

COMPILATION OF WRITTEN RECOMMENDATIONS

(Covering Working Sessions 13-15)

This compilation contains recommendations submitted to the HDIM Documentation Centre in accordance with the established procedure. The compilation is organized by Working Sessions and by what was submitted by Delegations / International Organizations / NGOs to participating States and, separately, to OSCE Institutions / Field Missions or other International Organizations. Recommendations are compiled in original language. This compilation contains recommendations from all documents received at the HDIM Documentation Centre by the end of Working Session 15; documents received after this time will be included later in the Consolidated Summary.

Tuesday, 2 October 2012

WORKING SESSION 13: National Minority Rights

Recommendations to participating States

Association for Cultural Interaction

Encourage the Bulgarian authorities:

- To implement the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, as well as other relevant international instruments that have been adopted at the universal or regional level and those concluded between individual States;
- To implement the International Convention for abolition of all kind of discriminations, as well as the other commitments on elimination of discrimination, racism and intolerance and the Law for Protection from discrimination. Closely observe the discriminatory and intolerant actions committed by far right nationalistic parties and formations;
- To take effective measures, including the adoption, in conformity with constitutional systems and international obligations, of such laws which can be necessary to provide protection against any acts that constitute discrimination, racism, incitement to hatred etc.;
- Take measures to fully implement the Public Education Act for mother tongue studying and adopt special regulations for teaching mother tongue;
- Make efforts to observe the process and combat intolerance and discrimination in employment in national and local government institutions.

Federation of Western Thrace Turks in Europe

In specific to the problem in the pre-school level of education, we call the Greek State to:

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

NGO 'Sandidzan'

- Мы призываем руководство Грузии соблюдать Кодекс защиты святых мест, обеспечить свободный доступ к культовым местам для осетин, граждан России, выходцев из региона Труссо, являющейся их исторической малой родиной.
- Мы призываем Грузию отменить порочные законы, по которым факт въезда в Южную Осетию из Осетии Северной является уголовным преступлением и наказывается тюремным сроком до 5 лет. Поэтому многие выходцы из Труссовской Осетии являются потенциальными заключенными грузинских тюрем, им грозит тюремный срок, как только они попытаются посетить свои родовые села. Это нарушает целый комплекс прав этих людей, в том числе право на свободу еремещения и на свободу религии.

Russian Federation

- Призываем государства-участники во взаимодействии с институтами ОБСЕ серьезно проанализировать выполнение имеющихся обязательств в этой области. Полагаем, что нашу решимость и приверженность высоким стандартам обеспечения прав нацменьшинств стоило бы закрепить принятием соответствующего документа на предстоящем СМВД в Дублине.

Institute for Regional Studies

Правительству КР

- Обеспечить этническим узбекам доступ к СМИ на родном языке.
- Провести анализ механизмов по обеспечению равных возможностей для участия меньшинств в политической жизни страны.
- Включить понятие «дискриминация» в Уголовный кодекс КР

- Обеспечить доступные курсы государственного языка, повысить качество его преподавания в школах с негосударственным языком обучения.

Recommendations to the OSCE

Association for Cultural Interaction

- Bulgaria ratified the International Convention for abolition of all kind of discriminations. Passed a special law for Protection from discrimination. In actual fact, discriminatory actions against religious and ethnical minorities happen very often. OSCE to suggest specific measures of surmounting of the Discrimination, Racism, anti-Semitism, intolerance, xenophobia and hate crimes;
- OSCE to express the position on the forthcoming passing of the new Preschool and School Education Act and studying mother language in the school;
- OSCE to observe closely the process of combating intolerance and discrimination against Turks and Muslims.
- OSCE to observe closely the process of implementing the commitments of the International documents on minority rights
- To suggest specific measures of surmounting racism, intolerance and discrimination, including bias motivated incidents committed by nationalistic parties and formations.

Recommendations to International Organizations

Institute for Regional Studies

Международным организациям

- Оказать Правительству КР техническую поддержку в подготовке методических рекомендаций в сфере защиты от преступлений, связанных с возбуждением расовой вражды.

Wednesday, 3 October 2012

WORKING SESSION 14: Tolerance and Non-discrimination II

Recommendations to participating States

Turkische Akademiker Dresden

Suggestion to the German Authorities:

- Clamping down over the illegal organizations courageously and solving the serial hate crimes with all perpetrators.
- Reconsideration of the contents of “INTEGRATION” and prevention of problems, which are based on the legal arrangements.
- Financing and supporting intercultural activities and events.

