

## COMPILATION OF WRITTEN RECOMMENDATIONS

*(Covering Working Sessions 1-3)*

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

**Please note that the deadline for submitting Recommendations to the HDIM Documentation Centre is Thursday, 8 October 2009.**

**Monday, 28 September 2009**

**WORKING SESSION 1: Rule of Law 1**

Recommendations to participating States:

### **Human Rights Without Frontiers**

Human Rights Without Frontiers recommends:

#### Pre-trial rights

- To align the Criminal Procedure Code to the international standards so as to protect individuals from arbitrary arrest or detention;
- To make compulsory judicial approval of an order for pre-trial detention;
- To forbid any detention without a warrant;
- To reduce the length of the pre-trial detention in exceptional cases (currently 15 months);
- To reduce the power of local prosecutors in ordering pre-trial detention (currently up to 2 months) by making it a joint decision with a higher level prosecutor;
- To grant the right to an effective judicial review of a detention order;
- To put an end to incommunicado detention without formal charges;
- To prosecute law enforcement officials arresting an individual without a warrant;
- To grant the right to an attorney upon arrest;
- To guarantee the independence of government-appointed lawyers;
- To introduce a bail system;

- To allow family members to have access to prisoners at any stage of the detention;
- To apply the law saying cases should be brought before a judge within 28 days after indictment.

#### Civil Judicial Procedures and Remedies

- To address the lack of access to justice for the poor and vulnerable layers of the population;
- To clarify the limits of the jurisdictions of the various courts (civil courts, economic courts, military courts). A case of confiscation by the customs of issues of The Watch Tower sent to Jehovah's Witnesses is being treated by a military court because evidence presented by the SCNS involved national security;
- To guarantee the impartiality of the judiciary.

#### Independence of the judiciary

- To reduce the disproportionate powers granted to the prosecutor by the Criminal Procedure Code in relation to judges and defense lawyers;
- To deprive the prosecutor of the right to protest a court decision outside of normal appeal;
- procedures, to have it annulled and reexamined by higher courts indefinitely after the expiration of appeal periods;
- To prosecute politicians exerting pressure to prosecutors and judges;
- To give a decent wage to judges in order to make them less vulnerable to bribery.

#### Training of the members of the judiciary

- To have them trained in Tajikistan and outside about international standards;
- To increase the competence and professionalism of Tajikistan's judges and improving their ability to render justice in accordance with the law;
- To grant them access to legal reference materials.

#### Protection of the rights of the detainees in custody or serving a prison term

- To sign an agreement with the International Committee for the Red Cross (ICRC) to allow free and unhindered access to prisons and detention centers.

#### Torture, inhuman and degrading treatment during the detention period

- To define torture in the criminal code;
- To collect data about allegations of torture while in detention;

- To open investigations about allegations of torture in detention facilities and to prosecute possible violators (policemen, security officials, detention staff, etc.);
- To give access to the 4 pretrial facilities and 8 prisons of the country to representatives of the international community (i.e. UN Special Rapporteur on Torture, ICRC's staff, foreign fact-finding missions) and of the Tajik civil society in cases of allegations of torture, inhuman or degrading treatment.

#### Police and Security Apparatus

To clarify by law the mandates of

- the Ministry of the Interior, (MOI)
- the Drug Control Agency (DCA)
- the Agency on State Financial Control and Fight Against Corruption
- the State Committee for National Security (SCNS)
- the State Tax Committee (STC)
- the Customs Services (CS)
- to solve the current overlapping problems.
- To evaluate the efficiency of these agencies and publicize the results.

#### Corruption

The implementation of the following laws and regulations should be assessed and the evaluation should be publicized:

- *Presidential Decree of the Republic of Tajikistan No.1343 of 14 June 2004 approving the Public Servant's Ethics Code directed at preventing corruption, ensuring probity and impartiality of public service;*
- *On Approval of the Form of Declaration of Incomes and Assets of a Public Official and Instruction on the Order of Filing that Declaration;*
- *On Approval of Procedures for the Placement of Public Officials' Assets in Trust Management;*
- *On Approval of a Model Provision on the Personnel of a Public Institution.*

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

To the Russian Federation:

- Привести законодательство и правоприменительную практику в соответствие с международными договорами в сфере прав человека, ратифицированными РФ;
- Принять меры, направленные на искоренение существующей практики нарушения принципов независимости судебной системы, свободы слова, мнений и объединений и гарантировать их соблюдение в любых обстоятельствах.
- Внести изменения в действующие антитеррористическое и анти-экстремистское законодательство с целью
  - а – конкретизации области их применения;
  - б – приведения их в соответствие с международными обязательствами России в сфере прав человека, в частности с обязательством
- уважать принцип законности, право не быть задержанным произвольно (без ордера на арест) и право на судебный контроль за правомерностью содержания под стражей, как того требует статья 5 Европейской Конвенции о защите прав человека и основных свобод.
- Вернуть под юрисдикцию суда присяжных категории дел, исключенные из нее Федеральным законом N 321-ФЗ от 30.12.2008 г.
- Гарантировать принцип равноправия сторон в уголовном процессе: ликвидировать существующие ныне привилегии обвинения перед защитой, в частности в области назначения экспертиз и выбора экспертов для их проведения; уравнивать сторону защиты со стороной обвинения в возможности доступа к информации
  - о персональном составе коллегий присяжных.
- Обеспечить своевременную официальную публикацию полных текстов решений Верховного Суда о запрете деятельности организаций в сроки, позволяющие обжаловать указанные решения в соответствии с законодательством РФ. Опубликовать полные тексты решений Верховного Суда:
  - а – от 14.02.2003 г. о запрете 15 организаций, признанных террористическими;
  - б – о расширении указанного списка и внесении в него еще двух организаций;
  - в – от 10.04.2008 г. о признании организации «Нурджулар» экстремистской и запрете ее деятельности на территории РФ.
- Провести всестороннюю и объективную экспертизу материалов и деятельности организаций, запрещенных указанными выше решениями Верховного Суда РФ, и по ее результатам пересмотреть эти решения.
- Установить общий порядок вызова адвокатов для безвозмездного оказания юридической помощи подозреваемым и обвиняемым путем письменного обращения сотрудников следственных органов в адвокатские коллегии; разработать меры, направленные на исключение постоянного сотрудничества следователей с адвокатами по собственному выбору.
- Направить в Комитет ООН против пыток периодический государственный отчет.
- Дать более точное определение понятию пытки в российском Уголовном кодексе; недвусмысленно запретить использование пыток в соответствии со статьей 4 Конвенции против пыток, модифицировав статью 117 УК РФ.

- Систематически проводить объективные и беспристрастные расследования всех случаев применения пыток, насильственных исчезновений, бессудных казней, в которые замешаны представители сил правопорядка.
- Гарантировать соблюдение принципа неприемлемости доказательств, полученных под физическим или психологическим давлением, в соответствии со статьей 15\_\_достоинство видов обращения и наказания.
- Выплатить справедливые компенсации жертвам пыток и их семьям в соответствии со статьей 14 Конвенции против пыток и других жестоких, бесчеловечных или унижающих достоинство видов обращения и наказания и учредить программы по возмещению убытков и реабилитации жертв пыток.
- Ввести надлежащие уголовные, гражданские и административные санкции за нарушения законности судопроизводства (арест, допрос, обращение с заключенными).
- Пересмотреть дела всех лиц, осужденных по обвинениям в терроризме и в причастности к террористическим организациям, обеспечив в полной мере их право на защиту. При пересмотре дел тщательно и объективно расследовать все заявления о принуждении лиц к даче показаний и о фальсификации доказательств; по результатам расследований реализовать нормы законодательства о недопустимых доказательствах. Во всех случаях оправдания ранее осужденных лиц по результатам пересмотра их уголовных дел признать за указанными лицами право на реабилитацию с применением ее последствий.

Обратить особое внимание на:

- а – дела о выставках в Музее и общественном центре им. Андрея Сахарова – необходим пересмотр дела о выставке «Осторожно, религия!» и прекращение уголовного преследования обвиняемых по делу о выставке «Запретное искусство – 2006».
- б – дело Зары Муртазалиевой – необходимо ее немедленное условно-досрочное освобождение и последующий пересмотр уголовного дела;
- в – дело Заурбека Талхигова – необходимо немедленное обеспечение его квалифицированной медицинской помощью, условно-досрочное освобождение и последующий пересмотр уголовного дела;
- г – дело об «Исламском джамаате» – необходим пересмотр дела, отделение доказанных правонарушений от сфабрикованных обвинений в создании террористической группы и подготовке терактов, освобождение лиц, непричастных к противоправным деяниям, и определение наказаний, адекватных содеянному, лицам, совершившим доказанные преступления.
- д – дело о взрыве газопровода в г. Бугульме – необходим пересмотр дела с учетом критериев, изложенных в п.15 настоящих рекомендаций;
- е – дело о взрыве поезда «Грозный-Москва» – необходим пересмотр дела с учетом критериев, изложенных в п.15 настоящих рекомендаций;

ж – дела, связанные с обвинением лиц в причастности к организации «Хизб ут-Тахрир» – необходим пересмотр всех уголовных дел с учетом критериев, изложенных в п.15 настоящих рекомендаций.

- Обеспечить соответствующие международным нормам условия содержания заключенных, подозреваемых, обвиняемых и осужденных за преступления, связанные с терроризмом, как и всех узников в целом.
- Гарантировать лицам, преследуемым в странах их происхождения по политическим и религиозным мотивам, всестороннее и объективное рассмотрение их ходатайств о предоставлении статуса беженца в соответствии с Конвенцией 1951 г. «О статусе беженцев» и Протоколом 1967 г., а также соблюдение статьи 3 Конвенции ООН против пыток и других жестоких, бесчеловечных или унижающих достоинство видов обращения и наказания и статьи 3 Европейской Конвенции о защите прав человека и основных свобод в отношении лиц.
- Разработать эффективный механизм обучения сотрудников правоохранительных органов международным и национальным нормам в сфере прав человека и систематически контролировать их соблюдение.
- Положить конец всем актам насилия, преследований и запугивания в отношении представителей гражданского общества и правозащитников; прекратить акты диффамации против правозащитников; провести беспристрастное и тщательное расследование всех случаев нападения на них и неправомерного возбуждения против них уголовных дел.
- Включить выработку механизмов, гарантирующих уважение прав человека в ходе борьбы с терроризмом, в рамки отношений РФ с Комитетом Совета Безопасности ООН по борьбе с терроризмом.
- Ратифицировать международную Конвенцию по защите всех лиц от насильственных исчезновений и привести национальное законодательство в соответствие, в частности, квалифицировав насильственные исчезновения как уголовные преступления, как того требует статья 4 Конвенции.
- Предоставить представителям Специальных Процедур ООН постоянное приглашение, включая Спецдокладчика ООН по защите прав человека в ходе борьбы с терроризмом, и положительно рассмотреть просьбы о приглашении в РФ Спецдокладчиков ООН по Правозащитникам, Свободе выражения, Свободе вероисповедания, а также Рабочих групп ООН по внесудебным казням и по произвольным задержаниям.
- Создать в кратчайшие сроки необходимые условия для проведения визита Спецдокладчика ООН по пыткам, способствовать осуществлению его работы и предоставить ему всю необходимую информацию, в соответствии с Резолюцией 2001/62 по мандату Спецдокладчика.

