



”The HDIM contributes to building trust. It can help building trust not only between states, but also between governments and civil society. No other international forum brings governments and civil society together around the same table, on an equal footing, to discuss human rights issues. ”

*Ambassador
Janez Lenarčič
Closing Remarks*

HUMAN DIMENSION IMPLEMENTATION MEETING

CONSOLIDATED SUMMARY

Warsaw 29 September -10 October 2008

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I. EXECUTIVE SUMMARY

The thirteenth OSCE Human Dimension Implementation Meeting (HDIM) took place in Warsaw from 29 September to 10 October 2008. It traditionally attracts a great number of participants from the OSCE area, partner countries as well as international organisations. Organized by the Office for Democratic Institutions and Human Rights, it aimed at reviewing the implementation of the broad range of OSCE human dimension commitments. The HDIM provides a unique opportunity for the representatives of the Civil Society of the participating States to meet and exchange ideas not only with their Civil Society counterparts from other countries, but also with government representatives and international organisations.

The meeting was opened by a statement of the ODIHR Director, Ambassador Janez Lenarčič. The opening plenary was continued by Mr. Przemyslaw Grudzinski Under-Secretary of State, Ministry of Foreign Affairs of Poland. The OSCE Secretary General, Ambassador Marc Perrin de Brichambaut, the OSCE High Commissioner on National Minorities, Ambassador Knut Vollebaek and the OSCE Representative on Freedom of Media, Mr. Miklos Haraszti, also delivered opening statements.

The Working Sessions of the first week were devoted to: Rule of Law I, Legislative transparency, independence of judiciary and right to fair trial, Fundamental freedoms I, Freedom of expression, free media and information, Fundamental freedoms II, Freedom of assembly and association, Freedom of movement, Rule of law II, Abolition of death penalty, Prevention of torture, Tolerance non-discrimination I, National minorities, Sustainable policies on Roma and Sinti integration, Tolerance non-discrimination II, Equality of opportunity for women and men. There was also a special day on Education and awareness-raising in the promotion of human rights.

The Working Sessions of the second week included: Tolerance non-discrimination II, Combating anti-Semitism, Combating intolerance and discrimination against Muslims, Humanitarian issues and other commitments, Migrant workers, Refugees and displaced persons, special days on Freedom of religion or belief and Focus on identification, assistance and access to justice for the victims of trafficking and Working Session on Democratic institutions, Democratic elections.

In the Closing Plenary Session, the Rapporteurs presented their reports from the Working Sessions. Then the session was continued by a number of statements by participating States. A closing statement was given by the Director of the Office of Democratic Institutions and Human Rights, Ambassador Janez Lenarčič.

H.E. Joao Soares, President of the OSCE Parliamentary Assembly and Ambassador Antti Turunen, Permanent Representative of Finland to the OSCE also delivered closing statements.

The following moderators were involved in the HDIM: The ODIHR First Deputy Director Mr. Toralv Nordbo chaired the Opening Session.

Ms. Otylia Trzaskalska-Stroińska, Deputy Director of the Economic Regulations Department of the Ministry of Economy of Poland moderated the Working Session on Rule of law I. The Fundamental freedoms I, Working Session was moderated by Mr. Roland Bless, Director of the Office of the Representative on Freedom of the Media of OSCE. Mr. Neil Jarman, Chairman of the ODIHR Freedom of Assembly Panel, Director of the Institute for Conflict Research in Belfast moderated the Working Session on Fundamental freedoms II. The Working Session on Rule of Law II was moderated by Mr. Zbigniew Lasocik, Member of the United Nations Subcommittee on Prevention of Torture. The Working Session on Tolerance and non-discrimination

