

COMPILATION OF WRITTEN RECOMMENDATIONS
(Covering Working Sessions 12-13)

This compilation contains recommendations submitted to the HDIM Documentation Centre in accordance with the established procedure. The compilation is organized by Working Sessions and by what was submitted by Delegations / International Organizations / NGOs to participating States and, separately, to OSCE Institutions / Field Missions or other International Organizations. Recommendations are compiled in original language.

Please note that the deadline for submitting Recommendations to the HDIM Documentation Centre is Thursday, 12 October 2006.

Tuesday, 10 October 2006

WORKING SESSION 12 – Fundamental freedoms II, including:

Recommendations to participating States:

Freedom of movement

Rainbow - Organization of the Macedonian Minority in Greece:

- I call upon Greece to implement paragraph 9.5 of the Copenhagen document and call upon all OSCE member states to ensure that this occurs.

Republican Party of Turkmenistan:

- Мы призываем государства-участников ОБСЕ рассмотреть вопрос о санкциях в отношении Туркменистана в рамках ЕС и ООН. Хотелось бы чтобы грубые нарушения прав жителей Туркменистана в конце концов стали предметом серьезного международного разбирательства.
(We urge the OSCE-participating states to consider such the issue of using sanctions regarding Turkmenistan in the framework of the European Union and the United Nations. It is absolutely necessary to admit that gross violations of the rights of Turkmenistan's people should become a subject of a serious international trial.)

Freedom of assembly and association, including follow-up to the 30-31 March 2006 Supplementary Human Dimension Meeting on Human Rights Defenders and National Human Rights Institutions: Legislative, State and Non-State Aspects

European Union:

- The European Union strongly welcomes the work undertaken by OSCE/ODIHR in producing draft Guidelines for Drafting Laws Regulating or Affecting Freedom

of Assembly. We encourage participating States to use these guidelines when drafting or amending legislation.

- We urge all participating States to comply with their international obligations and OSCE commitments and to acknowledge the benefits brought about by peaceful freedom of assembly.
- In Russia, NGOs remain concerned about the possible effect of new legislation regulating their activities. We expressed our own concerns about the new NGO law earlier this year. We urge Russia to implement the law in line with their Council of Europe and OSCE commitments.
- We urge the Uzbek authorities to stop the harassment of human rights defenders and NGOs and to work with international NGOs to develop civil society.
- The European Union calls on Turkmenistan to deepen its dialogue with the EU on the human rights situation in the country, including individual human rights cases, and to relax the controls on freedom of assembly and association.
- Participating States should ensure their legislation regulating the activities of NGOs conforms with OSCE and other international commitments. Financial and administrative obstacles, likely to hinder the free operation of human rights defenders, should be removed. Legislation should not be used to restrict or intimidate them.
- Participating States should give full and practical recognition to the positive role played by human rights defenders in finding peaceful solutions to political and social conflicts; and should ensure their protection and support their activities within the framework of the OSCE and the United Nations.
- Participating States, OSCE institutions and NGOs should engage in enhanced dialogue with women human rights defenders, who are often incorrectly perceived as a threat to cultural, religious and social norms, especially when protecting women's human rights.

EUROMIL – European Organisation of Military Associations

- EUROMIL appeals to all OSCE governments to accept EUROMIL as professional NGO and relevant social partner for all professional and social issues of active military personnel and to start discussions about this issue with EUROMIL.

European Pride Organisers Association (EPOA)

- We call upon the OSCE member states to finally put adequate pressure on the countries concerned [Croatia, Latvia, Moldova, Poland, Romania, Serbia and Russia] to force them to not only respect the freedom of assembly of all people but also to guarantee this freedom by protecting them against violent counter demonstrations and hate speech.

Freedom House:

We Urge the Government of Uzbekistan:

- To allow registration and participation in political life of independent political parties and civil society organizations;
- To implement its OSCE commitments and international obligations from ICCPR and Declaration on Human Rights Defenders;

At the same time:

- We encourage members of the OSCE to reach out to all governments, not just Uzbekistan, which are currently not respecting these rights and pressure them to do so and to refrain from passing legislation that further restricts these rights.