#### To Belarus:

- Guarantee in all circumstances an enabling environment for human rights defenders and put an end to any hindrance against their activities, and to any kind of harassment against them, in conformity with the Declaration on Human Rights Defenders, adopted by the UN General Assembly in 1998;

- Conform in all circumstances with international standards on freedom of association provided in the ICCPR and in the 1998 UN Declaration on Human Rights Defenders;
- Conform with the reasoning and recommendations made in the Communication *Belyatsky et al. v. Belarus* of the UN Human Rights Committee no. 1296/2004 of July 27, 2007;
- Implement the recommendations of the UN Human Rights Committee and other UN treaty bodies as well as those of the UN Human Rights Council's special procedures;
- Guarantee the independence of the judiciary, i.e. by establishing proper rules regarding the process of appointment, promotion and dismissal of judges;
- Issue a standing invitation to UN special procedures, and reply positively in particular to the request to visit by the then Special Representative of the UN Secretary General on the situation of human rights defenders in 2003;
- Cooperate fully with the OSCE mechanisms on Human Dimension, notably the Office of Democratic Institutions and Human Rights, and with the OSCE office in Minsk;
- Conform with the OSCE Human Dimension commitments in particular in the field of rule of law, civil and political rights, and civil society;

To Georgia:

- Support the establishment of the CoE group of independent experts in charge of examining the cases of alleged political prisoners in Georgia.
- Provide the FIDH with evidence refuting its fact-finding mission conclusions and/or engage the FIDH in constructive dialogue on the issue of political prisoners in Georgia.
- Allow the FIDH to meet with alleged political prisoners at their place of detention.

Recommendations to International Organizations:

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

To the European Union:

- Address the issue of the independence of the judiciary and freedom of association in the framework of dialogues at various levels with the authorities of Belarus and especially on the occasion of EU troika meetings with Belarussian authorities;

- Address the issue of human rights defenders and arbitrary restrictions to local NGO's activities and existence relying on the EU Guidelines on human rights defenders;

To the Council of Europe

- Mandate a group of independent experts to examine cases of alleged political prisoners in Georgia and to render opinions on the said cases as to whether the persons in question may be defined as political prisoners on the basis of the criteria adopted in previous Council of Europe documents.
- Ensure that this group has the capacity and mandate to meet with a number of alleged political prisoners, their lawyers, their relatives, State officials, and representatives of intergovernmental organisations and human rights NGOs.

Recommendations to the OSCE:

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

To the OSCE:

- The OSCE office in Minsk should pay special attention to the issue of human rights defenders and freedom of association;
- The OSCE Parliamentary Assembly should invite its Belarusian members to take the relevant legislative initiatives to bring domestic law in conformity with international human rights standards.
- Support the establishment of the CoE group of independent experts in charge of examining the cases of alleged political prisoners in Georgia.
- Carry out judicial observation for all cases of alleged political prisoners and in all politically sensitive trials.
- Pay special attention to information provided by Georgia's human rights NGOs, lawyers and detainees' families regarding the cases of alleged political prisoners.
- Share all relevant information and expertise regarding alleged political prisoners in Georgia with Council of Europe experts.



**Tuesday, 29 September 2009**

**WORKING SESSION 2: Fundamental Freedoms 1**

*Recommendations to participating States:*

**United States Commission on International Religious Freedom**

To the United States

*Recommendations for U.S. Policy*

Regarding multilateral approaches and international organizations, the Commission recommends that the U.S. government should:

- use every measure of public and private diplomacy to advance the protection of human rights, including religious freedom, in Belarus, such as enhanced monitoring and public reporting by the U.S. Department of State, including the Special Envoy on Anti-Semitism and the Ambassador-at-Large on International Religious Freedom, and by the appropriate international organizations, including the OSCE and the UN;
- coordinate with the European Union on the application of financial sanctions and visa bans on high-ranking Belarusian officials, particularly those who are directly responsible for or who have carried out the government's abuses of religious freedom;
- and urge the Belarus government to issue invitations to relevant UN Human Rights Council Special Procedures, including: the Special Rapporteur on the Situation of Human Rights in Belarus; the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Expression; the Special Representative of the Secretary-General on the Situation of Human Rights Defenders; the Special Rapporteur on Freedom of Religion or Belief, as well as the Working Group on Enforced and Involuntary Disappearances.

*Regarding its bilateral relations with Belarus, the U.S. government should:*

- urge the Belarus government to take immediate steps to end repression, including:
  - repeal of the highly restrictive 2002 religion law, as several of its provision violate international norms on freedom of religion or belief;
  - end the practice of denying registration to religious groups and then erecting obstacles to religious practice because of that unregistered status;
  - provide the right to conduct religious education and distribute religious material;
  - adopt effective measures to halt attacks on the persons and property of minority religious groups and prosecute individuals who perpetrate such attacks;
  - ensure a greater effort on the part of government officials to find and hold to account perpetrators of attacks on the persons and property of members of religious minorities;
  - provide free access by domestic and international human rights groups and others to sites of religious violence or the destruction of places of worship;

- urge the Belarus government to ensure that no religious community is given a status that may result in or be used to justify discrimination against or impairment of the rights of members of other religious groups;
- urge the Belarus government to publicly condemn, investigate, and prosecute criminal acts targeting Jews and the Jewish community, as well as members of other ethnic and religious communities;
- continue to support, publicly and privately, persons and groups engaged in the struggle against repression in Belarus, including the group of religious and opposition activists who make up the Freedom of Religion Initiative that published the —White Book;
- organize roundtables inside Belarus between members of registered and unregistered religious communities and international experts on freedom of religion, particularly the OSCE Panel of Experts on Freedom of Religion or Belief.

Regarding U.S. programs and policies, the U.S. government should:

- institute fully the measures in the 2007 Belarus Democracy Reauthorization Act, which expresses the sense of Congress that sanctions be applied against the government of Belarus until it makes significant human rights progress; specific sanctions would include: the denial of entry into the United States to high-ranking Belarusian officials, and the prohibition of strategic exports and U.S. government financing to the Belarusian government, except for humanitarian goods and agricultural or medical products;
- ensure that the activities to promote democracy authorized by the Belarus Democracy Reauthorization Act, as well as in the Belarus civil society programs of the National Endowment for Democracy, include the right to freedom of religion or belief and the promotion of religious tolerance;
- urge Congress and the State Department to ensure that U.S. government-funded radio broadcasts to Belarus, including those of Radio Free Europe/Radio Liberty (RFE/RL), continue at least at their present levels, that efforts are made to secure sufficient transmission capacity to ensure reliable reception throughout that country, and that RFE/RL programs discuss issues relating to freedom of thought, conscience, and religion or belief;
- provide increased international travel opportunities, particularly to attend international conferences, for Belarusian civil society leaders, including representatives of human rights groups and religious leaders, and others who defend freedom of religion in that country.

*Regarding Turkey, the Commission recommends that that U.S. government should:*

- Urging Legal Reforms to Improve Religious Freedom explore cooperation with Turkish authorities to allow women the freedom to express their religious or nonreligious views through dress so as to respect their beliefs as well as the secular status of the Turkish republic, while ensuring a lack of coercion for

- urge the government of Turkey to remove restrictions on the ability of leaders of majority and minority religious communities to wear clerical garb in public areas, state institutions, and public and private universities, and to remove restrictions on leaders of the Christian, Jewish or other communities from wearing clerical garb in the public space;
- urge Prime Minister Erdogan to follow-up on his January 2008 statement that the Ecumenical status of the Greek Orthodox Patriarchate should be an internal church issue by granting official recognition to the Ecumenical status of the Patriarch;
- urge the government of Turkey to permit all religious minorities, including those not covered by the Lausanne Treaty, to train religious clergy, including by:
  - permitting the reopening of the Halki Seminary under the control of the Ecumenical Patriarch, and not under the supervision of the Turkish government, and allowing for religious training to occur;
  - instructing officials to drop their legal case to seize the property of the Mor Gabriel Syrian Orthodox monastery; and
  - encouraging the Ministry of Education to respond favorably to the official request of the Armenian Patriarch to permit his community to establish an Armenian language faculty at a Turkish state university, including instruction by the Patriarch;
- urge expansion of the process to regain clear title or fair compensation for expropriated holdings to include properties sold to third parties or held by the government, and to end the authority of the *Vakiflar* or any government agency to seize the property of any religious community;
- urge the government of Turkey to permit religious communities to select and appoint their leadership in accordance with their internal guidelines and beliefs;
- urge Turkish officials to allow for the independent and peaceful practice of Islam outside of the *Diyanet* and end the prohibition on Sufi spiritual orders;
- encourage the Prime Minister's office and the *Diyanet* to work with the Alevi community regarding the recognition and the administration of that community in Turkey, and grant official status to Alevi *cem* houses of worship to those communities which have applied for such status; and to prevent general societal discrimination against Alevis in other areas of life in Turkey;
- urge the government of Turkey to address the absence of full legal recognition for religious minorities, including Alevis; Greek, Armenian, Georgian and Syrian Orthodox; Roman and Syriac Catholics; Protestants; and Jews; by:

--fully implementing the 1923 Lausanne treaty and providing all non-Muslim communities with legal status that affords them the right to inherit, purchase, possess, maintain, and sell property; or  
--amending the Law on Associations so that it provides religious communities with legal status that affords them the right to inherit, purchase, possess, maintain, and sell property;

- urge the Turkish government to further amend Article 301 of the Turkish Penal Code, which restricts freedom of expression and has associated negative effects on freedom of religion or belief;
- urge the government of Turkey to omit the legal requirement to list religious affiliation on official identification cards;
- encourage the Turkish government to undertake practical initiatives to establish and enhance trust among the country's diverse religious and ethnic communities, including convening public roundtables on the local and national levels; at a high political level publicly expressing commitments to a democratic and diverse Turkish society; and developing civic education programs that reflect the religious and ethnic diversity of Turkish society, past and present;
- urge Turkish officials to continue to condemn violent hate crimes against members of religious and ethnic communities and to ensure prompt investigation and prosecutions, especially in regard to the Alevi, Greek and Armenian Orthodox communities, as well as against members of the Catholic and Protestant communities, and growing anti-Semitism in some sectors of the Turkish media;
- Raising Religious Freedom Concerns through Multilateral For a in view of Turkey's standing invitation to receive visits by UN special rapporteurs on human rights, encourage the government to invite relevant rapporteurs, including the UN Special Rapporteur on the Freedom of Religion or Belief, in the near future;
- encourage the Turkish government to remove its reservation to Art. 27 of the ICCPR, which limits the protection of freedom of religion or belief for members of minority communities;
- urge the European Commission to raise with the Turkish government the issue of the headscarf ban, its implications for freedom of religion or belief as well as the right of Turkish women to education and perform professional functions consistent with their beliefs and without fear of coercion;
- speak out publicly at Organization for Security and Cooperation in Europe (OSCE) meetings and events about violations by the government of Turkey of OSCE human rights commitments, including on respect for freedom of religion or belief;

- urge the Turkish government to request that the OSCE Office of Democratic Institutions and Human Rights (ODIHR) Panel of Experts on Freedom of Religion or Belief to:
  - provide an assessment of Turkey's legislation relating to that issue;
  - conduct conferences with relevant government officials, leaders of religious communities, and members of civil society on teaching about religion in public schools from a human rights perspective; and
  - provide training sessions for members of the Turkish judiciary and law enforcement on how to combat hate crimes, including those motivated by religious prejudice.