I was moderated by Mr. Morten Kjærum, Director of the European Union Agency for Fundamental Rights. The Working Session on Tolerance and non-discrimination I, was moderated by Mr. Costel Bercus, Board President of Roma Education Fund (REF). Ms. Anara Niazova, Deputy Plenipotentiary Representative of the President of the Kyrgyz Republic in the Jogorku Kenesh (National Parliament), Kyrgyzstan moderated the Working Session on Tolerance and non-discrimination II. Ms. Felisa Tibbitts, Director of Human Rights Education Associates (HREA) Moderated the Special Day on Education and awareness-raising in the promotion of human rights. Mr. Thomas Grumke, an adviser at the Department for Protection of the Constitution within the Ministry of Internal Affairs in North Rhine-Westphalia moderated the second part of the Working Session Tolerance and non-discrimination II. Mr. Gottfried Zürcher, Director General ICMPD moderated the Working Session on Humanitarian issues and other commitments. The Freedom of religion or belief Special day was moderated by Mr. Gerhard Robbers, Director of the Institute for European Constitutional Law and Mr. Javier Martinez-Torron, Professor of Law (Catedratico), Complutense University, Madrid. The Special Day on Focus on identification, assistance and access to justice for the victims of trafficking was moderated by Ms. Suzanne Hoff, International Coordinator, La Strada International and Ms. Shivaun Scanlan, Senior Anti-Trafficking Advisor from OSCE ODIHR. The First Deputy Director of ODIHR Mr. Toralv Nordbo moderated the Working Session dedicated to Discussion of Human Dimension activities (with special emphasis on project work). The Working Session on Democratic institutions, Democratic elections and Democracy at the national, regional and local levels, Citizenship and Political rights as well as the Closing Session were moderated by the Director of the Office of Democratic Institutions and Human Rights, Ambassador Janez Lenarčič.

A total number of 43 side events profiled a broad range of human dimension topics. These provided opportunities for governments to present best practices, for NGOs to brief on their activities and for more in-depth and focused discussion on various topics. (A detailed list of side events and conveners is available in the attached timetable). Participating States as well as NGOs provided a wide range of recommendations on human dimension issues that addressed the implementation of OSCE commitments in participating States and relevant programmes for OSCE Institutions. These recommendations were compiled thematically by the ODIHR for each working session and distributed to all participants. The final compilation of written recommendations is included in this report.

For the fifth consecutive year the ODIHR used its electronic Documents Distribution System (DDS). This tool allowed all documents and recommendations to be immediately displayed in electronic form on terminals available at the conference venue and accessible through OSCE website. With the possibility of sending documents via e-mail directly from the terminals, the system facilitates additional impact to the debate. It also significantly reduces costs of the Meeting. A list of documents distributed during the HDIM is attached to this report. During the Meeting participants also had a possibility to familiarize themselves with two other main tools developed and offered by the ODIHR – Tolerance and Non-Discrimination Information System (TANDIS) and the Legislationline. The TANDIS is a tool allowing the ODIHR to serve as a collection point for information related to tolerance and non-discrimination as tasked by the 2002 Ministerial Council while Legislationline is a free-of-charge online legislative database assisting the participating States in bringing their legislation into line with relevant international human-rights standards. Both databases can be accessed through the ODIHR's website.

II. PARTICIPATION

Total number of participants – **1013**, including:

444 participants from 53 participating States (except Monaco, San Marino and Turkmenistan)

5 representatives of four Mediterranean Partners for Co-operation (Algeria, Egypt, Israel and Tunisia)

2 representatives of Afghanistan and Thailand (Partners for Co-operation)

32 representatives of 8 International Organizations:

- CoE
- Council of the Baltic Sea States
- EU Agency for Fundamental Rights
- European Commission for Democracy through Law (Venice Commission)
- European Monitoring Centre on Racism and Xenophobia
- International Organization for Migration
- Regional Cooperation Council
- UNHCR

25 participants from the 4 OSCE Institutions:

- OSCE Secretariat
- OSCE Secretariat; Strategic Police Matters Unit
- OSCE Secretariat; Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings
- OSCE High Commissioner on National Minorities
- OSCE Representative on Freedom of the Media
- OSCE Parliamentary Assembly

67 representatives of 18 OSCE Field Operations:

- OSCE Presence in Albania
- OSCE Centre in Ashgabat
- OSCE Centre in Astana
- OSCE Centre in Bishkek
- OSCE Mission to Bosnia and Herzegovina
- OSCE Mission to Croatia
- OSCE Mission to Georgia
- OSCE Mission in Kosovo
- OSCE Office in Minsk
- OSCE Mission to Moldova
- OSCE Mission to Montenegro
- OSCE Mission to Serbia
- OSCE Spillover Monitor Mission to Skopje
- OSCE Office in Tajikistan
- OSCE Project Co-ordinator in Ukraine
- OSCE Project Co-ordinator in Uzbekistan
- OSCE Office in Yerevan

- Personal Representative of the Chairman-in-Office on the conflict dealt with by the OSCE Minsk Conference

438 representatives of 332 NGOs

III. RAPORTEURS' REPORTS

Working Session 1: Rule of law

Working session 1 was devoted mostly to the discussion on independence of the judiciary, but also on legislative transparency and the right to a fair trial. This session also represented a follow-up to the Human Dimension Seminar 2008 on Constitutional Justice.