Human Rights Without Frontiers Int.

Recommends to the Uzbek authorities

- to revise the 1998 Religion Law which has been considered in violation of international norms by the Advisory Panel of Experts on Religious Freedom of the ODHIR;
- to register peaceful religious organizations such as Pentecostal, Evangelical and Adventist communities as well as Jehovah's Witnesses;
- to decriminalize peaceful activities of unregistered religious organizations;
- to put an end to the de-registration of peaceful religious groups;
- to guarantee freedom of association and of assembly.

Recommends to the Kazakh authorities

- to amend the “Law on countering extremist activity” and the “Law on amendments and additions to certain legal acts of the Republic of Kazakhstan on matters of countering extremist activity”;
- to register peaceful religious organizations such as the Jehovah’s Witnesses;
- to decriminalize the peaceful activities of the Baptist communities that on religious grounds want to remain unregistered;
- to guarantee full freedom of association and of assembly to religious organizations that do not advocate violence.

International Federation of Human Rights and World Organisation Against Torture:

Urges OSCE Participating States to:

- guarantee in all circumstances the physical and psychological integrity of human rights defenders in the OSCE Members States;
- put an end to the continuous repression of human rights defenders and their organisations;
- fully recognise the vital role of defenders in the advent of democracy and the rule of law;
- review their national legislation to conform with international and regional human rights instruments, in particular regarding freedoms of association and assembly;
- comply with the provisions of the final document of the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension, of the Conference for Security and Co-operation in Europe (CSCE) and of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the UN General Assembly.
- support and implement all recommendations brought to them from the March 2006 Supplementary Human Dimension Meeting on Human Rights Defenders.

International Helsinki Federation for Human Rights:

*To the government of **Belarus**:*

- Withdraw all legal proceedings that it has initiated to restrict legitimate human rights activities and order all public authorities to refrain from measures to limit such activities. As the first step to this effect, the government should drop all legal cases against the Belarusian Helsinki Committee and its members that it has been launched under legal provisions that violate international standards for the freedom of expression, association and assembly;
- Abrogate the amendments to the Belarusian Criminal Code, the Code of Criminal Procedure, regarding “actions aimed against a person and public security,” and other restrictive legal provisions, and renounce any plans to further reduce the narrow space left for legitimate human rights activities.

*To the government of the **Russian Federation**:*

- Take prompt measures to stop the persecution of human rights NGOs and individual activists – especially those dealing with the crisis in Chechnya – through amending federal legislation affecting NGOs. This includes revoking all provisions that provide for discretionary powers to authorities to restrict the freedom of association and the activities of human rights NGOs, and revoking the law “On Amendments to Some Legal Acts of the Russian Federation”;
- End and publicly condemn arbitrary administrative and legal measures targeting human rights NGOs, as well as physical and verbal harassment and intimidation of their members, and further ensure that all alleged abuses are thoroughly investigated by independent bodies, the results published, and violations adequately remedied;
- Insist that regional and local authorities abide by the federal laws that guarantee the right to peaceful association, and freedom of expression in the media, in line with the Constitution of the Russian Federation and international human rights standards, and take efficient measures against those authorities who prevent others from exercising this right;
- Guarantee the security of witnesses and applicants to the European Court of Human Rights.

*To the government of **Uzbekistan**:*

- Amend legislation and regulations to lift all restrictions limiting freedom of association of human rights defenders and allow for the registration of local human rights groups, without discrimination, so that they can work freely and without fear of legal and criminal sanctions or reprisals;

- Investigate all reported cases of attacks against human rights defenders, making it publicly clear to law enforcement officials and all other authorities that such attacks will not be tolerated, and warn public officials against making defamatory statements against defenders;
- Immediately release all human rights defenders detained for their legitimate activities and refrain from prosecuting on the basis of spurious or fabricated charges laid against them;
- Put an end to the misuse of forceful confinement to psychiatric institutions and involuntary treatment without sound medical reasons of human defenders and other critics of government policies;
- Allow access to Andijan to an independent international expert group so that they are able to conduct an effective investigation of the events that took place and the ensuing trials;
- Co-operate more closely with the OSCE, in particular with the OSCE office in Tashkent and its human rights activities.