*In addition to recommending that Uzbekistan be designated a CPC, the Commission recommends that the U.S. government should:*

- Speaking in a Unified Voice in its Relations with the Uzbek Government
- ensure that U.S. statements and actions are coordinated across agencies to ensure that U.S. concerns about human rights conditions in Uzbekistan are reflected in all its dealings with the Uzbek government;
- following the European Union's October 2005 decision, reduce aid and arms sales to Uzbekistan and ban visits by high-level Uzbek officials in response to the Uzbek government's refusal to allow an independent investigation into the violence in Andijon in May 2005;
- ensure that U.S. assistance to the Uzbek government, with the exception of assistance to improve humanitarian conditions and advance human rights, be made contingent upon establishing and implementing a specific timetable for the government to take concrete steps to improve conditions of freedom of religion or belief and observe international human rights standards, steps which should include:
  - ending reliance on convictions based solely on confessions, a practice that often is linked to ill-treatment of prisoners, and implementing the recommendations of the UN Committee Against Torture (June 2002) and the UN Special Rapporteur on Torture (February 2003);
  - establishing a mechanism to review the cases of persons previously detained under suspicion of or charged with religious, political, or security offenses, including Criminal Code Articles 159 (criminalizing —anti-state activity) and 216 (criminalizing membership in a —forbidden religious organization); releasing those who have been imprisoned solely because of their religious beliefs or practices as well as any others who have been unjustly detained or sentenced; and making public a list of specific and detailed information about individuals who are currently detained under these articles or imprisoned following conviction;
  - implementing the recommendations of the Organization for Security and Cooperation in Europe (OSCE) Panel of Experts on Religion or Belief to revise the 1998 Law on Freedom of Conscience and Religious Organizations and bring it into accordance with international standards;
  - registering religious groups that have sought to comply with the legal requirements; and --ensuring that every prisoner has access to his or her family, human rights monitors, adequate medical care, and a lawyer, as

specified in international human rights instruments, and allowing prisoners to practice their religion while in detention to the fullest extent compatible with the specific nature of their detention;

- ensure that U.S. security and other forms of assistance are scrutinized to make certain that this assistance does not go to Uzbek government agencies, such as certain branches of the Interior and Justice Ministries, which have been responsible for particularly severe violations of religious freedom as defined by the International Religious Freedom Act of 1998 (IRFA);
- use appropriate avenues of public diplomacy to explain to the people of Uzbekistan both why religious freedom is an important element of U.S. foreign policy, and what specific concerns about violations of religious freedom exist in their country.
- Encouraging Greater International Scrutiny of Uzbekistan's Human Rights Record work with other governments to urge the UN Human Rights Council to reverse its recent decision to end human rights scrutiny of Uzbekistan under confidential resolution 1503 and to address this situation in a public country resolution at the Council;
- encourage scrutiny of Uzbek human rights concerns in appropriate international fora such as the OSCE and other multilateral venues, and facilitate the participation of Uzbek human rights defenders in multilateral human rights mechanisms;
- urge the Uzbek government to agree to a visit by UN Special Rapporteurs on Freedom of Religion or Belief and the Independence of the Judiciary and provide the full and necessary conditions for such a visit.
- Supporting Uzbek Human Rights Defenders and Religious Freedom Initiatives
- respond publicly and privately to the recent expulsions of U.S. non-governmental organizations and the numerous new restrictions placed on their activities; unless these restrictions are rescinded, the U.S. government should make clear that there will be serious consequences in the U.S.-Uzbek bilateral relationship, including a ban on high-level meetings;
- continue the careful monitoring of the status of individuals who are arrested for alleged religious, political, and security offenses and continue efforts to improve the situation of Uzbek human rights defenders, including by pressing for the registration of human rights groups and religious communities;
- support efforts to counteract the Uzbek government's blockade on information into the country by increasing radio, Internet, and other broadcasting of objective news and information on issues relevant to Uzbekistan, including education, human rights, freedom of religion, and religious tolerance;

- continue funding for the Voice of America (VOA) Uzbek Language Service so as to meet the Broadcasting Board of Governors' stated goal of outreach to the Muslim world, including reaching the news-deprived population of Uzbekistan, as well as the large Uzbek diaspora in Afghanistan and other neighboring countries;
- increase foreign travel opportunities for civil society activists, religious leaders, and others in Uzbekistan concerned with religious freedom to permit them to take part in relevant international conferences;
- continue to attempt to overcome the objections of the Uzbek government in order to develop assistance programs for Uzbekistan designed to encourage the creation of institutions of civil society that protect human rights and promote religious freedom, programs that could include training in human rights, the rule of law, and crime investigation for police and other law enforcement officials; since such programs have been attempted in the past with little effect, they should be carefully structured to accomplish, and carefully monitored and conditioned upon fulfillment of, these specific goals:
  - expanding legal assistance programs for Uzbek relatives of detainees, which have sometimes led to the release of detainees; expanding train-the-trainer legal assistance programs for representatives of religious communities to act as legal advisers in the registration process;
  - specifying freedom of religion as a grants category and area of activity in the Democracy and Conflict Mitigation program of the U.S. Agency for International Development and the Democracy Commission Small Grants program administered by the U.S. Embassy; and
  - encouraging national and local public roundtables between Uzbek officials and representatives of Uzbek civil society on freedom of religion;
- increase opportunities in its exchange programs for Uzbek human rights advocates and religious figures, and more specifically:
  - expand exchange programs for Uzbek religious leaders to include representatives from all religious communities; and
  - ensure that the U.S. Embassy vigorously protests cases when an Uzbek participant in an exchange program encounters difficulties with the Uzbek authorities upon return to Uzbekistan, and if such difficulties continue, inform the Uzbek authorities that there will be negative consequences in other areas of U.S.- Uzbek bilateral relations, including a ban on high-level meetings.

*Supporting the OSCE, The U.S. government should:*

- express strong support for the OSCE at the highest levels of the U.S. government in the face of attacks led by the Russian government, particularly on the OSCE's human rights, freedom of religion or belief, and tolerance activities carried out by the Office of Democratic Institutions and Human Rights (ODIHR);
- authorize and appropriate specially designated funds in addition to 2008 U.S. contributions to the OSCE for the purpose of expanding programs developing ways to advance freedom of thought, conscience, and religion or belief and

- hold regular briefings at the State Department for members of the U.S. government and NGO community concerned with OSCE issues and make efforts to expand the number and scope of invitees;
- recommend that the State Department routinely include in U.S. OSCE delegations representatives of relevant U.S. government agencies, such as Homeland Security and the Justice Department, as well as expand the number and range of civil society groups involved in the OSCE process;
- ensure that U.S. OSCE delegations organize regular informational briefings for the civil society groups at OSCE meetings.
- Promoting Religious Freedom and Tolerance within the OSCE's Participating States

*The U.S. government should urge that OSCE participating States undertake the following steps:*

- ensure compliance with their commitments to protect freedom of religion or belief, as well as combat discrimination, xenophobia, and anti-Semitism, as detailed in the Vienna and Copenhagen Documents on the Human Dimension;
- engage in a regular public review of compliance with OSCE commitments on freedom of religion or belief, on racial and religious discrimination, and on anti-Semitism, including by facilitating a more active role by NGOs as part of that process;
- commit to condemn promptly, publicly, and specifically hate crimes and to investigate and prosecute their perpetrators;
- take all appropriate steps to prevent and punish acts of anti-Semitism, such as to condemn publicly specific anti-Semitic acts, to pursue and prosecute the perpetrators of attacks on Jews and their communal property, and, while vigorously protecting freedom of expression, to counteract anti-Semitic rhetoric and organized anti-Semitic activities;
- condemn in a public fashion, while vigorously protecting freedom of expression, attacks targeting Muslims and pursue and prosecute the perpetrators of such attacks;
- ensure that efforts to combat terrorism not be used as an unrestrained justification to restrict the human rights, including freedom of religion or belief, of members of religious minorities;
- bring national legislation and practice, as well as local laws, into conformity with international human rights standards and OSCE commitments by:



- discontinuing excessive regulation of the free practice of religion, including registration or recognition requirements that effectively prevent members of religious communities from exercising their freedom to manifest religion or belief;
- permitting limitations on the right to freedom of religion or belief only as provided by law and consistent with participating States' obligations under international law;
- monitor the actions of regional and local officials who violate the right to freedom of religion or belief and provide effective remedies for any such violations;
- establish mechanisms to review the cases of persons detained under suspicion of, or charged with, religious, political, or security offenses and to release those who have been imprisoned solely because of their religious beliefs or practices, as well as any others who have been unjustly detained or sentenced.