In his introductory remarks, Rt. Honorable Lord McCluskey emphasized that a poor economic situation, poverty or historical reasons cannot be an excuse for a state not to implement the rule of law. In order to achieve independence of the judiciary, he recommended the following: firstly, judges have to be well and properly paid and their position should be publicly respected; secondly, the executive should have no role in promotion or removal procedure of judges; thirdly, in addition to the independence of the judiciary it is crucial to secure the independence of the prosecutors, police and civil service. Regarding legislative transparency, Lord McCluskey explained that draft legislation needs to be published on the internet, as do discussions in parliamentary hearings. He pointed out that there are sufficient technical means to make complete transparency of the legislative process possible; the only obstacle is a lack of political will. The same goes for ensuring the right to a fair trial. Trials should in general be open to the public with the participation of journalists and the reasons for decisions should be transparent and published.

Participants agreed that the rule of law and independent, impartial judiciary are fundamental to a democratic system. Many participating States introduced their constitutional and legislative guarantees, legal reforms, institutions and practices in order to ensure the independence of the judiciary. Nevertheless, as stressed by some participants, although the appropriate legislative frameworks to ensure the independence of the judiciary have been adopted in most participating States, there is a lack of implementation in practice. Participants expressed concern about the following problems that still exist in some participating States: subordination of the judiciary to political influence, a lack of enforcement of rulings, corruption among judges, non-transparent court proceedings, a lack of impartiality of court decisions, the denial of a judicial review and remedies for human rights violations, etc. Some participants commended the work of ODIHR and the OSCE field missions in assisting participating States to enhance the rule of law and independence of the judiciary through assistance in training, the organization of seminars and conferences, trial monitoring, as well as direct advice on legislative reform.

The lack of the implementation of legislative provisions by participating States is relevant also to the right to a fair trial. Participants warned of trials and imprisonments that are not in accordance with the OSCE commitments, of cases in which the fate of imprisoned people is unknown, of cases in which international workers are denied

access to prisons, of cases of unfair trials of political opponents, human rights defenders and journalists, and of cases of forced evictions.

With regard to legislative transparency, one participating State shared best practices in its efforts to increase the transparency of the legislative process, which included projects aimed at better civil society participation, the publication of draft laws on the internet, the distribution of an electronic legal newsletter, the participation of legal experts in parliamentary hearings, and projects on monitoring the executing legislation and its implementation.

Many participants highlighted the role of the constitutional courts in the promotion the rule of law. Independent constitutional courts are indispensable in new democracies. There is therefore a need for a review of draft laws, for training of judges and exchanges of information between Constitutional Courts in the OSCE region.

The following recommendations were made during Working Session 1:

1. Participating States should have sufficient legal and structural institutions allowing for judicial independence from government influence. In addition, participating States should guarantee the independence of the judiciary in practice and should set up the necessary mechanisms to achieve it:

- The executive should have no role in the procedure of appointment, promotion or removal of judges. There is a need for a security of tenure. The executive should have no possibility to put political or financial pressure on judges.
- Participating States should fight corruption and bribery in the judiciary, to which end judges should be granted proper salaries and secured pensions. Electronic allocation of cases to judges and regular training can help to reduce corruption.
- Other practical safeguards include the specialization of judges, the requirement of efficiency, fair and independent disciplinary proceedings, and the duty of States to facilitate the judiciary's freedom of expression and association.

2. OSCE and Participating States are encouraged to keep issues of judicial independence, the separation of powers, and legislative transparency on the agenda of the organization and to implement the relevant OSCE decisions, including the Ljubljana MC Decision 12/05.

3. Participating States are urged to conduct their trials in accordance with international standards and should refrain from abusing their legal systems to achieve political ends. Trials should in general be open to the public with the participation of journalists and the reasons for court decisions should be transparent and published.

4. Legislation, also draft legislation, should be published, as should discussions in parliamentary hearings.

Working Session 2: Fundamental freedoms I
30 September 2008

The introducer noted the trend of deteriorating conditions for journalists in the OSCE region noting in particular the large number of journalists killed in the recent conflict in Georgia. Violence is an increasing problem for journalists. Journalists are being denied free access to parts of Georgia to verify charges of genocide, ethnic cleansing, burning of villages and human rights violations. The misuse of extremist legislation is being used to limit freedom of expression in some countries. He noted that violence against journalists, since it is an attempt at press censorship is not a usual crime and should be handled as an attempt to restrict democracy. New legislation in some countries is increasing government control of media. The concentration of media ownership is another concern, especially of the TV media, which leads to the monopolization of information in some countries. The Internet is the only source of truly varied information in many countries and this trend will grow. Governments should resist the attempt to restrict the internet as is being considered in some countries.