- Investing to the academically cooperation researches not only for the technology, but also in education and psychology and other sciences. Foundations are very limited for this type of researches.
- Reconsideration of education system and solving the problems of opportunity inequality and discrimination in education.
- To remove Visa obligation for the Turkish citizens.

Soteria International

- Soteria International recommends to the OSCE participating states to investigate and counteract determining factors for discrimination against spiritual practitioners in their respective country, with regards to incitement from other spiritual or religious groups, media, political or other interests.

European Union

- Accordingly we call on all participating States to promote and protect the freedom of all individuals, groups and communities to follow a religion or belief without discrimination or persecution and note the important role that civil society can play in spreading messages of tolerance among people of different religions. The EU, which is in the process of putting together new EU guidelines on the promotion and protection of the right to Freedom of Religion or Belief, also encourages the OSCE to develop its own strategy to strengthen this fundamental freedom. In addition, EU stresses the need for participating States to adopt strong national norms to efficiently combat racism, xenophobia and discrimination.

Western Thrace Minority University Graduates Association

- Therefore we recommend the Greek authorities to take necessary steps to prevent the verbal and actual attacks which are harassing the harmony between the Christian and the Muslim societies and to end all oppressive and discriminative practices targeting the minorities in Greece.
- Also, we recommend the OSCE to look into manifestations of the hate speech in the Greek media and pay a visit to Western Thrace to observe the real situation objectively.

Center for Information and Analysis (SOVA)

- More actively use the information collected by non-governmental organizations that perform systematic monitoring of racist groups. Despite methodological, and even political, differences, such cooperation can be very productive.
- Adjust the legislative framework covering hate crimes and related activities, including public incitement, organizing, financing, etc. Legislation should focus law enforcement efforts, first and foremost, on prosecuting the most

dangerous crimes against the person. The internal policies and regulations of the law enforcement agencies should reflect the same priorities.

- Change the crime reporting system so that suspected hate motive could be recorded at any stage, including the earliest one.
- Publish hate crime statistics, highlighting the different types, regions, and number of victims. Official statistics should be based on court results (for both proven and unproven cases), and not on the number of opened criminal cases.
- Actively participate in the TAHCLE training program for police officers.

Magenta Foundation

We urge the OSCE Participating states to:

- Make good on the commitments of the last 10 years and continue ample and necessary funding for the Tolerance and non-Discrimination program and its projects;
- Focus full attention on the worsening situation with regard to discrimination, racism, antisemitism and hate crimes in all Participating states;
- Ensure protection from hate crime for all citizens of the OSCE region;
- Impress upon the Swedish Government the need for immediate protection and support for the Jewish community in Sweden.
- Underscore the gravity of the situation in Sweden, Hungary and Greece by a high level visit of the Personal representatives and the OSCE Chair in Office;

Swedish Mission Council

- States have a responsibility to respect, protect and promote the freedom of religion or belief of all in their countries. Yet a significant number of OSCE states actively discriminate against certain belief communities, placing de jure and de facto restrictions on their freedom of religion or belief. State limitations on the freedom of religion or belief contribute to polarisation between communities and state discrimination legitimises violence and discrimination practiced by other groups in society.

HazteOir.org

- To the government of Spain, to fully honor the Church-State agreements in the forthcoming reform of education laws, in particular regarding the teaching of Catholic Religion in schools, which should be imparted on equal grounds with other subjects in a nondiscriminatory way.

Human Rights Without Frontiers

Human Rights Without Frontiers recommends to the Russian Orthodox Church

- to forbid religious hate speech in its ranks
- to promote a culture of tolerance in its institutions
- to sanction the members of its clergy who would continue to fuel hatred and intolerance against non-Orthodox minorities the Russian State
- to protect religious minorities against hate speech, stereotypes and prejudices
- to educate its people about religious tolerance and non-discrimination

- to sanction people in its institutions who fan the fire of religious intolerance and discrimination.