*To the government of **Turkmenistan**:*

- Conduct an independent investigation into the death of human rights defender Ogulsapar Muradova;
- Refrain from all measures to obstruct independent human rights activities and harass families and friends of human rights defenders in exile;
- Release promptly and unconditionally all human rights defenders currently held in custody, including Annakurban Amanklychev and Sapardurdy Khajiev.

*To all governments of the **OSCE participating States**:*

- Address human rights issues in bilateral and multilateral contacts with the Turkmen and Uzbek authorities and make clear to the Turkmen government that its human rights record affects the countries relations with other states;
- Release all human rights defenders currently held in custody, including Annakurban Amanklychev and Sapardurdy Khajiev.

Ombudsperson and national human rights institutions

Western Thrace Minority University Graduates Association

- We recommend Greece to ratify the Council of Europe's Framework Convention for the Protection of National Minorities that has signed in 1997.
- We recommend Greece to respect the collective usage of individual rights of the Turkish minority.

Recommendations to the OSCE:

Freedom of movement

Radio Free Europe / Radio Liberty:

- Radio Free Europe/Radio Liberty is hereby asking the OSCE to raise the awareness of the international community of restrictions of freedom of movement in Turkmenistan.

Freedom of assembly and association, including follow-up to the 30-31 March 2006 Supplementary Human Dimension Meeting on Human Rights Defenders and National Human Rights Institutions: Legislative, State and Non-State Aspects

European Union:

- OSCE institutions and field missions should increase their monitoring of participating States' compliance with their commitments on freedom of assembly and association; publicise their findings; and provide assistance to participating States to address any shortcomings.
- OSCE institutions and field missions should increase their work to develop and assist civil society, human rights defenders and national human rights institutions within the OSCE region.

International Federation of Human Rights and World Organisation Against Torture:

- [In addition,] the Observatory reiterates its complete support for the work of the Office for Democratic Institutions and Human Rights (ODIHR) on freedoms of

association and peaceful assembly and recommends its development and extension.

- In view of the seriousness of the violations perpetrated against human rights defenders in the OSCE zone and the increase in attacks against freedoms of expression, association and peaceful assembly in some countries of this zone, the Observatory reiterates its call upon the OSCE to create a special mechanism (such as a Special Rapporteur or a Special Representative), which would be authorised to approach and question the States on this issue, to reply to them, to report publicly and permanently on cases - both individual and collective -, and which would work in cooperation with the Special Representative of the UN Secretary General on Human Rights Defenders.
- The Observatory also calls the ODIHR to develop focal points on human rights defenders in all its offices and representations.

International Helsinki Federation for Human Rights:

To the OSCE:

- Establish a mechanism – in the Office for Democratic Institutions and Human Rights (ODIHR) for example – that takes responsibility for early warnings and rapid response in emergency cases concerning persecution of human rights defenders;
- Avoid the isolation of Belarus, give it a high priority on the OSCE human rights agenda and develop programs aimed towards providing moral and financial support to civil society in Belarus and opportunities for international cooperation in the field of human rights. Strengthen the presence of the OSCE delegation in Belarus, make its work more visible and meaningful for the society as a whole, and take a more active stand on the human rights situation in Belarus;
- Encourage the Uzbek government to issue invitations to visit the country to the following UN special procedures representatives: Special Representative of the Secretary-General on the situation of human rights defenders; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the promotion and protection of human rights while countering terrorism;
- Remind the Russian Federation of the need to re-establish the OSCE Advisory Group to Chechnya with a strengthened mandate concerning the monitoring of the human rights situation, including cooperation with, and protection of, the local human rights defenders.

People's Party "Alga!"