*Promoting Religious Freedom and Tolerance through the OSCE's Institutional Mechanisms*

*The U.S. government should urge the OSCE to:*

- promote freedom of thought, conscience, religion and belief throughout the OSCE region, both east and west of Vienna, including focusing on issues such as discriminatory registration systems, limitations on religious expression, and limitations on the rights of parents to ensure the religious and moral education of their children in conformity with their own peaceful religious or other beliefs;
- consider ways to bring greater public attention to the activities of the OSCE Panel of Experts on Freedom of Religion or Belief, such as enhancing the transparency to its activities, involving prominent cultural figures in its proceedings and providing funds to enable the Panel to hold training seminars, including in the Mediterranean Partner States, about pertinent information on freedom of religious or belief;
- encourage the convening of an annual meeting of the OSCE Panel of Experts on Freedom of Religion or Belief that is open to its entire membership;
- ensure, as a matter of priority, the reappointment of the three Chairman-in-Office Personal Representatives on tolerance issues, and make the country-specific reports of the three Personal Representatives available to the public;
- request that the three Personal Representatives report in person to the annual OSCE ministerial meetings, and that the OSCE Chairman-in-Office to invite the three Personal Representatives to participate on his or her official visits and refer to their work and conclusions in speeches and other presentations;

- encourage OSCE participating States and the 18 OSCE Field Presences to invite the Personal Representatives on official visits;
- convene on a regular basis public review meetings to assess compliance by OSCE participating States of their commitments to combat discrimination, xenophobia, and anti-Semitism;
- ensure that all participating States individually are taking concrete actions to live up to their commitments to combat discrimination and intolerance, In particular to combat anti- Semitism, as detailed in the 1990 Copenhagen Document, action which should include adopting laws to protect against incitement to violence based on discrimination, including anti- Semitism, and providing the individual with effective remedies to initiate complaints against acts of discrimination;
- convene expert conferences on anti-Semitism and freedom of religion or belief, as well as other tolerance issues, during 2008 and 2009;
- consider reorganization of the HDIM conference, including, for example, thematically-linked issues, such as Rule of Law (Elections; Judiciary; Penal System), Fundamental Freedoms (Religion, Expression/Media, Assembly/Association, Movement), and Tolerance and Non-Discrimination (Gender and Minorities—Religious, Ethnic, Economic);
- assist ODIHR in making it possible for the OSCE Field Presences and the ODIHR to hold public roundtables with local government officials, NGOs, and community leaders to discuss commitments on freedom of religion or belief, as well as the concept and definition of hate crimes and the implementation of hate crimes legislation;
- provide voluntary, extra-budgetary funding for added staff to deal with freedom of religion or belief, working within the ODIHR Human Rights Program, and encourage the ODIHR Tolerance Program staff take part in ODIHR training of Field Presences and other OSCE staff;
- provide the ODIHR the necessary mandate and adequate resources to hire as part of the Unified Budget experienced staff at the working level, to direct the Tolerance Program, to monitor compliance with OSCE obligations on freedom of religion or belief, and to combat discrimination, xenophobia, and anti-Semitism;
- provide funding for the translation of additional ODIHR Tolerance Program reports into OSCE languages, particularly Russian, and for the employment of at least one ODIHR Tolerance Program staffer with Russian-language capability.

*Recommendations for U.S. Policy Ensuring the Equal Legal Status and Treatment of the Members of Russia's Religious Communities*  
*The U.S. government should encourage the Russian government to:*

- dissolve the Ministry of Justice's Expert Religious Studies Council, established in February 2009;
- ensure that law enforcement officials vigorously investigate and prosecute acts of violence, arson, and desecration perpetrated against members of any religious community, their property, or houses of worship; and set up a credible, impartial and effective review mechanism outside the procuracy to ensure that government authorities and law enforcement personnel are investigated and sanctioned, as appropriate, if they are found to have encouraged or condoned such incidents;
- affirm publicly on a high political level the positive significance of the multi-ethnic and multi-confessional nature of Russian society;
- affirm publicly that all religious communities in Russia are equal under the law and entitled to equal treatment, whether registered or unregistered, —traditional or other; publicly express opposition to any legislation that would grant preferences to the purported —traditional religions over other groups; and direct national government agencies to address and resolve continuing violations of religious freedom at the regional and local levels, including by:
  - issuing instructions to local law enforcement, prosecutors, and registration officials as well as publicly affirming that members of all religious communities are to be treated equally under the law;
  - enforcing non-discriminatory, generally applicable zoning and building codes, and ordering an end to the practice of using local public opinion surveys that serve as a basis to deny land and building permits to minority religious communities; and
  - deleting from the preface to the 1997 Law on —Freedom of Conscience and Religious Organizations the reference to the four —traditional religions— Russian Orthodoxy, Islam, Judaism, and Buddhism— as that reference, although it does not have legal standing, implicitly contradicts the Russian constitutional provision that —religious associations are separate from the state and are equal before the law and has led Russian officials to establish inappropriate limits or demands against members of Russia's other religious communities;
- refrain from media attacks on any religious community and adopt administrative measures against government officials who fuel them; cease all forms of interference in the internal affairs of religious communities, unless stipulated by law and in conformity with international human rights standards;
- avoid taking steps that could exacerbate religious extremism by 1) developing policies and strategies to protect the religious freedom and other human rights of the members of Russia's Muslim community and 2) reviewing and remedying past cases of alleged arbitrary detention or arrest of members of this community;
- distribute on a regular basis updated information on freedom of religion or belief, as well as on Russian constitutional provisions and jurisprudence on

- direct the Russian Federation Human Rights Ombudsman to set up a nationwide monitoring system on the status of freedom of religion or belief in the 84 regions of Russia;
- accept a site visit to Russia from the UN Special Rapporteur on Freedom of Religion or Belief and grant her unrestricted access to religious communities and regions where religious freedom abuses are reported.

*Combating Xenophobia, Intolerance, and Hate Crimes*

*The U.S. government should urge the Russian government to:*

- condemn specific acts of xenophobia, anti-Semitism, and intolerance, as well as incidents of hate crimes, and to make clear that such crimes are to be treated by officials as human rights abuses, not —hooliganism, and that they will be fully and promptly investigated and prosecuted;
- while vigorously promoting freedom of expression, publicly condemn rhetoric that promotes xenophobia or intolerance, including religious intolerance;
- provide special training and other programs for law enforcement officers and other officials to address ethnic hatred and promote tolerance;
- establish a special nationwide antidiscrimination body, as recommended by the Council of Europe’s European Commission Against Racism and Intolerance, that provides regular reports to the public, press and parliament about its findings;
- implement the numerous specific recommendations made by Russia’s Presidential Council on Human Rights, the official Russian Human Rights Ombudsman, and the Council of Europe’s Commission against Racism and Intolerance to address anti-Semitism and xenophobia and prevent and punish hate crimes, including full implementation by regional and local law enforcement personnel of criminal code provisions prohibiting incitement and violence motivated by ethnic or religious hatred, in accordance with standards established by the European Court of Human Rights (ECtHR);
- report, as required, to the Organization for Security and Cooperation in Europe (OSCE) on the specific measures that have been undertaken on a national level to address hate crimes, including maintaining statistics on these crimes, and strengthening legislative initiatives to combat them, and to take advantage of relevant OSCE training programs for Russian law enforcement and judicial officials.

*Reforming or Withdrawing the 2006 Russian Law on Non-Commercial Organizations*

*The U.S. government should:*

- establish a program to monitor implementation of Russia's law on NGOs, including its impact on religious organizations; and encourage the Russian government to withdraw or substantially amend the NGO law; failing that, the government should be urged to develop regulations that clarify and sharply limit the state's discretion to interfere with the activities of NGOs, including religious organizations. These regulations should be developed in accordance with international standards and in conformance with international best practices.

*Strengthening Attention to the Issue of Freedom of Religion or Belief in U.S. Diplomacy*

*The U.S. government should:*

- ensure that the U.S. Congress maintains a mechanism to monitor publicly the status of human rights in Russia, including freedom of religion or belief, particularly in the case of any repeal of the Jackson-Vanik amendment with respect to Russia, and maintain the Smith Amendment as U.S. law;
- urge the government of the Russian Federation to invite each of the three OSCE Personal Representatives on combating intolerance as well as the UN Special Rapporteur on Freedom of Religion or Belief to visit the Russian Federation during 2009-2010, without this being made contingent on other visits to other countries;
- ensure that U.S. Embassy officials and programs
  - engage with regional and local officials throughout the Russian Federation, especially when violations of freedom of religion occur, and
  - disseminate information to local officials concerning international legal norms on freedom of religion or belief, including the rights of unregistered religious communities; ensure that the issue of human rights, including freedom of religion or belief, be raised within the context of negotiations on Russian accession to the World Trade Organization; and
- work with the other members of the G-8 to ensure that the issue of human rights, including the human rights aspects of migration and protecting human rights in the context of counter-terrorism, are raised at all bilateral and multilateral meetings.

*Strengthening U.S. Programs on Promoting Religious Freedom and Combating Religious Intolerance*

*The U.S. government should:*

- ensure that U.S. government-funded grants to NGOs and other sectors in Russian society include the promotion of legal protections and respect for religious freedom as well as methods to combat xenophobia, including intolerance based on religion, ensure that solicitations and requests for proposals should include these objectives and monitor the effectiveness of such grants;

- support programs developed by Russian institutions, including universities, libraries, NGOs, and associations of journalists, particularly those who have engaged in the activities described in the above recommendation, to organize conferences and training programs on issues relating to freedom of religion or belief, as well as on promoting inter-religious cooperation, encouraging pluralism, and combating hate crimes and xenophobia;
- support programs to train lawyers to contest violations of the rights to freedom of religion or belief as guaranteed in Russian law and under its international obligations both in Russian courts and before the ECtHR;
- translate where necessary into Russian and print or otherwise make available to Russian citizens relevant documents and materials, including:
  - hate crimes guidelines developed by the U.S. Federal Bureau of Investigation, as well as U.S. Department of Justice materials on combating hate crimes and religiously motivated attacks; and
  - international documents and materials generated by Russian institutions relating to freedom of religion or belief, xenophobia, and hate crimes, as well as relevant U.S. Department of State and Commission reports, posting such documents on the U.S. Embassy Web site;
- ensure that Russia's citizens continue to have access to alternative sources of information through U.S.-government-funded radio and TV broadcasts, as well as Internet communications, and that these broadcasts include information about freedom of religion or belief and the need to combat xenophobia and hate crimes; in particular by:
  - restoring the broadcast hours of Russian language radio broadcasts of Voice of America and Radio Free Europe/Radio Liberty (RFE/RL) that have been cut, restoring staffing levels, and considering new vehicles for delivery of broadcasts; and
  - increasing funding for radio broadcast programs in minority languages spoken in Russia, including the RFE/RL Tatar and North Caucasus services, which are often the primary source of independent broadcast media in regions of Russia with majority Muslim populations;
- include in U.S.-funded exchange programs a wider ethnic and religious cross section of the Russian population, with particular focus on educational and leadership development programs for students from the North Caucasus, Tatarstan, and other regions of Russia with sizeable Muslim and other religious and ethnic minority populations; and
- initiate International Visitor's Programs relating to the prevention and prosecution of hate crimes for Russian officials and other relevant figures.

*Addressing the Crisis in Chechnya and the North Caucasus*

*The U.S. government should:*

- ensure that the continued humanitarian crisis in Chechnya and allegations of human rights abuses perpetrated by the Russian federal military and local

- urge the Russian government to end and vigorously prosecute all alleged acts of involuntary detention, torture, rape, and other human rights abuses perpetrated by members of the Russian security services in Chechnya, including those by pro-Kremlin Chechen forces;
- urge the Russian government to address the conclusions and recommendations of the UN Universal Periodic Review and relevant treaty bodies in regard to Chechnya and abide by all resolutions passed by the Parliamentary Assembly of the Council of Europe relating to the human rights and humanitarian situation in the North Caucasus, and reinstate regular on-site visits by the Council of Europe's Special Rapporteur for Chechnya; urge the Russian government to accept a site visit to Chechnya from the UN Special Rapporteur on Extrajudicial Executions, to reconsider the October 2006 decision to deny access to the UN Special Rapporteur on Torture and to extend full cooperation in accordance with the standard mandates of those special procedures;
- work with other OSCE Member States to ensure that issues related to human rights abuses in the North Caucasus play a more prominent role in OSCE deliberations, and encourage the OSCE to raise humanitarian and other forms of assistance to the civilian populations affected by the decade-long conflict in Chechnya; and
- ensure that U.S.-funded conflict resolution and post-conflict reconstruction programs for the North Caucasus also fund credible local partners in Chechnya, Ingushetia, and Daghestan.