Order of St. Andrew the Apostle

We respectfully submit that OSCE should immediately impress upon the Government of Turkey the need to fully comply with the principles of OSCE, of which Turkey is a member, and specifically, to:

- Fully adhere to the principles on the rights of expression, assembly and association, dissent, and religious faith and practice of all citizens without discrimination.
- Allow full legal status for Turkey's religious minorities, including religious leadership organs, by making all the necessary legal changes.
- Establish a climate of respect, tolerance, and legitimate assistance toward the free functioning of ethnic and religious minorities and their various institutions.
- Convert the Decree on the Return of Properties into a Law of the Land, and appoint a truly independent body for its oversight and implementation. The law should have comprehensive coverage of all cases (community foundations and religious bodies) as the rule of protecting property to fulfill the foundations' original purpose is valid for all, regardless of the type of religion. The law must correct the deficiencies that have been pointed out in the Decree, including extending property losses before 1936. The Law should also mandate full cooperation of the bureaucracy with strong incentives and strict penalties for stone-walling and other non-compliance. Until such law is passed,
- Extend the deadline as needed and provide for the full implementation of the Government Decree of 27-August-2011, on the return of confiscated properties with full cooperation by VGM and its Assembly.
- Appoint a Public Advocate with the necessary staff and power to assist applicants and help them work with the government (modeled after a similar institution of the European Union).

Gustav Stresemann Stiftung e.V.

- Interestingly, the term "Islamophobia" is not used by the OSCE. Therefore, the *Stresemann Foundation* recommends that the OSCE calls upon the participating States and NGOs to abandon the term "Islamophobia" in their official statements addressed to OSCE and elsewhere.

European Network Against Racism

The European Network Against Racism (ENAR) calls on Participating States to:

- Ensure full compliance with existing Equality Legislation in the OSCE Region and the EU.
- Ensure the adoption of the proposed Horizontal Equality Directive of the EU, filling the existing gaps in available anti-discrimination law. Germany is in the forefront of countries obstructing the adoption of this Directive.

- Ensure that the Victim’s Package provide needed support to victims of hate crime, regardless of legal status.
- Adopt a positive approach to migration in negotiations on migration law and policy, and enhance the cooperation of States to improve integration policies.
- Ensure that the Asylum Policies in Participating States including the Common European Asylum System (CEAS) are truly fair and effective, and that the human rights of asylum seekers and refugees are always respected.
- Strengthen Social Institutions such as the Social Pillar of the Europe 2020 strategy.
- Strengthen the process of the European Framework for National Roma Integration Strategies to achieve real policy and practical results.
- Ensure that future multiannual financial frameworks allocate sufficient funds to programmes that foster equality, social inclusion and fundamental rights.

Human Rights First

- We call on participating States to implement their commitments and urge the incoming Chair, Ukraine, to prioritize the struggle with hate crime and show leadership by working closely with civil society activists and vulnerable communities to acknowledge the problem, to improve the out-of-date legislation, to train police and prosecutors and to implement the 3-year-old law enforcement instruction to collect hate crime data, and to abandon legislative efforts that marginalize communities, undermine social cohesion, and spread intolerance—such as the quickly advancing through the Verkhovna Rada discriminatory draft law 8711 on “promotion of homosexuality.”

Redeemed Lives

- Central Recommendation: Participating States of the OSCE please acknowledge that mutual respect is not only denied to some Christians, but preferential treatment is given to the views of the LGBT community.

Forum 18 News Service

- To assist implementation of human dimension commitments, recommendations for participating States and OSCE institutions would include:
- freedom of religion or belief violations to be seen not only as attacks on particular people or communities, but also as attacks on the fundamental rights and freedoms of all people;
- insisting that the politically binding human dimension commitments are for implementation by all participating States;
- OSCE institutions and field operations mainstreaming the fundamental human right of freedom of religion or belief for all and its related human rights in human dimension work;
- and participating States implementing in full legal reviews and opinions provided by the Venice Commission and the OSCE/ODIHR Advisory Council of Experts on Freedom of Religion or Belief.

Turkische Gemeinde in der Metropolregion Nurnberg (TGMN)

The Turkish Community in the Nuremberg Metropolitan Region has the following recommendations:

- We are very grateful to OSCE/ODIHR's work on preventing xenophobia and we strongly encourage them to continue with their work. OSCE participating States should work with OSCE, ODIHR and NGOs to work out training programmes for their whole representatives and employees on what xenophobia is, on what that means for their work and on how to prevent it.
- A further necessity is to discuss about laws, prohibiting Muslim-hatred and Islamophobia saying similar to Antisemitism.
- OSCE participating States should support NGO work on hate crimes, and especially on the not yet adequately explored Islamophobia-phenomenon.
- We ask the upcoming Ukrainian presidency to organize a high level conference on
- Islamophobia. As some NGO representatives in this session asked for definitions for
- Islamophobia, I'm sure that this high level conference will be in their interest, too.