During the discussion, a number of speakers decried restrictive licensing, internet restrictions, and violence against journalists. They termed unacceptable the tendency in some countries to term concern for media freedom as intervention in their internal affairs. Violence against journalists, including beatings, kidnappings and murders, was condemned by a number of speakers with demands that these types of incidents be fully and properly investigated. One delegation left the plenary hall as a speaker explained that the rule of law is the cornerstone of democracy and demanded that investigations of these crimes also include identifying people who were behind the orders to kill or injure journalists.

Some speakers noted as an area of concern the media role in promoting racism and xenophobia and highlighted media responsibility to counter this trend.

Slander and libel charges, especially honour and dignity cases are being used to stifle media freedom according to several speakers. The need for a normative framework to handle such issues was noted with one country calling for the handling of such cases purely in civil, rather than criminal courts. Specific cases of abuse of slander and libel legislation in many countries were recounted. In one case, progress was noted since media criticism of political leaders was now possible but still risked prosecution based on unwritten political rules. One state noted that its restrictive slander and libel laws were rarely enforced, and rejected calls that such legislation be abolished citing similar legislation on the books of many countries.

A number of speakers outlined difficulties encountered by media operations and media professionals, from onerous registration procedures, restrictions on channels for distribution of newspapers, unavailability of TV and radio frequencies, and self-censorship for fear of government reprisals. The government monopoly on electronic media in some countries was criticized by speakers.

One country thank delegates for their concern about journalists who lost their lives in Georgia and others decried the lack of reliable information about and distortion in reporting on the conflict in that region. Other delegations were critical of the lack of media access to the conflict zone.

There was discussion about discriminatory government practices against minority populations and police harassment of that minority's media operations.

Government interference with, censorship of, or restrictions on internet based media sites was criticized by some delegations. A few speakers were critical of laws that required journalists to reveal sources.

Some delegates defended their countries' efforts to meet international standards on freedom of expression and others cited progress in responding to recommendations of the RFOM. One delegation posed the provocative question of "Don't journalists have duties in addition to rights? Another delegation claimed to have a functional independent media that allows for freedom of expression in general citing a presidential decree allowing it. Saying you can't really limit freedom of expression, the delegate commented that "You can cut off someone's head but it will still have a tongue."

In his summary, the introducer outlined some positive developments in media freedom including decriminalization of libel laws in one country and noted that special vests for journalists issued in two other countries are reducing violence during street demonstrations. However, he said that perpetrators of crimes against journalists are not being sought – just the shooters – and that is not enough. Too many countries have elevated honour and slander protections for top leaders but they don't enforce them like one country does. States should not provide legal help to journalists who try to develop standards for self regulation of ethics – they should do it themselves.

Recommendations:

- Police handling of violence against journalists should be prioritized – it's an attempt to restrict democracy. Information on progress of these investigations should be publicly available – preferably on the internet;
- Governments should allow for competition among ISPs to allow for private ownership and pluralism for the press;
- OSCE should enhance/strengthen cooperation with COE on media freedom issues;
- Governments should cooperate with RFOM technical to bring practices and legislation into line with OSCE commitments.
- Internet services should be responsible and safe. Children should be protected from offensive material.
- Need normative framework to handle issues of slander and libel – should be decriminalized; should be civil rather than criminal.
- Countries should fully investigate the deaths of journalists.
- ODIHR should be moved to a country that values the freedom of expression.

Working Session 3: Fundamental freedoms II

- **Freedom of assembly and association**
- **Freedom of movement**
- **National Human Rights Institutions and the role of civil society in the protection of human rights**

ODIHR Director, Ambassador Janez Lenarčič, opened the meeting of the HDIM Working Session III where the issues of fundamental freedoms were addressed, with particular focus on freedom of assembly and association, freedom of

movement, National Human Rights Institutions and the role of civil society in protecting human rights. Ambassador Lenarčič stated that fundamental freedoms form the core of the human dimension and are essential for the enjoyment of other rights as well. ODIHR Director emphasized the vital role of National Human Rights Institutions and of civil society, and especially focused on the need for cooperation between government and civil society. Ambassador Lenarčič pointed out the vital role of NGOs in democratic societies, as it is recognized in the “Istanbul Charter for European Security” of 1999. A special reference was made to the 60th Anniversary of the Universal Declaration of Human Rights, as well as to the 10th Anniversary of the Declaration on Human Rights Defenders. Finally, he expressed the hope that the conclusions drawn from this meeting would contribute to the ODIHR’s Guidelines on freedom of peaceful assembly.