- Each OSCE member-country has made commitments with regard to human dimension including commitments to ensure the right to peaceful assembly. There is an international interpretation of this right and international practice of its implementation.
- OSCE, in the status of an organization, and democratic countries, as well as its members must not allow manipulation with these notions and blatantly ignore their commitments.

Ombudsperson and national human rights institutions

Western Thrace Minority University Graduates Association

- We recommend OSCE to re-consider whether Greece fully implements the provisions of the 1990 CSCE / OSCE Copenhagen Document that has signed and ratified

WORKING SESSION 13 – Fundamental freedoms II (continued), including:

Recommendations to participating States:

Freedom of thought, conscience, religion or belief

Azerbaijan:

- In conclusion, I would like to once again reiterate that Azerbaijan is committed to closely contribute to the work of the OSCE, particularly ODIHR in realizing the principle of “unity in diversity”. We believe ODIHR can play a significant role in promoting inter-religious dialogue and encourage the states to back ODIHR in its endeavors.

United States of America:

- [The United States] Calls on the Uzbek Government to bring its laws and policies into line with its OSCE commitments and to adopt the recommendations issued in 2003 by of the OSCE Panel of Experts on Freedom of Religion or Belief.

- [The United States] Urges Turkmenistan to resume reforms and invite the UN Rapporteur on Religious Freedom to visit.
- We urge Kazakhstan to fully respect the right of all individuals to practice their religion or belief regardless of registration status. The United States will closely monitor the work of the new office on religious affairs in the Ministry of Justice.
- We urge Kyrgyzstan and Tajikistan to work with the OSCE Missions and the OSCE Panel of Experts and to consult with their local religious communities and human rights organizations as they develop new drafts of their religion laws, to ensure they comply with OSCE standards.
- [The United States] Urges the Government of Turkey to remove impediments to the free exercise of religion for majority and minority communities alike. While we welcome the recent changes to the Foundations Law, we urge Turkey to remove the powers of expropriation and to end this practice of expropriating religious properties in neighbourhoods with few citizens. The U.S. also urges return to the Ecumenical Patriarchate of full control of the Theological School at Halki.
- We remain concerned about the new NGO law and its potentially intrusive and restrictive effects on religious communities, as well as by reports that the Ministry of Justice has introduced a draft law which would impose restrictions on missionary and other activities by religious communities. The Constitutional Court has upheld a lower court ruling granting local officials the right to demolish a mosque in the city of Astrakhan, which was built legally under a previous administration. We urge the Russian government to look into this matter and reconsider the original objections.
- In neighboring Belarus, escalating pressure on members of the New Life Church by local authorities in Minsk remains of concern, as does harassment against other unregistered churches, efforts by police to temporarily detain pastors and lawyers, and the refusal to allow the local Hassidic Jewish community to use a building to hold its Passover celebration. We also urge major reform of the country's highly restrictive law on religion.
- [Finally, the United States] is concerned about recently adopted religion laws and draft religion laws in several OSCE participating States that fall short of OSCE commitments. We remind all participating States of the value of consulting with the Panel of Experts on Freedom of Religion or Belief when developing new legislation.
- [Mr. Moderator,] registration of religious communities should facilitate the ability of individuals to come together to manifest religion or belief. It should not be used to discriminate or to unduly burden or repress peaceful religious practice.

Church of Scientology International:

- **Our first recommendation** is to widen the mandate of the Panel of Experts so that it can determine its own priorities and make public (or private) pronouncements on activities of religious intolerance or discrimination that is brought to its attention.
- **Our second recommendation** concerns the Special Assistants to the Chairman-in-Office and the initiation of a complaint procedure. A clear and simple complaint procedure should be initiated so that religious groups and NGOs could raise such complaints against states for investigation and remediation. Special Assistants should receive additional staff support in order that they can be better facilitated to carry out their activities. They should also be responsible for providing a report of their activities and issues that have been taken up. All activities and issues should be oriented towards creating, developing and improving conditions where parties are able to dialogue or, when dialogue is refused, then this is pointed out.
- **Our third recommendation**, is that a High Commissioner for Religious Freedom be established in a similar way that there is a High Commissioner for Minorities. As religious minorities do not fall under the mandate of this Commissioner either a new one position can be created or else the mandate of the High Commissioner for Minorities could be extended.