Muslim Denomination in Bulgaria

- Provide financial support for ODIHR's activities dealing with intolerance and discrimination against Muslims;
- Widely disseminate and use ODIHR's guidelines for educators on countering intolerance and discrimination against Muslims;
- Use ODIHR's experience and expertise in combating anti-Muslim hate crimes by law enforcement officers;
- Take effective measures, including the adoption, in conformity with their constitutional systems and their international obligations, of such laws which can be necessary to provide protection against any acts that constitute incitement to hatred;
- Ensure that public officials at all levels, including ministers, refrain from making statements that incite to violence and discrimination;
- Develop codes of conduct for political representatives in unequivocally and publicly condemning manifestations of hate in public discourse and acts of violence based on bias and refraining from making discriminatory statements;
- Engage in partnerships with private media, including Internet providers, in order to prevent the dissemination of prejudice, stereotypes and hatred;
- Launch public awareness activities disassociating terrorism and violent extremism with Muslims and Islam.

ILGA – Europe

We strongly recommend the participating states of Central Asia, which still criminalize homosexuality, to put ends to such legislation.

- We call all participating states of Central Asia to develop anti-hate crime and antidiscrimination laws, mentioning sexual orientation and gender identity as well.

- We recommend all Governments of Central Asia to initiate educational programs for governmental officials and representatives of law enforcement agencies on the issues of hate crime.
- We recommend OSCE field missions to support overall hate crime monitoring by civil society, including LGBT-related hate crime monitoring and to sensitize LGBT issues in their programs.

Canadian Council on American-Islamic Relations (CAIR-CAN)

- In the spring of this year, Amnesty International called on European governments to do more to address discrimination and intolerance against Muslim communities, specifically in the area of employment and education where they documented clear cases of anti-Muslim attitudes and discrimination in several OSCE states
- The Amnesty report, and other similar research in this field, highlights a need to convene a high-level OSCE conference to explore the phenomena of discrimination against Muslim communities in order to find solutions and work with partners to combat this challenge. We call on OSCE states to support such a conference in light of their various international commitments.
- We also would like to specifically request that the Canadian government to implement programs and initiatives that would educate and encourage Canadians to report hate crimes, as it is well-documented that there are low reporting rates in Canada, as in other OSCE states though the statistics that are available paint a troubling picture
- We also call on Canada, within the spirit of its Multiculturalism Act and other commitments, to support the ODIHR Guidelines for Educators on Countering Intolerance and Discrimination Against Muslims.

Associazione Dossetti: i Valori Observatory for Religious Tolerance and Freedom

Participating States are urged to:

- follow-up the Cordoba, Bucharest and Astana Conferences by convening a conference at the appropriate high-level in 2013 to examine in a balanced way racism, intolerance and discrimination, within the realm of all existing commitments.
- actively foster a climate of tolerance and mutual understanding in order to prevent prejudice, negative stereotype and misrepresentation, particularly in the field of education, culture and information.
- pay more attention to the hate crimes against Christians – also where they are majority – in the questionnaire collecting data from national data collection point.
- foster the participation of religious communities in public life and welcome the interventions in the public debate of the religious leaders.
- promote a dialogue between the representatives of the religious communities that are building a new place of worship and the religious communities historically present in the places in order to foster a climate of mutual tolerance and respect between believers of different communities.

Canada

- Encourage participating States to combat all forms of discrimination, including on the basis of sexual orientation.
- Call on national authorities to conduct quick and thorough investigation of cases where citizens are victims of hate crimes. Those who commit crimes must be held to account.
- Urge all participating States to take the necessary measures to ensure that sexual orientation never be the basis for criminal penalties, in particular executions, arrests, or detention.
- Recall the political and moral commitment participating States have shared since the adoption of the 1990 Copenhagen Document (5.9), namely that:
“all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground”...

Gustav Stresemann Foundation e.V.

The Stresemann Foundation recommends that the participating States adhere to the OSCE principles and commitments mentioned above. Additionally, we remind the respective parties of the following:

- the term »hate crime« is only used for crimes in accordance with the 2003/2009 OSCE Ministerial Council Meetings and »crime against humanity« is only used according to Article 7 of the Rome Statute of the International Criminal Court (1998);
- human rights are for people and do not apply to gods/religions, whose honor is also not a legally protected right;
- freedom of opinion and expression may only be curtailed by an independent tribunal and only where it explicitly infringes upon the freedom of third parties, particularly in cases of incitement to violence (violation of the social-peace decree and of the state monopoly on legitimate use of force), deliberate and direct defamation of others and infringement upon personal rights.