*Recommendations for U.S. Policy Expanding U.S.-Turkmen Bilateral Relations*  
*The Commission recommends that the U.S. government should:*

- appoint an ambassador to Turkmenistan as soon as possible, as the United States has not been represented by a fully accredited ambassador for three years; previous U.S. ambassadors have played an important role in highlighting the importance of respect for human rights in Turkmenistan; and
- establish a program of bilateral meetings with the government of Turkmenistan on human rights and on freedom of religion or belief, to discuss ways Turkmenistan can implement laws and practices to comply with international human rights standards, as well as establish a regular reporting mechanism on these issues.

*Promoting Freedom of Religion or Belief and Other Human Rights*  
*The Commission recommends that the U.S. government should encourage the government of Turkmenistan to:*

- repeal all laws, decrees or regulations, including through amendments to those articles of the religion law, that are found to be in violation of international norms on freedom of religion or belief, for example, by implementation of the recommendations of the recent USAID-funded analysis of that law;

- eliminate intrusive and onerous registration procedures and abolish criminal or other penalties for engaging in religious or other peaceful activity solely because it has not been approved by the state;
- halt unlawful arrest, detention, harassment, deportation, fines, as well as residential and workplace intimidation of members of religious communities due to their peaceful practice of religious or other beliefs;
- end fully the harassment and unlawfully deportation of religious leaders and the imposition of fines on members of peaceful unregistered religious communities whose activities officially are deemed —illegal; end the imposition of the *Ruhnama* or other state-sponsored texts or ideology in public institutions and religious organizations; promulgate new regulations and adopt new policies to ease the importation of religious and other material and permit the domestic printing and dissemination of such material in accordance with international standards;
- re-establish the Muslim theology faculty at Turkmen State University;
- restore genuine legal alternatives to military service on grounds of religious or conscientious objection based on international precedents, including those of the OSCE, and cease the criminal prosecution of, and fully restore the civil and political rights of, Jehovah's Witnesses and others who refuse to serve in the army on the grounds of conscience;
- expand and regularize the work of the government's Commission to Examine Turkmenistan's Legal Obligations under International Human Rights Law, established in August 2007, including by the systematic and effective involvement of international legal experts, such as those of the OSCE Panel of Experts on Religion or Belief and the OSCE Panel on Freedom of Association, and relevant UN experts;
- reform the government's other policies toward religious practice, including the end of state interference in the management of religious communities and the selection and training of religious leaders, including from Sunni and Shi'a Muslim and the Russian Orthodox communities, as well as from Protestant and other minority communities; and
- permit a Commission delegation to return to Turkmenistan to assess progress on implementation on freedom of religion or belief, including Constitutional amendments and legislative reforms, to speak with current or former prisoners of conscience in places of detention and to speak unimpeded with religious and other organizations and their members.

*Expanding U.S. Programs and Other Activities to Promote Reform*

*The Commission also recommends that, in the longer term, the U.S. government make the following efforts to expand activities in Turkmenistan that would protect and promote human rights:*

- increase and improve radio, Internet, and other broadcasts of objective news and information, including on topics such as freedom of religion or belief and



- assist in improving Turkmenistan's educational system, particularly with regard to curricula on religious freedom and other human rights, by:
  - expanding —American corner reading rooms and Internet access in various regions;
  - reprinting Russian and Turkmen-language materials on human rights, particularly on international norms on freedom of religion or belief including civic education materials, such as —The Law that Unifies Us, first published and distributed by the OSCE Center in Ashgabat; and
  - providing funds for libraries in Ashgabat and other cities, including materials on human rights, as well as on freedom of religion or belief, tolerance, civic education, and international legal standards;
- develop assistance programs to encourage civil society groups that protect human rights and promote freedom of religion or belief, including by expanding legal assistance programs for representatives of religious communities through grants that address freedom of religion or belief via the USAID Democracy and Conflict Mitigation or the Democracy Commission Small Grants program administered by the U.S. Embassy; expand international contacts and increase U.S. involvement in communities in Turkmenistan by increasing the budgets of Peace Corps and USAID programs, include religious leaders in community projects in efforts to address social problems and to increase religious and ethnic tolerance, and expand exchange programs, including with civil society leaders, students, and others concerned with human rights; and cooperating with the OSCE Center in Ashgabat, including by resuming joint activities with human rights activists from Turkmenistan to encourage civic education, including on international norms on freedom of religion or belief as well as other human rights, and also by encouraging the OSCE officially to respond to the Turkmen government's offer in May 2007 to host an OSCE experts' level meeting.

*Strengthening Efforts in the International Arena*

*With regard to international fora, the Commission recommends that the U.S. government urge the government of Turkmenistan to:*

- implement the recommendations of the October 2006 Report of the UN Secretary General on the Situation of Human Rights in Turkmenistan and the 2008 recommendations of the UN Human Rights Council during the Universal Periodic Review of Turkmenistan;
- agree to the numerous requests for visits by the UN Special Rapporteurs, as well as representatives of the OSCE, including its Panel of Experts on

- participate fully in the OSCE, including in the annual Human Dimension meeting in Warsaw and expanding the activities of the OSCE Center in Ashgabat, particularly on human rights, including programs with local schools, universities, and institutes on human rights standards, including on freedom of religion or belief.

*Regarding Tajikistan, the Commission recommends that the U.S. Government should:*

- urge the Tajik government, particularly President Rakhmon, to publicly affirm his intention to fully comply with Tajikistan's international commitments to respect freedom of religion or belief, as well as the rights of members of all peaceful religious communities in his country;
- work with relevant Tajik government officials responsible for religious affairs, human rights and legal issues, as well as with Tajik parliamentarians, civil society, and the international community, to amend the new religion law to bring it into conformity with Tajikistan's international commitments on freedom of religion or belief;
- continue to monitor the trials of leaders or members of religious communities that lose their registration and work with the international community in Tajikistan to provide training for judges and prosecutors in civil law and international human rights standards;
- urge United States officials, as well as the U.S. delegation to the OSCE, to publicly criticize violations by the government of Tajikistan of OSCE commitments on human rights, including respect for freedom of religion or belief; and urge the OSCE Mission in Tajikistan to continue to pay particular attention to violations of freedom of religion or belief and to undertake specific programs in that regard, including by conducting training sessions with the local media on international obligation.

### **Holy See**

- Participating States and OSCE institutions engage in awareness raising efforts in order to strengthen knowledge of the constructive contribution of religion in history, as well as its positive impact in educational, cultural, social, and charitable sectors of society.
- Participating States should ensure to all individuals subject to their jurisdiction the full exercise of the right to freedom of religion or belief. Religious freedom should be considered as pre-eminent among the fundamental rights and its defense as the "litmus test" for the respect of all other human rights.
- Religious freedom should not be considered inferior, nor religiously motivated behaviors or opinions considered irrelevant to public discourse.

- Participating States and OSCE institutions should take greater care to articulate that a healthy concept of secularism is inclusive and respectful of all Christians, and encourages constant dialogue between institutions, churches and religious communities. This dialogue is necessary, among other things, in order to respect the principles of an authentic pluralism and to construct a true democracy.
- Participating States should respect the right of parents and, when applicable, legal guardians of children to ensure the religious and moral education of their children in conformity with their own convictions, subject to providing protection for the rights of each child to freedom of religion or belief consistent with the evolving capacities of the child.
- Participating States should ensure that laws governing access to legal personality for religious organizations are structured in ways that facilitate the freedom of religion or belief, and not in any way infringe upon this right.
- The right to express one's convictions, beliefs, and faith is a vital dimension of the human person, and this right is enshrined in international human rights instruments. Participating States should ensure that missionaries enjoy legal protection from violence and discrimination.

Recommendations to the OSCE:

**FOREF**

- We appeal to the OSCE to propose an independent scientific advisory board to accompany & monitor the activities of the Federal Sect Office in Austria. Or otherwise to follow the German example: Close the office and thereby set a positive example to promote religious tolerance according to OSCE standards.
- We appeal to the OSCE to propose an independent scientific board to the Austrian Ministry of Education i.o. to assess the circulated information materials on religious minority groups with the purpose of eliminating outdated and discriminatory content. Even these materials are used in religious education; the state still holds responsibility to stop the misuse of the educational system for discriminatory purposes.
- We ask the OSCE to recommend less discriminatory models of legislation to the Federal government of Austria.(take examples from the OSCE region).
- We therefore ask the OSCE to appeal to the Kazakh government to protect the rights of minorities and grant equal religious freedom to all churches – the large ones and the small ones. Kazakhstan's challenge for chairing the OSCE in 2010 is to set an example by implementing OSCE standards in the field of religious freedom, which is a fundamental human right.

Recommendations to participating States:

**Human Rights First**

Human Rights First calls on participating States to secure freedom of religion to all, by:

- taking steps to ensure the implementation of constitutional and international norms guaranteeing freedom of conscience and religion;
- affirming publicly the equality before the law of members of all religious communities and refraining from using rhetoric that divides groups into “traditional” and “nontraditional;”
- investigating and prosecuting cases of bias-motivated violence against individuals or property associated with religious communities;
- resisting calls to legally restrict the “defamation of religions” as there is a high risk that incitement laws and religious defamation laws will unnecessarily trample upon the right to freedom of expression.

### **Swedish Mission Council**

Swedish Mission Council calls upon participating states to:

- Implement their OSCE commitments concerning freedom of religion or belief. The holder of the function of Chairperson-in-Office bears a particular responsibility to take a lead in implementing commitments.
- Make full use of the expertise, systems and tools for the promotion of FORB available via the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and in particular
- Seek and take account of the advice of the OSCE panel of experts when reviewing or framing legislation concerning religion or belief and to react in the permanent council when other participating states do not take account of such advice.
- Widely disseminate and make use of the OSCE tools for the promotion of religious freedom, in particular the “Guidelines for the review of legislation pertaining to religion or belief” and the “Toledo Guiding principles on teaching about religion or belief in public schools”.
- Prioritise the integration freedom of religion or belief in foreign affairs policy and practice.
- Instruct relevant embassies to:
  - Assess the state of and monitor and report on violations of religious freedom in the country concerned
  - Regularly discuss religious freedom issues with states as an integrated part of their overall policy for the promotion of human rights.
  - Develop contacts with defenders of freedom of religion or belief
  - Deepen the embassy’s dialogue with OSCE field missions on FORB issues.
  - Defend the freedom of religion or belief in public diplomacy.