European Association of Jehovah's Christian Witnesses:

- We appeal to the Russian authorities as well as to the governments represented here today by the OSCE to take appropriate measures to correct the abuses of religious freedom that we have reported [Russia].
- We appeal to the Uzbekistan authorities, as well as the relevant representatives of the OSCE present here today, to take appropriate steps to correct the ongoing abuses of religious freedom that occur within Uzbekistan.

The six million Jehovah's Witnesses worldwide and all supporters of religious freedom appeal to the Uzbek authorities to

- Register the religious communities of Jehovah's Witnesses;
- Halt police interference with peaceful worship services; and
- Dialogue with the representatives of Jehovah's Witnesses in order to eliminate misunderstandings.

- We appeal to the relevant authorities to open a free and constructive dialogue with representatives of Jehovah's Witnesses in order to ensure their freedom of worship in Transnistria.

European Raelian Movement:

We ask with insistance again, to belgium french and swiss governments:

- to end the interference of public powers in religious organisations and to renouce all political discrimination
- abolish the subsidies and other financial support given to anti-sect associations. The money comes from tax-payers and among them are membres of religious minorities so their own money is used to fight against their own beliefs! This is against the constitution which clearly stipulates a total separation between state and religion.
- the law must be the same for everybody no matter what religion they have .

We ask to the Belgium government:

- to stop the exception low creating the Center of informations and advices on bad sect's organisations and the coordination cell to fight against the bad sect's organisations.
- to look backwards on the constitution to include the total separation between the state and religions/ philosophies by creating a system of financement allowing every belge people to choose and to give to one or another philosophical/ religious of his choice (netherlands system).
- to order to its political deciders and to the all justice system to stop discriminating religious minorities and on the contrary to spread a true objective information based on facts and universities studies.

We ask to the French government:

- the dissolvation of the UNADFI, association suposed to fight against « bad sect's behaviors » compromissing the freedom of conscience and subventionned by our own taxes.
- the immediat stop of the new commission of parlement's enquiries on the "risk and bad effects on the awaking of the children" voted on the 27th of June 2006.

International Helsinki Federation for Human Rights:

To the governments of Kazakhstan, Tajikistan, Turkmenistan and Uzbekistan:

- Publicly recognize that international human rights standards, by which they are bound, guarantee the right of everyone to profess their convictions, alone or in community with others, in public or private, irrespective of their faith;
- Make necessary amendments to existing national legislation pertaining to the practice of religion as well as to any pending draft legislation on this issue to ensure that it is in conformity with international human rights standards. In particular, it must not prohibit or establish sanctions for unregistered religious activity, proselytism, missionary activities or private religious education or impose undue restrictions on the conduct of worship, construction of worship places or the production, import and distribution of religious literature;
- Ensure that all religious communities in their countries have the opportunity to obtain legal status, and the rights tied to such a status, through an uncomplicated, transparent, non-arbitrary and speedy process;
- Make clear to authorities at all levels that state registration is not a requirement for the peaceful practice of any religion and that all residents of their countries, irrespective of their faith or the legal status of the religious communities to which they belong, have the right to engage in peaceful religious activities without interference;
- Acknowledge and respect the existence of differences in the practice of Islam and refrain from all attempts to control the peaceful exercise of Islam in their countries in either direct or indirect ways;
- Ensure that no one is arrested, prosecuted or imprisoned in their countries solely for the peaceful exercise of their religious beliefs and immediately release anyone who has been imprisoned on such grounds.