Council of Europe

The Council of Europe presents the following specific recommendations:

- Member States of the Council of Europe are encouraged to sign and ratify Protocol No. 12 to the European Convention on Human Rights, which provides for the general prohibition of discrimination.
- OSCE participating States are encouraged to sign and ratify the Additional Protocol to the Council of Europe’s Convention on Cybercrime, on the criminalisation of acts of a racist and xenophobic nature committed through computer systems.
- Member States of the Council of Europe are encouraged to enact and implement legislation against racism and racial discrimination, if such legislation does not already exist or is incomplete, and to ensure that such legislation reflects the key elements in ECRI’s General Policy Recommendation No. 7, which include the setting up of an independent body specialised in the fight against racism and racial discrimination.

- In particular, ECRI urges member States of the Council of Europe to base their policies relating to employment on its most recent General Policy Recommendation on combating racism and racial discrimination in employment. Member States of the Council of Europe are also encouraged to implement ECRI's remaining General Policy Recommendations as well as its country-by-country recommendations.
- OSCE institutions are encouraged to continue their co-operation in the fight against racism, racial discrimination, xenophobia, antisemitism and intolerance with the Council of Europe, and in particular ECRI, by further strengthening mechanisms enabling the free flow of and exchange of information and data and common action.

Recommendations to the OSCE

Wuestenstrom e.V.

Recommendations to the OSCE/ODIHR, to:

- Be aware and raise awareness of the discriminations and hate or fear-based incidents that Christians who seek help with unwanted same-sex attraction, and those who offer help, are experiencing.
- Have a category in TANDIS that covers these cases specifically

Recommendations to OSCE/ODIHR and Participating States:

- Please do not promote efforts to implement culturally particular ideologies like the idea of an inherent „sexual identity“ in constitutions and laws and with that make it more and more difficult for men and women to find support, when they experience unwanted sexual orientations.

Turkische Akademiker Dresden

- OSCE should observe the behavior of German government against to the hate crimes and illegal organizations and also should encourage the German government for combating with these illegal structures.

Soteria International

Soteria International recommends the OSCE ODIHR and the OSCE participating states:

- to further promote tolerance and pluralism in spirituality through education. Here best practice from combating other subjects of intolerance can be consulted.
- Soteria International recommends the OSCE ODIHR, the OSCE participating states and relevant NGOs
- to actively promote an open spiritual society, with research and results reaching the public
- and further to take responsible actions to harmonize the ongoing transition from a totalitarian to a pluralistic spiritual paradigm.

Center for Information and Analysis (SOVA)

- Compile and distribute the experience gained from prior comprehensive efforts against groups that practice racist violence, including specific criminal investigations, detection and destruction of the groups' infrastructure, isolation of their funding sources, identifying organizers and coordinators of violent actions, etc. Hold an international expert workshop on this topic, if needed.
- Organize a seminar for law enforcement officials from different countries, presenting a summary of successful practices for collecting information and recording hate crimes statistics.

Swedish Mission Council

- We therefore encourage ODIHR to widen the approach currently being taken which effectively separates religious communities into three groups Muslims, Jews and Christians and others. In recent years there have been several meetings where we have separately met to discuss our particularities. This approach has its relevance but it bears with it certain risks.
- We fail to see the interconnectedness of the issues being faced across religious divides Opportunities to network and find areas for cooperation across religious divides are lost We are not given opportunities to discover how the dynamics of our own belief communities might contribute to the problems faced by others. We risk creating fora that give inordinate space to those who seek rights for the followers of their own conviction whilst simultaneously advocating limitations on the rights of others.

Core Issues Trust

I request that the OSCE :

- recognise that professional psychotherapeutic bodies within its member states, have a responsibility to provide non-ideological, accessible and compelling scientific evidence upon which to base decisions to refuse professional support to clients presenting with ego-dystonic sexual orientation, who exercise their right to seek help to reduce homosexual feelings;
- recognise the potential for abuse, through professional bodies, in sanctioning psychotherapeutic professionals who offer help to clients seeking to reduce homosexual feelings, following advanced informed consent, where there is a difference in ideological and/or religious perspectives operating between professionals and their professional body.

Burgerbewegung Pax Europa

- It is our recommendation that the fight against intolerance and discrimination is applied equally to all existing issues and in line with UN conventions on the matter, i.e. focusing on protecting individual rights and not group rights.