- Increase the level of project funding allocated to the programmes and projects of the ODIHR departments for Human Rights and for Tolerance and Non-discrimination, with particular focus on projects relating for the freedom of religion or belief.
- Provide financial assistance to voluntary organisations and religious communities to contribute to ODIHRs work with FORB and non-discrimination.

### **Church and Society Commission of CEC**

In this spirit, we want to also call upon the OSCE Participating States to put more emphasis on the implementation of human rights in general and the right to religious freedom for individuals as well as for religious communities, by:

- fully implementing the OSCE commitments ensuring the protection of places of worship, holy sites and religious monuments. The situation in Northern Cyprus as well as in Kosovo is of special concern for us in this regard;
- implementing the OSCE commitments to protect freedoms for all religions, for all individuals and for religious communities, majority and minority communities alike;
- supporting the co-operation of the ODIHR with civil society as well as with other intergovernmental organisations, such as the newly established European Union's Fundamental Rights Agency;
- providing more resources to the ODIHR in order to enable it to provide more training programmes in the area of freedom of religion or belief.

### **Order of Saint Andrew the Apostle**

- Officially allow the use of the title “Ecumenical” and cease and desist from any interference with its use; any penalties related to its use need to be deleted from existing law, regulation, or practice.
- Allow the Synod of the Ecumenical Patriarchate to organize the procedure for the election of a new Ecumenical Patriarch according to its own canonical law, historical precedents, and the needs of the Ecumenical Patriarchate as a leading spiritual authority in the Orthodox world.
- Accord recognition of the Ecumenical Patriarchate as a legal entity with all attributes, rights, and prerogatives attendant to its legal status, including the right to own, repair, and acquire property.
- Immediately lift the ban on the operation of the Theological School in Halki as well as remove all impediments to its effective functioning as a center of theological education, research and scholarship. Allow free flow of ideas and persons to and from this school and facilitate its role. Any scheme that may be

- Cease all confiscations of property historically belonging to the Ecumenical Patriarchate, return properties which have been illegally confiscated, or, if this proves impossible or difficult, provide proper and just compensation, based, if need be, on fair, objective, and prompt arbitration.
- Based, of course, on Turkish law and using established procedures as practiced generally in Turkey, provide review and permits for the repair, rehabilitation, or reconstruction of buildings of the Ecumenical Patriarchate. Cease to use devious, contrived, and convoluted pretexts to either deny or prolong the issuance of such necessary permits.
- As provided in paragraph 32, quoted in Appendix II below, the Ecumenical Patriarch should be empowered with the right to invite religious leaders to visit the Ecumenical Patriarchate without sending his invitation through the Turkish Government.
- Return the Orphanage at Buyukada to the Ecumenical Patriarchate as sanctioned by ECHR.
- Officially allow the use of the title” Ecumenical;”
- Stop interfering in Patriarchal Elections;
- Return to the Ecumenical Patriarchate the Orphanage of Buyukada and all illegally confiscated properties;”
- Reopen the Theological School of Halki.

### **European Baptist Federation**

#### To Azerbaijan:

- We urge the authorities of Azerbaijan to actively make sure that the right to religious freedom for all is protected.
- We request the Government of Azerbaijan to submit the religion law to the Organization for Security and Co-operation in Europe for evaluation in order to bring the law into conformity with international standards.
- We urge the authorities of Azerbaijan to actively make sure that the right to religious freedom for all people will be protected. *Many of the people from religious minorities groups which we met are living in fear of losing their jobs or being harassed by private persons or police if they openly confess their faith.*
- We request the Government of Azerbaijan to submit the religion law to the Organization for Security and Co-operation in Europe for evaluation in order to bring the law into conformity with international standards; *Azeri speaking*

## **Universal Peace Federation of Germany**

### To Germany:

- German political parties should refrain from secretly circulating “black listed” organizations and minorities. Instead of advising their institutions not to engage in any communication with certain groups, political parties should deal with all segments of society in an equal and non-discriminatory manner.
- The German government on all levels, be it on the community, the state or the federal level, should make sure that funds are only provided to social organizations (especially run by the two main churches) which do not discriminate against members of religious minorities.

## **Church of Scientology International**

- The dissolution of the MIVILUDES and its replacement by an Observatory of neutral and impartial sociologists and experts, and
- The intervention of the OSCE to facilitate dialog between the authorities and minority religions or belief groups.

## **COJEP International**

- The authorities must provide opportunities for Muslim students to learn their religion. In countries where Muslims have a strong representation, Islam should have an official recognition on a par with other religions. Where the state provides assistance to other religions, Muslims should be not subjected to discriminatory approaches by exclusion of these aids.

### Recommendations to the OSCE:

## **Alliance Defense Fund**

- Laws that prohibit discrimination of persons on the basis of religion should specifically exempt all religion-based organizations, ministries, and activities. An example of a comprehensive exemption follows: “The prohibition of discrimination does not apply to: (1) the conduct of a religious organization, (2) the religiously motivated conduct of any organization, and (3) the religiously motivated conduct of an individual who is acting according to the dictates of his or her sincerely held religious beliefs.”
- “Hate speech” laws must exempt religion-based expression and ideas.
- The OSCE must provide enhanced monitoring of laws which relate to taxation of religious or belief communities to ensure equal treatment of all religions. Statutes relating to the establishment of legal personality by religious communities must be available, accessible, foreseeable and cannot

### **COJEP International**

- The right to express and practice one's religion and belief is a one of fundamental human rights and freedoms which is recognized by all OSCE participating States. This obliges participating States to create necessary conditions for the exercise of such a right without being subject to any negative consequences.
- However, in Europe we observe that Muslims have been increasingly facing arbitrary and discriminatory restrictions on their right to manifest and practice their religions. The referendum process to ban the building of minarets in Switzerland and the recent law adopted for the same purpose in the Carinthia province of Austria are two examples of this worrying situation. Muslims are also concerned about intervention of their internal religious affairs, especially when they were not allowed to choose their own imams or muftis.
- We hope that ODIHR will pay more attention to these challenges that Muslims have been facing. However, we recently observed a sharp decline of funding for support of the Muslim NGOs which necessary for them to attend OSCE human dimension events and make their voice to be heard. We would like to emphasise that in order to ensure a more balanced participation of all communities in the OSCE region, ODIHR should promote the participation of Muslim NGOs more.
- We would like to also recommend that ODIHR's Panel of Experts on Religious Freedom should have a more balanced approach towards to all regions of OSCE and all religious groups and believers and non-believers. For this purpose, we would like to propose to ODIHR to include at least one expert with a Muslim minority background.
- Finally, we call for the upcoming Kazakh chairmanship to the OSCE to take account of increasing intolerance and discrimination against Muslims, and in light of this difficult situation to monitor its evolution closer.

### **Moscow Bureau of Human Rights**

- First of all it should deal with clear and unequivocal confirmation of the Constitution provisions concerning freedom of conscience, including elimination or change of preamble to the Law "On freedom of conscience and on religious associations", abolition of 15-year "residential qualification" during registration of religious organizations and cessation of separating the



- The practice of liquidation of the religious organizations with farfetched grounds should be stopped as well as the practice of refusals to allot the land for construction of buildings for public worship and cemeteries for “non-traditional religions”.
- Events of recent months also showed the importance of expert examination by the students of religion for normal development of religious life in Russia. So it looks necessary to form the expert council from among scientists – students of religion (but not pseudo-religious experts) who can estimate the situation after careful consideration.

### **Forum for Civic Responsibility of the Austrian Round Table/ Weg der Versöhnung**

- In the field of education we urge OSCE/ODIHR to ensure the right of parents to know and have a final say on what their children are being taught with regards to religion and human sexuality.

#### *Recommendations to participating States:*

#### **Constantinopolitan Society**

##### To Turkey

as an OSCE participating State, is urged to meet commitments on religious freedom. In light of these commitments, Turkish authorities are invited 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 6<sup>th</sup> century and globally recognized.
- Recognize the legal personality of the Ecumenical Patriarchate, so that the latter may enjoy, inter alia, ownership rights and the exercise of property management.
- Lift all administrative restrictions regarding the election of the Ecumenical Patriarch, Spiritual Leader of 300 million Orthodox Christians throughout the world;
- Reopen the Halki Greek Orthodox Seminary with the same status it held before 1971 and permit students to enroll from both within and outside Turkey. The Ecumenical Patriarchate should have the right and the authority to call and employ priests from abroad without any residency constraints. Also, the closing of the Seminary makes it almost impossible for Turkish citizens to be trained to accept the highest responsibilities in the Orthodox Church today, thus creating a serious problem for the future of the Patriarchate and of the Church itself.
- Give permission to the Ecumenical Patriarchate to have its own printing facilities for the publishing of religious editions (books, journals etc)

- Resolve the question of religious foundations considered as *mazbut* (occupied), which should be returned to their owners. The Law 5737 / 2008 fails to address a number of issues, such as the return of some properties that have been re-sold to a third party after their confiscation
- Proceed to additional measures in order to deal with other problems that are not addressed by the aforementioned Law (e.g. allow non-Muslim foundations to engage in international activities and abandon the principle of reciprocity between States as regards the implementation of the new Law on Foundations)
- Lastly, return the churches of Panagyia Kafatiani, Aya Yani and Aya Nikola in Istanbul, as well as their property, which has been illegally and forcibly occupied by the so-called “Turkish Orthodox Patriarchate”. The latter’s involvement in the Ergenekon case deserves further investigation.

### **European Raelian Movement**

- La dissolution du CIAOSN car il crée plus de problèmes qu'il n'en résout;
- La fin de l'impunité des agents de l'état diffament et discriminent notre mouvement;
- Une prise en compte par le «Centre de l'égalité des chances des discriminations commises à l'égard des membres de notre religion, ce qui fait partie de leur mission mais n est pas le cas actuellement.

### **International Raelian Movement**

#### To France:

- An end to public contributions from the French State to 'anti-sect movements;
- The immediate dissolution of Miviludes and CIAOSN
- The suppression of the anti-sect legislation in particular the law about picard
- The immediate end of specific training for government officials (judges, policemen, teachers, educators etc.) targeted at fighting these so called "sects"
- A vote for new laws, that would recognize the same benefits that are accorded to Jews and Muslims for members of religious minorities
- A modification of the Halde in France and the Centre of Equal Opportunities in Belgium in order to make them also promote tolerance and respect towards members of religious minorities
- The official destruction of the French and Belgium parliamentary reports that have established a list of "sects" and an official apology from the parliaments
- legal action against the discriminatory use of the list of sects, because even if this list has no legal basis, it still represents moral and social discrimination

**Western Thrace Minority University Graduates Association**  
To Greece:

- To ensure the revision of the new law No: 3647/2008 regarding the pious foundations (Waqfs) 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. Therefore, it cannot be accepted or applied in its current form because of excessive jurisdictions vested to the Secretary General of the Region of East Macedonia and Thrace and appointed Muftis.
- To take all necessary steps to protect and promote religious rights and freedoms of the minority, in full alignment with international human rights mechanisms and standards.