In presenting the topic, the moderator outlined the wide range of agenda items of the session and stressed the need to support and promote the work that has already been done in this field. He underlined the direct link between freedom of association, freedom of assembly and freedom of movement in a globalised world. In this regard, he highlighted the importance of the ODIHR Guidelines on Freedom of Assembly, adopted by the Venice Commission, as a practical guide for lawmakers across the OSCE region.

The introducer of the session stressed the close connection between rule of law, freedom of the media and freedom of assembly and association that are necessary in order to form an appropriate climate for a free exchange of ideas. She drew the attention of the participants to the fact that the basic problems as regards freedom of association, across OSCE region are similar, and mostly refer to registration. In this regard, she pointed out that, the legal framework that will regulate the establishment and modalities of associations shall be simple, not imposing unreachable preconditions, while paying attention to transparency and providing for unlimited opportunity for funding, inside and outside the country. Moreover, she made a reference to the new Recommendation, recently adopted by the Council of Europe, which could serve as Guidelines and compliment ODIHR Guidelines on Freedom of Assembly and Association. To the same end, she stressed the importance of freedom of movement in a globalised world.

The Representative of the Council of Europe underlined the importance of the implementation of the existing commitments, concerning freedom of assembly and association, and commended on the excellent cooperation with ODIHR and other relevant international actors. Furthermore, he underlined that the right to freedom of assembly, as well as its limits, is clearly stated in article 11 of the “European Convention on Human Rights”. Finally, he welcomed ODIHR’s Panel of Freedom of Assembly and Association, as an excellent initiative.

NGOs welcomed the endorsement by the Venice Commission on ODIHR Guidelines on Freedom of Assembly and highlighted the importance of ODIHR’s Guidelines that could serve as a pioneering document. Nonetheless, several Representatives of civil society voiced deep concerns over the misapplication of laws regulating NGO’s registration and authorization of public meetings and rallies. They noted less than expected progress in the area of implementation of the existing OSCE commitments and therefore urged States to create an enabling environment for civil society. To the same end serious violations on Human Rights Defenders rights and difficulties posed on them through intimidation and arbitrary detention were also outlined.

Numerous delegations highlighted the measures undertaken in order to guarantee freedom of assembly and association, as well as freedom of movement.

Furthermore, several participating states focused on the progress accomplished concerning the implementation of the OSCE Commitments and outlined that, in their territory, freedom of Assembly is guaranteed by law and all kinds of association are recognized.

Moreover, participating states recognized the Ombudsman as a main institution for the protection of human rights. To the same end, participating States commended on the work of the specialized focal point in ODIHR for National Human Rights Institutions and Human Rights Defenders and stressed the importance of dialogue with civil society, as a strategic objective regarding democratization. Finally, participating States stressed the importance and the great contribution of the Annual Human Dimension Implementation Meeting, in order to elaborate changes at national level.

The moderator in his closing statement expressed concern regarding the restrictions on freedom of assembly and association in several participating States and noted the positive recognition of important National Human Rights Institution's as link between civil society and states in enhancing democracy.

A number of recommendations to the OSCE as well as to participating States emerged from the debate. They can be summarized as follows:

- OSCE Participating States should review their national legislation, in order to conform with international and regional human rights instruments, in particular regarding freedoms of association and assembly.
- OSCE Participating States should comply with the OSCE commitments on civil rights.
- OSCE Participating States should create an enabling environment for civil society.
- OSCE Participating States should have genuinely independent National Human Rights Institutes for mediation in conflict situation.
- ODIHR should set up an expert group on Guidelines for freedom of association that will monitor compliance with the existing commitments.
- ODIHR should continue to provide assistance to the Participating States in the process of implementation of commitments.

Human Rights Defenders:

- OSCE Participating States should ensure the safety and protection of the rights of Human Rights Defenders in the OSCE region
- ODIHR should assist Participating States in enhancing the protection of Human Rights Defenders and encourage them to implement the UN Declaration on the Rights and Responsibility of Individuals, Groups and Organs of the Society to promote and protect universally recognized Human Rights and Fundamental Freedoms
- ODIHR should continue to engage with human rights defenders across the OSCE area, to strengthen their capacity to promote and defend respect for human rights and fundamental freedoms
- OSCE, Council of Europe and Participating States need to set up quick reaction support to Human Rights Defenders at risk.