B'nai B'rith International

While much has been done to fight anti-Semitism in the past decade, much work remains. The need for practical and effective strategies to combat and defeat this pathology is still crucial. To this end,

- The Ministerial Council should endorse the idea of a 10-year Berlin Review Conference in 2014, a gathering that would affirm commitments made at the landmark 2004 conference and assess the implementation of those commitments.
- We should widely promote, within the OSCE, the European Union Fundamental Rights Agency's comprehensive working definition of anti-Semitism.
- We must enhance funding for ODIHR's Tolerance and Non-Discrimination unit, which has now become a fixed and integral part of the OSCE's work. We must enable the TND unit to sustain and expand its critical activities, which include educational programs on anti-Semitism in more than a dozen countries.
- We must extend, for the foreseeable future, the terms of the three personal representatives on intolerance.
- Member-states must fulfill their reporting requirements with respect to hate crimes data. Far too few governments have done so until now.
- Finally, we must strongly reinforce the crucial principle declared at the Berlin Conference – That no political position, cause or grievance can ever justify anti-Semitism – and make clear that the demonization and delegitimization of the Jewish state is often none other than a pretext for the hatred of Jews themselves.

Muslim Denomination in Bulgaria

- Develop analytically rigorous studies on possible relations between hate crimes and manifestations of intolerance and discrimination in public discourse
- Develop, in co-operation with the Representative of Freedom of Media, tools and materials to support the efforts of media professionals in developing and adopting voluntary codes of conduct, self-regulatory mechanisms and other appropriate steps in order to ensure fair portrayal of individuals and groups in societies
- Design guidelines and compile examples of good practices to combat manifestations of Islamophobia in political discourse, including the media and political speech
- Support civil society in monitoring, reporting on and countering discriminatory speech in the media including on the Internet, in particular through monitoring and reporting of Islamophobic speech.

Up-coming Ukrainian OSCE Chairmanship:

- Organize an expert meeting to follow up the recommendations came out of the High Level Conference on Countering Intolerance and Discrimination against Muslims in Public Discourse;
- Encourage Personal Representatives on Tolerance and Non-Discrimination to visit major international media institutions to raise awareness of biased portrayal of Muslims;
- Condemn manifestations of intolerance and discrimination against Muslims in public discourse, through issuing press releases, whenever it is necessary.

ILGA – Europe

- In the light of this worrying situation, our organisations would like to call on the OSCE and all its participating States to promptly and effectively deliver on all the commitments made in the last years.
- In particular, we call on the OSCE/ODHIR and the participating States to prepare a reaction in defense of freedom of speech by the next Ministerial Council, to reiterate that fundamental freedoms cannot be restricted in the case of minorities, regardless of them being defined on the basis of ethnicity, sexual orientation, gender identity or other fundamental characteristics.

Constantinopolitan Society

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

- Give the Greek Orthodox Patriarchate the right to officially use the ecclesiastical title of “Ecumenical”, as it is a title that is historically established since the 6th century and globally recognized.
- Grant full legal personality to the Ecumenical Patriarchate, so that the latter may enjoy, inter alia, ownership rights and exercise property ownership / management.
- Lift the prerequisite that the election of the Ecumenical Patriarch depends on the pre-approval of the Prefecture of Istanbul.
- End Turkish citizenship requirements for the Ecumenical Patriarch and the Holy Synod of the Greek Orthodox Church, and permit them to select and appoint their leadership and members in accordance with their internal guidelines and beliefs.
- Resolve the question of those non-Muslim Foundations considered fused / mazbut, which, along with their properties, should be returned to the Greek Orthodox community and the Ecumenical Patriarchate.
- Re-open without any delay the Halki 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 in order to be able to assume 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.).
- Remove restrictions on all clergy and members of the Ecumenical Patriarchate to wear religious garb in public areas, state institutions, and public and private universities.
- Abolish Article 301 of the Turkish Penal Code, which restricts the freedoms of thought and expression and negatively affects the freedom of religion or belief.

- Return the three churches of Panayia Kafatiani, Aya Yani and Aya Nikola in the district of Karakoy-Galata in Istanbul, as well as their 72 immovable properties, which have been illegally and forcibly occupied by the self-declared and nonexistent “Turkish Orthodox Patriarchate (TOP)”. The latter’s involvement in the Ergenekon case deserves further investigation, as the spokesperson of TOP Sevgi Erenrol, great granddaughter of Father Eftim (Papa-Eftim), the founder and leader of the TOP, is accused in connection with the Ergenekon case. It is also alleged that one of the three churches served as headquarters for the organisation.
- Implement the Turkish Constitution and the Lausanne Treaty consistent with international obligations, such as OSCE commitments on freedom of religion or belief.
- Implement the Turkish Constitution and the Lausanne Treaty consistent with international obligations, such as Article 18 of the ICCPR and OSCE commitments on freedom of religion or belief.