**Forum for Civic Responsibility of the Austrian Round Table/ Weg der  
Versöhnung**

The Forum for Civic Responsibility of the Austrian Round Table would like to make the following recommendations to the OSCE which bring attention to current areas where freedom seems threatened:

- **With regards to the teaching of religion**, it must be possible to teach religion in an affirmative way.
- **Christian views on human sexuality must not be repressed** as a possible viewpoint in public schools. Also, religion teachers must retain the right to teach sexual ethics and morality. Christian private schools must be free to teach Christian teachings.
- **Religious institutions** such as agencies, churches, missions, etc must not be forced to hire those opposed to the goals of the institution.
- **Wearing religious symbols**, such as crosses, rings, clerical clothing, etc, must be protected as a manifestation of freedom of religion.
- **Freedom of conscience must be safeguarded in realm of healthcare**, particularly with regard to medical procedures that harm the most vulnerable, the unborn and the elderly.
- **Freedom of conscience and freedom of contract must be respected with regard to private entrepreneurship.** (Examples: A Christian architect should not be sued for declining to design a mosque; A Christian publisher should not be sued for declining to publish materials opposed to his/her faith; A Christian Advertising agency must not be sued for declining to advertise a lifestyle opposed to conscience.
- **Expression of faith in the public square** must be possible without the threat of social exclusion and/or being ridiculed. In this point we agree with the position of Prof. Ombretta Fumagalli Carulli, which she expressed in her Keynote Speech to the OSCE Supplementary Human Dimension Meeting on Freedom of Religion or Belief on the 9th of July 2009 in Vienna:

"It emerges clearly from the OSCE commitments that religion is a real legal asset to be protected. Therefore, if the freedom of religion or belief rightly protects also the non-believers, an anti-religious atheism which preaches the need to remove the religion from public and private life of citizens should not be welcomed."

### **Human Rights Without Frontiers**

#### To the authorities of Nagorno-Karabakh

- to limit the refusal of registration to the sole religious movements which disturb public order and practice or advocate violence;
- to open a dialogue with religious groups applying for registration under the auspices of the OSCE;
- to stop confiscating religious literature.

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

- Refer all decisions to ban certain theological texts or certain religious organizations and groups to the Supreme Court. Ensure maximum publicity of such proceedings due to their particular sensitivity and implications for the freedom of conscience.
- Eliminate selective enforcement of laws against incitement to hatred with respect of religiously motivated statements.
- Review and update domestic laws against incitement to hatred in order to ensure freedom of expression related to religion.

### **Committee Against Torture**

#### To the Russian Federation

- В связи с этим, необходимо, чтобы власти Российской Федерации в лице руководства Следственного Комитета при Прокуратуре РФ прекратили практику незаконного прекращения уголовных дел, таким образом лишая жертв возможности защитить свои права в суде. Мы требуем, чтобы к ответственности привлекали не только за пытки, но и за нарушения в расследовании, лишаящие жертв пыток доступа к правосудию.

### **Institute of Philosophy and Politics**

#### To Kazakhstan

Что необходимо, по моему убеждению, делать в этих условиях? Необходимо всячески соблюдать *принцип равноправия* всех религий. Для этого важно осуществить следующие шаги.

- Развернуть в научной гуманитарной среде работу по **сравнительному религиоведению**. Для такого сравнения уже выработаны определенные критерии: объяснительный эффект той или иной религии, ее внутренняя непротиворечивость, смысложизненное содержание и т.д. При этом важно сравнивать с этими критериями не только религии, но и религию и науку.  
Это – один из путей формирования **единого миропонимания**, столь необходимого человечеству сегодня.
- Издавать **учебники, учебные пособия, словари и справочники**, которые бы давали ясное представление об основных религиях, имеющих место в Казахстане. В 2002 году мы в Алматы издали хрестоматию «Религии в Казахстане», но, во-первых, у нее был маленький тираж, во-вторых, распространять хрестоматию приходилось лишь на собственном энтузиазме. Сегодня требуется новое издание этой уникальной справочной книги, с соответствующими дополнениями и изменениями, а также выпуск другой религиоведческой литературы, рассчитанной на широкого читателя, прежде всего – на молодежь.
- Развивать ставшие традиционными встречи лидеров мировых религий и, в дополнение к этому, попробовать организовать в Астане или Алматы **неформальную встречу харизматических лидеров**, имеющих конкретную практическую программу по выходу из современного глобального кризиса. Необходимо обеспечить, чтобы проявленные духовные Лидеры, не споря и ничего не выясняя между собой, смогли на равных в одном информационном пространстве ответить на один и тот же круг мировоззренческих вопросов, чтобы все смогли оценить и сравнить глубину и ценность суждений каждого из лидеров.
- Организовать обучение журналистов и школьных учителей **основам религиоведения**.

### **Associazione “Dossetti: i Valori”**

#### To participating States

- to 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 communities.
- to guarantee the conscientious objection not only to the compulsory military service but also in relation to all ethical sensitive questions pertaining family and human life.
- to not force children to a compulsory sexual, religious or ethical teaching which may be not consistent with the convictions of the children’s parents and to provide for this case non-discriminatory opt-out possibilities.
- to ban the vilification of religions and adopt practical measures to assure that the media and the public discourse are respectful for religions, their representatives, teaching and symbols.

## **CAL**

Governments refrain from discriminatory practices in the field of philosophical and religious funding;

### Recommendations to the OSCE:

## **CAL**

### To the OSCE/ODIHR

- address the situation of the financing of confessional and non-confessional communities (including humanists and non-believers) in Member States
- The Advisory Panel of experts on FoRB issue guidelines on best legislation for ensuring equal treatment of all philosophical communities.

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

- Support the Athens Declaration at the level of the Parliamentary Assembly and the Council of Ministers.

## **Associazione “Dossetti: i Valori”**

### To the OSCE/ODIHR:

- to avoid to consider violations against majority religions less serious than those against minority ones.

## **Church and Society Commission of CEC**

We, therefore, recommend to OSCE Participating States as well as to OSCE Field Operations to:

- mainstream the work on freedom of religion or belief within their work on the human rights’ dimension;
- take full advantage of the expertise available from the ODIHR to assist in the implementation of participating States' human rights’ dimension commitments on freedom of religion or belief.

## **Forum 18 News Service**

This year's SHDM and previous HDIMs have heard excellent recommendations, including that:

- violations of human rights are to be seen as not only attacks on particular people or communities, but also as attacks on the fundamental rights and freedoms of all people;
- insisting that politically binding human dimension commitments are for implementation by all participating States – especially by those holding the function of Chairperson-in-Office;
- OSCE field operations mainstream freedom of religion or belief in human dimension work;

- OSCE field operations and other institutions take full advantage of the ODIHR's expertise to assist participating States with implementing their freedom of religion or belief commitments;
- the ODIHR continues to affirm in its work the dependence of genuine tolerance and non-discrimination on effective respect for fundamental human rights and the rule of law;
- and that resources be provided to enable the work of the OSCE / ODIHR Advisory Council of Experts on Freedom of Religion or Belief to be expanded.

**Tuesday, 29 September 2009**

**WORKING SESSION 3: Fundamental Freedoms 2**

Recommendations to participating States:

**Amnesty International**

- to ensure an enabling environment in which defenders can carry out their human rights work.
- publicly, loudly and clearly, condemn attacks on and killings of human rights defenders and ensure effective investigations of these acts.

**Western Thrace Minority University Graduates Association**

To Greece

- We recommend that the Greek State authorities should respect the collective usage of the right of self-identification and let us establish our own “Turkish” associations.
- We recommend that the Greek State to ensure immediately that freedom of association is guaranteed by the Greek Constitution for all persons concerned and demand that the Greek authorities abolish all restrictions to the freedom of association for ethnic minorities, especially ethnic Turks.
- We urge the Greek State to end the abuse of the right of freedom of association so that civil and political rights of ethnic minorities are guaranteed for all persons concerned. We further urge Greece to respect and act according to the recent written notifications of European Court of Human Rights on the cases of *Tourkiki Enosi Xanthis and Others v. Greece* (no. 26698/05), *Emin and Others v. Greece* (no. 34144/05), and *Bekir Ousta and Others v. Greece* (no. 35151/05) which resulted in favour of the said associations.
- We recommend Greece to ratify the Council of Europe’s Framework Convention for the Protection of National Minorities signed in 1997.

**European Union**

- To provide an enabling environment for human rights defenders, particularly those representing the rights of individuals belonging to minority or vulnerable groups, to carry out their activities peacefully free of the fear of harassment, reprisal, intimidation and discrimination;
- To create mechanisms for listening to and addressing the concerns of human rights defenders;
- To ensure that human rights defenders are free to seek, receive, manage and administer for their peaceful human rights activities financial support from domestic, foreign and international entities.



### **International Civil Liberties Alliance**

- Our civil liberties need to be defended using whatever resources are necessary. Lack of equipment or fear of hurting police personnel is not a sufficient reason to abandon the fundamental obligation of the police to protect demonstrators and the like.
- Libel law in Britain is urgently in need of revision, reversing the burden of proof so as to prevent misuse of these laws against authors and journalists, who should be free to conduct and publish investigative work without fear of frivolous and costly court cases.
- It should be made clear that truth is an absolute defence. No matter how offensive it may feel to some, speaking verifiable truth can never be made punishable.
- Lawmakers and courts must make it clear that criticism of religion does not constitute racism, and thus is not subject to punishment under any form of hate speech law. Further, defamation applies only to individuals, not to religions or ideologies.
- Dealing with conflict by banning expression of negative sentiment ('hate speech' laws) is legally problematic, in that such regulations constitute limitations to our fundamental liberties, and may serve to cover up conflicts rather than solve them. Such broad articles are subject to abuse, should authorities and courts come under pressure from various parties, as were similar laws in the Soviet Union. Due to the inherent dangers such laws constitute, ICLA recommends that it is in the interest of our freedom to abolish such laws entirely.

### **Helsinki Committee of Armenia**

#### To Armenia:

- **Recommendations.** Paragraph 2 of Clause 3 of Part 4 of Article 9 of the RoA *Law on conducting meetings, assemblies, rallies and demonstrations* should be made null and void. Staging of rallies and marches in downtown Yerevan should not be banned. The right of free movement on the days of mass rallies should not be restricted and the operation Yerevan-bound public transportation from the regions should not be obstructed. Workshops should be organized for policemen and their awareness should be raised about the principles for staging rallies and about the rules of commensurate application of security measures.