Working Session 4: Rule of law II

Working Session 4 addressed the issues of the abolition of capital punishment, prevention of torture and the protection of human rights/fighting terrorism. The majority of interventions focused on the death penalty and the prevention of torture

The director of the ODIHR, Ambassador Lenarčič, highlighted the ODIHR's various activities and publications addressing these issues, in particular its survey "Death penalty in the OSCE region" as well as its manual on Human Rights in counter-terrorism.

The introducer, Prof. Lasocik, emphasized the need to find an appropriate balance between the pS' security interests and the protection of their citizens' individual rights and freedoms.

Regarding capital punishment, it was acknowledged that the death penalty was considered unacceptable by the large majority of pS, given the various problems which it implies such as the risk of judicial errors, a lack of sufficient legal assistance of suspects in many cases, false confessions etc. Generally, there was a trend towards abolition of the death penalty in the OSCE area. **However, it is still in force in a larger number of states worldwide, including two OSCE pS.** Some states which have not yet abolished the death penalty, do not even follow consequently the call for a moratorium.

Regarding torture, it was pointed out in a number of contributions that torture persists in several pS, in particular being applied in prisons/police stations in some pS, often in order to enforce confessions from detainees. Sometimes even extremely cruel and inhuman methods of torture are systematically applied, leading in some cases to death in custody. It was also pointed out that the reality of torture was not officially recognized in all pS. Torture is still often used for political purposes, in particular as an instrument against Human Rights Defenders. Perpetrators go unpunished in many of these cases.

On counter-terrorism/human rights it was noted that the balance between security aspects and human rights were not sufficiently observed in several pS, leading to an excessive application of force by state authorities in counter-terrorism activities. Counter-terrorism actions were often not subject to sufficient legal control. The illegal detention of counter-terrorism suspects in third countries contributes to these problems, as well as insufficient state support for victims of terrorism. In some pS, persisting politically motivated defamation of political/social movements, lobbies and groups as "terrorists" was observed.

Some participants highlighted already ongoing activities/best practices to address the problems described above. They drew attention to the 2007 UN Gen. Assembly Resolution for the abolition of the death penalty, including the call for a general moratorium, as well as on the EU guidelines against torture and the CoE Convention on counter-terrorism. **Several pS gave examples for national independent preventive mechanisms against torture, e.g. Ombudspersons, Human Rights Commissioners, as well as legal remedies.** The "Istanbul protocol" was referred to, providing guidelines on effective examination of allegations of torture. Centres for the rehabilitation of victims of torture were acknowledged as very helpful institutions in this context. Also, the OSCE's various conferences and seminars addressing the observation of human rights in counter-terrorism were mentioned.

3 pS made use of their right of reply, two of them in writing.

The following **recommendations were given:**

- on the abolition of capital punishment:

- **Complete abolition of the death penalty; as long as not it has not been abolished yet, at least a complete and unlimited moratorium on executions**
- OSCE institutions should continue to monitor the situation in those pS that have not fully abolished the death penalty yet and to elaborate recommendations for measures/programmes leading to complete abolition
- continuing distribution of ODIHR Handbook on death penalty, including in Russian translation

- on torture:

- Consequent adherence to the UN Facultative Protocol on torture
- Introducing an OSCE system of monitoring torture
- Introducing/implementing systematic programmes and policies against torture in pS
- Consequent ratification and implementation of international instruments against torture
- **education/training for representatives of the administration of pS; in particular for police/prison staff, judges, doctors**
- elaborating and distributing publications, training materials and guidelines in this regard, education at universities for students of law + medicine
- consequent introduction of anti-torture provisions in national laws of pS
- **systematic judicial control of state activities that might involve torture**
- consequent disciplinary action as well as criminal prosecution against those who commit torture
- general prohibition to use any evidence acquired by the use of torture
- compensation for victims of torture
- providing legal remedies for victims of torture, in particular individual complaints
- **improving access for representatives of the Int. Red Cross/Int. Red Crescent, Ombudspersons, Human Rights commissioners etc. to prisons/police stations**
- improving legal assistance given to victims of torture
- improving contact of relatives to detainees
- establishing a regular and systematic dialogue between states and NGOs on anti-torture
- including the gender perspective when monitoring and combating torture
- draw continuous public attention to the problem, for example by establishing an international “year without torture”

on counter-terrorism/human rights:

- **consequent application of international law, UN and OSCE standards and commitments in all counter-terrorism activities of pS**
- elaborating a generally acceptable definition of “terrorism”
- **undertaking international examinations of excessive counter-terrorism actions**

- material and moral compensation and (medical/psychological) assistance for victims of terrorism, programs for rehabilitation, funds for compensation, special medical centers, national and international legal support for victims of terrorism

Working Session 5: Tolerance and non-discrimination I

A number of NGOs referred to minority situations throughout the OSCE region, stressing the need for non-discrimination on the grounds of belonging to an ethnic group. Particular focus was given to educational issues, including language education, but there were various references to other issues, including infringements on religious freedom and the recognition of minorities. Some NGOs called for the development of common standards in the area of tolerance and non-discrimination, especially through the work of international organizations, including the OSCE, while others focused on specific cases.