Associazione Dossetti: i Valori Observatory for Religious Tolerance and Freedom

The ODIHR is called upon to

- develop – in close cooperation with the Representative on the Freedom of the Media – tools for media professionals to combat racism, intolerance and discrimination. These tools can include guidelines for voluntary professional standards and self-regulation of the media.
- train law enforcement agencies, media and civil society to consider carefully also the hate crimes perpetrated against majority groups.
- raise awareness on the positive contribution of the religions to the building and the well-being of our democratic societies.

The Chairman-in-Office is urged to:

- appoint a fourth Personal Representative on Combating Racism, Xenophobia and
- Discrimination, focusing on Intolerance and Discrimination against the members of other religious communities and against Roma and Sinti, in order to focus one Personal Representative’s mandate on Intolerance and Discrimination against Christians.

OSCE Chairperson-in-Office

- Ten years have now passed since the OSCE first took up the problem of a resurgent anti-Semitism in Europe and resolved to organize a first conference. There has been steady organizational progress—in the expressed commitment of governments, in the role and expertise of ODIHR, and in subsequent expert and high level conferences. But the problems persist and in some areas they have worsened.
- The physical security of Jewish communities may be the most pressing issue we face today. We need to highlight the good practices in some participating States that are being employed and strategize with Jewish community leaders

and appropriate government authorities to see that they are replicated elsewhere. This can be best achieved through a high level conference.

- At the same time that the OSCE looks to restate its commitment to media freedom and as it considers how it may update these principles for the digital age, it cannot ignore the parallel challenge we face in confronting anti-Semitism and other forms of hate on the Internet. There are numerous tools available that can do this without out jeopardizing the freedom of expression, and we need to find ways to highlight them and support their use.
- An early hallmark of ODIHR's contribution to combating anti-Semitism was the development of innovative educational materials tailored to individual countries. These materials need to be updated to take advantage of today's interactive and tech savvy teaching techniques. And they still require the support of governments to help fund and implement them.

Wednesday, 3 October 2012

WORKING SESSION 15: Democratic Institutions

Recommendations to participating States

Canada

- We encourage OSCE participating States to make good use of a new on-line training tool that ODIHR has developed: the "E-Course for Short-Term Election Observers". This useful e-tool prepares election observers to implement ODIHR's high standards and methodology on elections.
- The ODIHR's election monitoring work, recommendations and reports are to be commended, as is its effective partnership with the OSCE Parliamentary Assembly in deploying election monitors to countries throughout our region.

Almaty Confederation of NGOs 'Ariptes'

У меня несколько рекомендаций:

- Необходимо выборами заниматься все время, а не только за несколько месяцев до начала выборов. Нужна постоянно действующая школа молодого гражданского активиста по вопросам демократических выборов. Она может быть on-line школой, и обязательно на разных языках с размещением замечательных материалов ОБСЕ, которые здесь имеются. То есть это будет новый электронный образовательный ресурс для молодежи
- Необходимо просвещать и обучать политические партии, именно новым технологиям, в том числе и по гендерным вопросам
- Следует создать электронный ресурс экспертов стран ОБСЕ по вопросам демократических выборов, которые могли бы давать рекомендации и независимую оценку выборов разных стран, чтобы все страны могли размещать своих экспертов и могли сами выбирать из этого ресурса
- Необходимо обучать молодое поколение страны дискуссиям и толерантному отношению не только к разным политическим партиям, но и другим вопросам современности

- Мы знаем, что все государства уделяют большое значение обучению ЦИК и своих служащих вопросам демократических выборов. Я считаю, что международные организации и государство в том числе должны на равных обучать и представителей гражданского сектора. То есть, обучение должно быть на равных – один представитель ЦИК, например, другой – представитель гражданского общества. А затем после выборов нужен мониторинг эффективности обучения всех участников процесса.

Estonia Without Nazism

- Учредить пост постоянного представителя ОБСЕ по преодолению агрессивного национализма, неонацистских настроений и ксенофобии в Эстонии и странах Прибалтики.
- Внести в порядок посещения Эстонии делегациями и представителями от ОБСЕ обязательные консультации с местными НПО в режиме диалога.
- Запланировать конференцию в Эстонии о правах национальных меньшинств с участием представителей правозащитных организаций, НПО и обществ национальных меньшинств.
- Рекомендовать властям Эстонии, Министерству обороны, отказаться от поддержки планируемых летом 2013 года публичных акций в местечке Синимяе, прославляющих 20-ую дивизию Ваффен СС «Эстонский легион».