### **Georgian Young Lawyers' Association**

#### To Georgia:

- to effectively investigate the cases on November 7, 2007; May 6, 2009 and June 15, 2009 for the purpose of holding those accountable who ordered raids or executed illegal orders;

- to request effective investigation of the brutal beatings of peaceful protesters;
- to disclose the names of disciplinary sanctioned policemen to the public;
- to ensure fair trial proceedings to those who have been arrested for political reasons;
- stop politically motivated persecutions;
- take into consideration the Venice Commission opinion on the recent amendments to the legislation;

### **“Young Europe”**

#### ***Рекомендации к государствам-членам:***

- до принятия Руководящих принципов ОБСЕ учитывать при разработке и применении законодательства, затрагивающего вопросы свободы ассоциаций, релевантные решения Комитета ООН по правам человека и Европейского Суда по правам человека, рекомендацию Комитета министров Совета Европы о статусе НПО и другие существующие международные стандарты в этой сфере;
- оказать содействие ОБСЕ/БДИПЧ в разработке и продвижении Руководящих принципов ОБСЕ по свободе ассоциаций, включая предоставление созданной для этого группе экспертов доступа к внутреннему законодательству и лучшим практикам его применения.

### **Bureau of Human Rights**

#### **To Tajikistan:**

- Таджикистану необходимо отменить институт прописки и регистрации, как неконституционные в отношении граждан Республики Таджикистан, а в отношении иностранных граждан и лиц без гражданства оставить уведомительный характер регистрации.
- Таджикистану необходимо привести свое национальное законодательство в части административного выдворения в соответствие с международными стандартами.

#### **To Tajikistan and other participating States:**

- Таджикистану и странам, где такая практика существует, отменить институт выездных виз как нарушающие права на свободу передвижения

### **Christian Mission 'Bible League'**

#### **To Tajikistan:**

- Однако в своих рекомендациях мне хотелось бы подчеркнуть статью 6 закона РТ „О свободе совести и религиозных объединениях.”, в которой отмечано, что в компетенцию уполномоченного государственного органа по делам религии входит разработка предложений по совершенствованию законодательства РТ о свободе совести и о свободе

## **United Civil Party**

### To Belarus:

- Поэтому я прошу БДИПЧ ОБСЕ рекомендовать Республике Беларусь изменить Закон « О массовых мероприятиях» и привести его в соответствие с Конституцией Республики Беларусь и международными договорами, ратифицированными ею. А также ввести разрешительный порядок проведения массовых мероприятий.

## **Freedom House**

### To Kyrgyzstan:

Прежде всего, власти должны начать работу по восстановлению доверия населения к власти через полное восстановление основных и свобод человека. Первейшее среди них право на свободу мирных собраний. В связи с этим необходимо правительству Кыргызстана постоянно напоминать о его международных обязательствах, в том числе в связи с членством страны в ОБСЕ. Необходимо, чтобы международная финансовая помощь стране предоставляемая и направляемая на реформирование государственных структур, особенно правоохранительных органов, была напрямую увязана с неукоснительным соблюдением всех международных обязательств по правам человека. Просим также оказать содействие в работе национальных экспертов, занимающихся в настоящее время реформированием законодательства в сфере свободы собраний. Небольшие положительные результаты в данном направлении уже есть. Национальными экспертами совместно с Институтом Омбудсмана подготовлен новый законопроект «О мирных собраниях». Он уже прошел экспертизу в БДИПЧ ОБСЕ и Венецианской комиссии и впервые в истории Кыргызстана был признан соответствующим международным стандартам в области свободы собраний.

От руководства страны теперь необходима политическая воля на восстановление права на мирные собрания. От понимания важности соблюдения одного из основных прав человека может зависеть дальнейшее положительное развитие страны, ведь основной задачей которую эксперты ставили перед собой в ходе подготовки нового законопроекта о мирных собраниях – это предотвращение конфликтов, способных угрожать государственной и общественной безопасности, недопущение новых противостояний, способных привести к гибели не только людей, но и прекращению существования страны в целом.

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

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

- Guarantee in all circumstances the physical and psychological integrity of human rights defenders in the OSCE Participating States;

- Put an end to the continuous repression of human rights defenders and their organisations;
- Release immediately and unconditionally all human rights defenders since their detention is arbitrary as it only aims at sanctioning their human rights activities;
- Order immediate, thorough, impartial and transparent investigations into the abovementioned threats, acts of harassment, attacks and assassinations in order to identify all those responsible, bring them before a civil competent and impartial tribunal and apply to them the penal sanctions provided by the law;
- 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 Cooperation in Europe (CSCE) and of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly;
- Support and implement all recommendations brought to them from the March 2006 Supplementary Human Dimension Meeting on Human Rights Defenders;
- Comply with the provisions of the resolution titled “Strengthening OSCE engagement with human rights defenders and national human rights institutions”, adopted by the OSCE Parliamentary Assembly in Kiev on July 10, 2007;
- Fully take into account the suggestions of commitments listed in the Report submitted to the OSCE Ministerial Council in response to MC Decision No. 17/05 on Strengthening the Effectiveness of the OSCE;
- Strengthen the Focal Point for Human Rights Defenders and National Human Rights Institutions established by the Office for Democratic Institutions and Human Rights (ODIHR) in order to provide it with means to develop its protective mandate.

*Recommendations to the OSCE and International Organizations:*

**Amnesty International**

To OSCE, EU, Council of Europe:

- Ensure fast and reactive support and protection to human rights defenders at risk.

### **“Young Europe”**

#### To OSCE/ODIHR:

#### Рекомендации к ОБСЕ/БДИПЧ:

- создать экспертную группу для разработки Руководящих принципов ОБСЕ по свободе ассоциаций с привлечением к этому процессу максимально широкого круга НПО;
- официально утвердить Руководящие принципы, издать их и распространять в государствах-членах;
- проводить впоследствии систематический мониторинг соблюдения государствами-членами Руководящих принципов.

### **Christian Mission 'Bible League'**

#### To the OSCE/ODIHR:

- А также ОБСЕ и БДИПЧ рекомендуем содействовать в принятии изменений и дополнений в закон „О свободе совести и религиозных объединениях.”, а именно в статьях ограничивающих права иностранных граждан, в статье ограничивающей право импортирования необходимого количества литературы и ограничения права выбора сотрудничества.

### **Baltic Chechen Society**

#### To the OSCE

#### Рекомендации для ОБСЕ

- 1) ОБСЕ могла бы провести в ЧР или в РФ расширенный форум по вопросам правозащитной деятельности
- 2) ОБСЕ могла бы помочь в организации обучения представителей чеченских властей чтобы изменить их отношение к правозащитной деятельности
- 3) ОБСЕ наряду с европейскими и международными фондами могла бы оказать содействие в получении необходимой квалифицированной помощи и финансировании деятельности правозащитных организаций Чеченской республики

#### Recommendations to NGOs:

### **“Young Europe”**

#### Рекомендации к НПО:

- выработать пакет предложений к Руководящим принципам ОБСЕ по свободе ассоциаций (в виде своеобразной «гражданской платформы»).

### **Public Verdict Foundation**

- NGOs should be permitted to carry out their peaceful work in an enabling and hospitable environment, free from fear of harassment, reprisal, intimidation and discrimination. Relevant laws and administrative measures should protect – not impede – the development of civil society and the peaceful operation of NGOs, and be enforced in an apolitical, fair, transparent and consistent manner.
- Governments, public officials and state-controlled media should refrain from hostile rhetoric against NGOs, accusing them in anti-state activity and their alleged work for hostile foreign interests. Authorities should express tolerance to dissent, make public statements about importance of freedom of association and freedom of expression, and the important role of NGOs for development of a democratic society and rule of law.
- Governments should provide special protection to NGOs and civic activists from violent attacks and death threats from ultra-nationalist, paramilitary and similar radical groups – in the same way as the special protection is provided by the governments to public officials, judges, and members of the journalist profession. Such crimes should be promptly investigated and their perpetrators brought to justice. Authorities should publically state that such crimes will not be tolerated.
- Public authorities should stop legal and non-legal harassment of NGOs and civic activists and stop using criminal, counter-extremist, anti-terrorist, tax and other laws for discretionary, selective and politically motivated punishment and pressure.
- Governments should actively cooperate with specialised international bodies on protection of human rights defenders, including OSCE/ODIHR Unit on human rights defenders, United Nations Special Rapporteur on human rights defenders and other international agencies.
- NGOs should be free to pursue their objectives, provided that both the objectives and the means employed are lawful. These can, for instance, include research and advocacy on issues of public policy and legislation, regardless of whether the position taken by an NGO is in accord with stated government policy.
- Ambiguous and non-legal definitions should be excluded from the NGOP legislation and administrative acts. Excessive, duplicative powers of controlling agencies should be abolished while the agencies should be re-oriented to providing assistance to NGOs in implementation of their mission and ensuring freedom of association, rather than searching for violations and punishment.

- Governments should refrain from using the notion of “impermissible political activity” of NGOs as grounds for impeding their work and restricting freedom of associations.
- NGOs should be free to seek, receive and impart information and ideas, including advocating their opinions to governments and the public within and outside the countries in which they are based.
- Governments should not interfere with NGOs’ access to domestic- and foreign-based media.
- NGOs should be free to maintain contact and cooperate with their own members and other civil society organizations within and outside the countries in which they are based, as well as with governments and international bodies.
- National law should not unjustifiably restrict the ability of any person, natural or legal, national or non-national, to establish an NGO or join membership-based NGOs. The ability of someone to join a particular NGO should be determined primarily by its statutes, and should not be influenced by any unjustified discrimination.
- NGOs should be free to seek, receive, and administer material support – financial or in-kind donations – from domestic, foreign, international and multilateral donors, be it an institutional entity or an individual. The mere fact of receiving financial support from abroad should not be used to accuse NGOs in working against national interests.
- NGOs with legal personality should have the same capacities as are enjoyed by other legal persons and be subject to the same administrative, civil and criminal law obligations and sanctions applicable to them. No discrimination of NGOs as compared to the for-profit entities should be provided for in the law or exercised in practice.
- National laws should provide associations with the right to freely and legitimately operate without official registration. Activity of non-registered associations and participation in such groups should not be criminalized and a subject to administrative sanctions.
- The process of acquiring legal personality by NGOs should generally be based on notification of public authorities rather than seeking permission from them. This process should be easy to understand, inexpensive and expeditious. In particular, an NGO should only be required to file its charters and to identify its founders, directors, officers and legal representative and the location of its headquarters.
- The closure of an NGO should only happen normally due to a voluntary decision of its members. Liquidation of an NGO by government authorities should be used only as an absolutely last resort after every other possible

- Suspension of an activity of an NGO should be ordered only by a court decision rather than by an order of an administrative body.
- Reporting by NGOs to regulating authorities should be not burdensome and duplicative of other reports, for example, to tax authorities, should not include ambiguous requirements easy to interpret with discretion, and should not require disclosure of personal data of NGO clients or participants of their events as well as names of those donors that wish to stay anonymous.
- Inspections and audits of NGOs by regulating authorities should be non-burdensome, non-intrusive, and not lead to paralyzing of the work of an NGO. They should be limited in time, regularity and scope in clearly defined laws or implementing regulations.