East European Security Research Initiative Foundation (EESRI)

To the **SMM**:

- Covering the entire territory of Ukraine within its internationally recognized borders, including the illegally annexed Crimea and occupied territories in Donbas;
- Identifying and getting access to places of illegal detention in the occupied territories;
- Performing detailed documenting of all detected violations of human rights with appropriate references in its regular updates.

To the **PCU**:

- Elaborating projects on enhancing the involvement of journalists to monitor human rights violations in conflict areas;
- Establishing cooperation with the OSCE Mission to Moldova and the OSCE field presences in Western Balkans to exchange experiences in monitoring and promoting human rights protection in the conflict zones;
- Broadening cooperation with the SMM while executing joint projects on monitoring and protecting human rights in Ukraine in order to create and strengthen national capacities;
- Establishing the practice of implementing and supporting regional projects focused on the involvement of non-governmental organizations to monitor and protect human rights in the annexed Crimea and eastern part of Ukraine;
- Providing continued support to strengthening interaction between public authorities and civil society oriented on human rights monitoring and protection, including in the annexed Crimea and occupied territories in Donbas.

Tuesday, 20 September 2016

Working session 03 (specifically selected topic): The international covenants on human rights and their importance for the OSCE human dimension (continued)

Recommendations to the OSCE Institutions

Human Rights Movement "Bir Duino-Kyrgyzstan"

- призываем международное сообщество, в том числе Международную организацию труда, **ОБСЕ**, международные профсоюзы и др., отреагировать на грубые нарушения прав трудовых мигрантов из стран Центральной Азии в Российской Федерации, обратив особое внимание на соблюдение права на жизнь трудовых мигрантов

Recommendations to the International Organizations

Human Rights Movement "Bir Duino-Kyrgyzstan"

- призываем международное сообщество, в том числе **Международную организацию труда**, **ОБСЕ**, международные профсоюзы и др., отреагировать на грубые нарушения прав трудовых мигрантов из стран Центральной Азии в Российской Федерации, обратив особое внимание на соблюдение права на жизнь трудовых мигрантов

Wednesday, 21 September 2016

Working session 04 (specifically selected topic): Freedom of assembly and association

Recommendations to participating States

Crimean Human Rights Group

- Russia must stop the unwarranted persecution of peaceful assembly, should reconsider the decision on the application of sanctions against the assembly members in compliance with fundamental human rights;
- It must bring to justice those who used violence against participants of peaceful assembly

The Equal Rights Trust

calls on participating states to

- Reiterate their commitments, made in Copenhagen and in Paris in 1990, to ensure the equal enjoyment of the freedoms of association and peaceful assembly, without discrimination;
- Condemn the adoption of legislation or the implementation of measures which restrict or limit the enjoyment of the freedoms of association and assembly, including in particular where such measures are in conflict with the protection of the right to non-discrimination;
- Refrain from adopting so-called “anti-homosexual propaganda” laws, or, where such legislation is in force, take immediate steps to repeal it;
- Refrain from adopting legislation which has either the purpose or effect of limiting or restricting the enjoyment of the freedom of association, or, where such legislation is in force, take immediate steps to repeal or amend it in order to ensure equal enjoyment of freedom of association and assembly;
- Ensure that where measures are taken to regulate the establishment or operation of non-governmental organisations, these measures are implemented in line with the requirement that restrictions on freedoms of assembly and association are both prescribed by law and necessary in a democratic society to protect national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others;
- Ensure that where legislation is enacted, or where other measures are taken, which relate to the establishment or operation of non-governmental organisations, these measures do not conflict with the obligation of non-discrimination in the enjoyment of these rights, and that these not impact disproportionately on any group protected by the right to non-discrimination.

European Association of Jehovah's Christian Witnesses, UK

To the government of **Azerbaijan**:

- Facilitate full registration of Jehovah's Witnesses in Baku and in other parts of the country

- Stop interfering with their worship and manifestation of belief and dismiss all fines levied against them for this peaceful religious activity
- Recognize the right to conscientious objection and provide an alternative civilian service programme conforming to international standards
- Recognize the right of religious freedom
- Allow Jehovah's Witnesses the unhindered use of their religious literature

To the government of **Tajikistan**:

- Allow Jehovah's Witnesses to register their local religious organisation
- Allow Jehovah's Witnesses legally to import and use their religious literature
- Allow Jehovah's Witnesses peacefully to practice their religious beliefs and to share them with their neighbours

European Organisation of Military Association (EUROMIL)

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

Human Rights Without Frontiers

recommends to the **Azerbaijani** authorities

- To clarify the circumstances of the police crackdown on a meeting of members of the Muslim Unity Movement in Nardaran in November 2015;
- To reveal the names of the seven people killed in the operation, including the two policemen, and the way they lost their lives;
- To allow the participation of international observers during the trial of 18 members of the Muslim Unity Movement.