Recommendations to the OSCE

Russian Federation

- Озвученные на совещании делегациями России и ряда других государств конкретные предложения по совершенствованию деятельности ОБСЕ в сфере электорального мониторинга убедительно говорят о необходимости принятия безотлагательных и серьезных мер на этом направлении. Считаю целесообразным принять на СМВД ОБСЕ в Дублине решение на сей счет. Готовы к его предметному обсуждению с партнерами.

Russian Public Institute of Electoral Law

- Абсолютное большинство обозначенных проблем основаны на отсутствии международно-правового юридически обязательного документа в рамках ОБСЕ, регулирующего деятельность БДИПЧ и наблюдение по линии ОБСЕ в целом. Такой документ мог бы определить, в частности, порядок направления миссии, определения ее формата, назначения главы миссии, подбора кадров, формулировки рекомендаций и выработки общих оценок и заключений. Методика наблюдения должна также быть предметом регулирования на межгосударственном уровне. Думаю, что в случае принятия и исполнения такого документа, нам придется уделять меньше времени проблемам международного наблюдения за выборами.

Kazakhstan

- В этой связи, делегация Республики Казахстан выдвигает следующие предложения, нацеленные на совершенствование работы БДИПЧ на выборном треке.
- Наблюдение БДИПЧ за национальными выборами должно проводиться во всех странах-участницах ОБСЕ без разделения на различные категории, исходя из принципа равенства всех стран- участниц и равного к ним отношения, как обусловлено в документах ОБСЕ, и исходя из понимания необходимости укрепления и развития демократии в качестве общей цели для всех стран, образующих ОБСЕ.
- Деятельность БДИПЧ по наблюдению за выборами финансируется из Общего Бюджета ОБСЕ. Учитывая продолжающийся мировой финансовый кризис и ограниченные бюджетные ресурсы ОБСЕ, миссии по наблюдению за выборами должны быть компактными и включать не более 50 человек. В указанных рамках, число членов миссии будет варьировать в зависимости от числа национального электората.
- Все миссии по наблюдению за выборами должны иметь тот же мандат и структуру, определяемых соответствующими решениями Постоянного Совета. Миссии по наблюдению за выборами должны формироваться на основе широкого и сбалансированного представительства всех стран-участниц ОБСЕ. Число граждан каждой страны-участницы не должно превышать 10% всего числа членов миссии.
- Глава миссии по наблюдению за выборами назначается Постоянным Советом в согласовании с принимающей страной из списка кандидатов, выдвинутых странами-участницами ОБСЕ и ежегодно утверждаемых Постоянным Советом. Кандидаты из утвержденного Постоянным Советом списка не могут возглавлять миссии по наблюдению за выборами более чем один раз в два года.
- Члены основной группы и долгосрочных наблюдателей, направляемых для наблюдения за выборами в определенную страну, не могут направляться в эту же страну в ограниченный период времени (например, от 3 до 5 лет). Это поможет избежать составления предвзятых заключений о той или иной стране, поскольку основные и важные параграфы любого отчета драфтируются основной группой и долгосрочными наблюдателями.
- Миссии по наблюдению за выборами в своей работе должны строго соблюдать принцип невмешательства во внутренние дела и политические и выборные процессы принимающей страны-участницы ОБСЕ.
- Процедура подготовки и публикации отчета БДИПЧ по наблюдению за выборами должна утверждаться отдельным решением Постоянного Совета. Комментарии принимающей страны должны инкорпорироваться в отчет или фиксироваться в качестве приложения к окончательному отчету о наблюдении за выборами

Estonia Without Nazism

- Многие (кто теперь является негражданами) но рождённые в Эстонии!, в момент вступления Эстонии на путь независимости – искренне поддержали решение властей в этом вопросе! В благодарность за это – Родина – ныне независимое государство Эстония предала ту часть населения в поддержке которой так нуждалась, отвернулась и лишила избирательного права!!! Взамен правда подарила им паспорт с интересным названием ALIENS !
- Прошу Вас учесть этот факт и рекомендовать властям Эстонии отменить ограничения для неграждан на членство в политических партиях, тем самым дать возможность этой группе населения полноценно принимать участие в политической жизни страны.

International Association of Independent Democrats Against Authoritarian Regimes

- Обратить внимание ОБСЕ на наше предложение проекта Конвенции избирательных принципов, которое мы сделали(и повторяем ежегодно) 10 лет назад.