Participating-States made broad references to their relevant measures and practices. Also there was a call for avoiding double standards in treating different cases of national minorities and there were references of the issue of national minorities in connection with the recent conflict in Georgia. Also, there was a reference to placing issues of aggressive nationalism, racism and chauvinism, high on the OSCE agenda as the only means of tackling them effectively.

Wide support was expressed for the work of the HCNM and there were numerous references to the importance of his recommendations and to the need for the participating-States to cooperate with the HCNM and to make good use of his expertise and assistance.

A representative of the Council of Europe noted that the protection of minority rights has become an important element of the HDIM, gave an account of the state of play regarding the signature / ratification of the Framework Convention on the Protection of National Minorities, encouraged participating-States to accede to it and elaborated on the process of monitoring its implementation.

The representative of the HCNM referred to the increased politicization of national minorities' issues in international relations and to the tendency of majority communities to perceive of ethnic minorities as a threat to the stability of the state as two concerns of the HCNM that have brought about the latter's new Recommendations on national minorities in interstate relations, formally presented at Bolzano on 3/10/08. Furthermore, he referred to the maxim "integration with respect to diversity" and touched upon the issues of policing and education, emphasizing their importance for promoting tolerance in integrated, multilingual societies. Also, he encouraged all p-S to accede to the FCNM and stressed the need for the HCNM to gain access to South Ossetia to investigate the situation, in the wake of last summer's conflict, as he has been tasked by the CiO. Lastly, the HCNM's representative stressed the latter's deep engagement in South Eastern Europe, noting that there still remain issues to be resolved in post conflict societies in the area.

The following general recommendations were put forward by participating NGOs:

- international organizations, including OSCE, develop principles on non-discrimination, advancing a common understanding of international standards in this area, with the technical assistance and expertise of ODIHR

- ODIHR develops a tool box to assist participating-States, at their request, in establishing or strengthening national institutions or specialized bodies to combat intolerance and discrimination
- the Advisory Committee of the FCNM, the European Commission, the EU Fundamental Rights Agency, the HCNM and other actors should develop synergies and coordinate their efforts in this area
- participating-States establish a monitoring mechanism for hate crimes and develop an effective mechanism for dealing with violent hate crime
- participating-States develop national strategies for combating intolerance and discrimination, aided by ODIHR
- ODIHR pays attention to the phenomenon of neo-Nazism in the OSCE area

Many comments and recommendations by NGOs, were focused on minority situations in several participating-States. Their suggestions included

- the cooperation between the HCNM, ODIHR and a local OSCE Mission, with a view to creating an environment that could ensure the protection of persons belonging to ethnic minorities in a particular participating-State
- the adoption, by a participating-State, of measures for the monitoring of the implementation of its relevant OSCE recommendations
- the further improvement, by a participating-State, and adaptation of its minority educational system to special needs of its minority
- the need for a participating-State to address problems concerning property rights, education and freedom of religion of one of its minorities and
- the recognition of a linguistic or ethnic minority by a participating-State and the adoption of relevant measures.

Working Session 6: Tolerance and non-discrimination I (continued)

Working Session 6 on the implementation of the OSCE Action Plan on Roma and Sinti and on follow-up to the Supplementary Human Dimension Meeting held in July on Roma and Sinti integration, was opened by Ambassador Janez Lenarčič, the Director of the ODIHR, who pointed out that five years after the adoption of the Action Plan the progress made by OSCE participating States is minimal. As Ambassador Lenarčič commented, the situation of Roma and Sinti remains an “unfinished business”. He welcomed the fact that the situation of Roma and Sinti has been the priority of the Finnish Chairmanship. Many participating States have reinforced their anti-discrimination legislation and adopted national policies and strategies to address the situation of Roma and Sinti minorities over the past years. However, the implementation process still suffers from lack of political will at the national level and this leads to failure of translating Roma-related strategies into action at the local level. Ambassador Lenarčič noted that the key lies in education,

especially early education, which should be seen as a vehicle of bringing real change in the long term perspective.