Western Thrace Minority University Graduates Association

Call upon the **Greek State**

- To ensure that the right to freedom of peaceful assembly and association is enjoyed by the whole society, either individually or as a group, without discrimination and restriction on the basis of ethnic or social origin
- To respect and implement the provisions of the international human rights instruments in which the freedom of assembly and association is safeguarded
- To repeal any restrictions on the right to freedom of association discriminating against Turkish minority of Western Thrace
- To respect the Turkish Minority's self-identification and repeal its decision regarding the banning of Turkish associations

Working session 05 (specifically selected topic): Freedom of assembly and association (continued)

Recommendations to participating States

Administrative Centre of Jehovah's Witnesses, Russia

- To the government of Belarus:
- Allow Jehovah's Witnesses to register additional religious communities
- Grant permission for Jehovah's Witnesses to build new Kingdom Halls and to issue occupancy permits to hold religious meetings in rented venues
- Allow Jehovah's Witnesses to express their beliefs and distribute their religious publications freely without fear of being accused of illegal religious activity

International Partnership for Human Rights (IPHR)

The authorities of Kazakhstan should:

- Reverse the pattern of repression in response to peaceful protests and, as a matter of priority, reform legislation and law enforcement practice on the conduct of assemblies to bring them into line with international human rights standards.
- Stop prosecuting civil society activists, social media users and journalists in relation for their civic and professional activities; drop all charges against those prosecuted or convicted on such grounds; and revoke or revise the broadly worded Criminal Code provisions on "inciting" national, social and other discord and "deliberately spreading false information."
- Ensure that implementation of the new NGO legislation from last year and the recent Tax Code amendments requiring individuals and organizations to report on foreign funding are not implemented in violation of the right to freedom of association and other internationally protected rights.

The authorities of **Kyrgyzstan** should:

- Closely consult with civil society on any new legislative initiatives affecting NGOs and ensure that such legislation is fully consistent with Kyrgyzstan's national and international human rights obligations.
- Refrain from using rhetoric that stigmatizes and discredits NGOs and activists, in particular by suggesting that their actions are threatening national security. Instead, publicly acknowledge the importance of their work, and ensure that they can carry out their work without hindrance.
- Fully implement the decision of the UN Human Rights Committee in the case of Azimjan Askarov, including by releasing him, quashing his conviction and granting him adequate compensation.

The authorities of **Tajikistan** should:

- Refrain from undue interference into the work of NGOs and ensure that NGOs can operate without intimidation and hindrance.
- Ensure that the recent legislation requiring NGOs to report foreign grants is not implemented in violation of the right to freedom of association as protected by international standards.

- Ensure that no lawyer is arrested, charged or imprisoned in retaliation for his or her work; promptly release those held on such grounds.

The authorities of **Turkmenistan** should:

- Take meaningful steps to deliver on the commitment to ensure “favourable” conditions for NGOs and enable independent NGOs to obtain legal status in a fair and transparent process and to carry out their activities without undue interference.
- Put an end to the persecution of independent journalists, civil society activists and others who criticize government policies, including exiled activists and their family members.
- Immediately release all individuals imprisoned on politically motivated grounds, disclose the faith of those who have disappeared in prison, and allow representatives of the international community to visit prisons, as agreed by Turkmenistan’s president and the German chancellor during their recent meeting in Berlin.

The authorities of **Uzbekistan** should:

- Set out on a systematic program of human rights reform and cooperate with international human rights bodies and experts. This should include issuing a standing invitation to the Special Procedures of the UN Human Rights Council, and facilitating country visits in particular by the Special Rapporteurs on human rights defenders and torture.
- Allow independent NGOs to obtain legal status and to work without interference and invite them to take part in the elaboration and implementation of a new national human rights agenda.
- Put an end to persecution of human rights defenders, journalists and dissident voices; and immediately and unconditionally release all those who have been detained solely for peacefully exercising their rights to freedom of expression, association and assembly

Human Rights Movement "Bir Duino-Kyrgyzstan"

Жогорку Кенешу **Кыргызской** Республики и правительству Кыргызской Республики:

- Обеспечить неукоснительное соблюдение Закона Кыргызстана «О мирных собраниях» правоохранительными органами, а также органами местного самоуправления.
- Пересмотреть принятую статью 231-1 Кодекса об административной ответственности Кыргызстана, предусматривающую административную и уголовную ответственность в случае перекрытия дорог, а также статью 392 в части, предусматривающей административную ответственность за нарушение установленного законом порядка проведения мирных собраний с сокрытием лица масками, повязками или иным способом, с целью обеспечения законодательства международным стандартам обеспечения права на свободу мирных собраний.
- Урегулировать в законодательстве вопросы, касающиеся использования звукоусилительной аппаратуры, установки юрт, использования лошадей во время проведения мирных собраний, так как ввиду отсутствия регулирования эти вопросы становятся причинами ограничения при проведении мирных собраний. Однако при этом следует исходить из презумпции в пользу проведения собраний, изложенной в Руководящих принципах по свободе собраний БДИПЧ/ОБСЕ. В частности, что все то, что в явной форме не запрещено законом, следует считать разрешенным.

- Остановить попытки продвижения законопроектов, направленных на ограничение мирных собраний, таких как законопроект, предусматривающий запрет на финансирование мирных собраний за счет средств иностранных государств, иностранных физических и юридических лиц, а также принятие со стороны организаторов собраний средств от них.
- Совместно с экспертами БДИПЧ/ОБСЕ и Академией ОБСЕ инициировать обучающий компонент по использованию руководящих принципов в отношении реализации права свободы собраний представителями правоохранительных и других органов власти, ОМСУ, судов КР и другими заинтересованными сторонами.

Судам Кыргызской Республики:

- Обеспечить тщательное рассмотрение заявлений от местных органов власти и предложенных ими оснований применения ограничений и запрета на проведение мирных собраний с точки зрения их обоснованности.
- Судам отказаться от практики вынесения решений о запрете мирных собраний у зданий государственных органов, влекущих за собой ограничение мирных собраний в Кыргызстане.

Western Thrace Minority University Graduates Association

calls upon the **Greek State**:

- To respect the ethnic Turkish identity of the minority and ensure the right to establish Turkish Minority NGOs