Montenegrin Helsinki Committee for Human Rights:

- The Republic of Montenegro should include international standards concerning freedom of religion or belief in its new Constitution and the laws that will be passed. It should also include solutions that provide that international ratified law is directly applied and has priority over national law;
- Montenegro should sign or ratify (i.e. accede) relevant international documents on human rights that refer to the right to freedom of religion or belief and documents that refer to the protection of cultural heritage (first of all, Convention

concerning the Protection of the World Cultural and Natural Heritage of 1972, Convention of Safeguarding of the Intangible Cultural Heritage, UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage etc.);

- The authorities of Montenegro at different levels should meet their obligations regarding solving the pending cases as well as initiate procedure for those cases that have not been initiated, so that all the cases are solved in accordance with international standards; and
- The government of Montenegro is invited to meet the obligations from the conclusions that it adopted in October 2006 regarding destruction of cultural heritage.

Organization of Woman’s Right Against Discrimination “AKDER”:

- [At that point,] we request that Turkey must respect our fundamental rights for education and religion and abolish this ban soon in order to prevent women from more suffering. People should not be prevented to practice their basic rights on the basis of hypothetical threats. The freedom of belief and conscious is main principles of democracy and laicism. In the absence of these freedoms is quite hard to talk about democratic society.

Western Thrace Minority University Graduates Association:

- We recommend Greece to respect minority’s right to elect its own religious leaders.
- We recommend Greece to apply the provisions of Copenhagen Document and the other international human and minority rights documents.
- We, also, recommend Greece to ratify the Council of Europe’s Framework Convention for the Protection of National Minorities.

Recommendations to the OSCE:

Freedom of thought, conscience, religion or belief

European Humanist Federation:

HUMAN RIGHTS, DEMOCRACY AND RELIGION

The struggle for human rights is a vital contribution to the development of democracy, but human rights are threatened by governments that give a privileged position to religious bodies and base legislation on religious morality and rules.

- We therefore call on OSCE ODIHR to report on the extent to which these practices are found in member states.

European Raelian Movement:

We ask the OSCE:

- To advice to members states to stop using the term « sect and to replace it as « religious minority.
- To promote the dialogue between states and religious and philosophical organisations in their own countries.
- To create a body in charge of censuring the world's religious writings to rid them of the incitement to hatred and violence as well as expurgate all that disrespects the basic principles of Human Rights. The violence contained in some religious books make these books more dangerous than fire arms.
- The Council of Europe has condemned the 3 major religions catholic jewish islamic for not respecting women in their texts and practice.

Human Rights Without Frontiers Int.

Recommends to the OSCE/ODIHR

- To open a debate with all the OSCE member states about the various forms of discrimination caused by the system of hierarchy of religions;
- To give some concrete content to the “base level entity status” proposed in the OSCE/ODIHR brochure “Freedom of Religion or Belief: Laws Affecting the Structuring of Religious Communities” by listing a number of basic rights that religious and belief communities have not been able to enjoy up to now;

- To put in place mechanisms of evaluation of the progress of the implementation of the basic religious rights that any OSCE member state should grant to its religious and belief communities.

Institute for Human Rights and Public Policy:

The Institute applauds the vital work of the OSCE Office of Democratic Institutions and Human Rights that strive to ensure religious freedom throughout the region.

- We recommend that the OSCE Religious Expert Panel be empowered with the agreement from OSCE states to review and provide guidance on all pending legislation regarding religion and that the Panel be provided the financial capability to perform such review, and that an effective OSCE complaint mechanism be established to allow religious groups and NGOs on their behalf to file complaints against member states that systematically engage in religious discrimination.

Order of St. Andrew:

- The OSCE should strongly urge Turkey to reopen Halki Seminary and permit students to enroll from both within and outside Turkey.
- The OSCE should affirm the right of the Ecumenical Patriarch to invite, when he so chooses, any religious leaders, including the Pope, to visit the Ecumenical Patriarchate without obtaining permission from the Turkish government.

Western Thrace Minority University Graduates Association:

- We recommend OSCE to appoint an observer for the elections of new Mufti of Ksanthi.
- We recommend OSCE to question these aforementioned city- plans and we recommend Greece to make the necessary changes on these plans for the sake of the protection of our mosques.