Ambassador Lenarčič officially launched the 2008 Status Report on the Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area. He discussed some of the key challenges that were presented at the Supplementary Human Dimension Meeting on Sustainable Policies of Roma and Sinti Integration, as well as underlined the main findings of the Status Report, including the following:

- There is a lack of proactive approaches at the national, regional and local levels; and lack of actions/measures to ensure sustainability of policies, by providing adequate financial, institutional and human resources.
- Government Roma-related programs are not targeted enough and do not prioritize Roma issues in strategic areas - such as the access to quality education at all levels.
- There are still challenges to ensure stronger participation and involvement of Roma and Sinti in policy-design and implementation.
- Migration of Roma and Sinti communities has become a key challenge in many parts of Europe today. The risks of multiple forms of discrimination and ill-treatment against Roma and Sinti migrants continue.
- Police and law enforcement relations with Roma and Sinti communities continues to be strained.
- Media portrayal of Roma migrants and misrepresentation of Roma migrants by politicians remains of concern.

In her introductory remarks, Ms. Katy Negrin, Project Manager at the EU Monitoring and Advocacy Program (EUMAP) of the OSI, emphasized the importance of education for Roma and Sinti integration into wider society. She underlined the significance of using an integrated education approach which, according to conclusions of an EUMAP monitoring project, offers the most cost-effective and efficient results. The stereotypes, misinformation and poor communication between Roma communities and majority society have been identified as the main obstacles to true equal access to education.

Ms. Negrin recommended that OSCE participating States consider undertaking the following actions: develop tools for **reliable data collection** among Roma communities; address **education issues** as part of an **overall strategy** to improve the situation of Roma, and cooperate on the governmental as well as non-governmental level to assure better coordination in these efforts; acknowledge the problem of **segregated schooling** and prevent the incorrect placement of Romani children in special schools; expand the provision of **preschool education** to Romani children and make the necessary funds available; work in partnership with civil society in developing **teacher training** for multi-ethnic schools, using child-centered techniques; and give Romani children **support to become mainstreamed and integrated into classrooms** since the problem of low expectations has been identified as a serious obstacle among Roma parents with regard to sending their children to school.

During the intervention made by a representative from the OSCE High Commission for National Minorities, it was stated that during the High Commissioner's opening remarks at this HDIM concern was expressed over Roma issues. He noted very little improvement in the situation of Roma and pointed out the importance of looking at

the long-term implications for security of Roma and Sinti communities, including conflict prevention. HCNM expressed its continued support to work on Roma issues. Acknowledging that Roma and Sinti issues are European issues, he called on governments to fund national action plans aimed at integrating Roma.

The OSCE Chairman in Office's, Special Representative on Racism and Discrimination, Ms. Anastasia Crickley, called on support for early education initiatives and also for those that promote education on Roma culture. She stressed the necessity to recognize and accommodate Romani women's rights.

Participants generally agreed that the commitments for the improvement of the situation of Roma and Sinti embodied in the Action Plan, are appropriate. The main challenge though resides in their **implementation**. The responsibility of both governments and civil society to implement the Action Plan on Roma and Sinti was featured prominently in the discussion. The participants called upon the ODIHR Contact Point for Roma and Sinti Issues to monitor progress of governments to implement strategies to improve the situation of Roma. It was recommended that benchmarks be set. The ODIHR was encouraged to allow NGOs to contribute to the Status report in the future.

The topic of **education** of Roma and Sinti was highlighted in the majority of interventions. It was recognized that Roma are seeking education and are actively involved in efforts to improve their lives. The problem of special schools for Roma, and inadequate access to quality education was raised. A number of positive practices were put forward, among them the need to overcoming the mistrust of Romani parents in the pre-school system and to seek that alternative school systems - such as Montessori - are developed.

Participants also expressed concern over the lack of progress with **desegregation efforts**. They recognized the difficulty of implementing **anti-discrimination** measures and expressed concern of the international communities' vulnerability to **stereotypes and racist attitude** towards Roma. Signs of rejection still exist in wider society and need to be addressed. Alarm over **hate-motivated attacks** against Roma was expressed by many of the participants. It was noted that **violence** targeting Roma is on the rise and police and law enforcement officials are often involved in violent acts against Roma.

Many participants viewed as crucial the importance of **dialogue** between civil society, governments and international organizations. Concerns over a lack of dialogue between Roma and national governments were raised by many.

And finally, interventions were made by participants of other areas of concern - such as poor living conditions, lack of employment and access to healthcare, social services and justice. The lack of adequate funding by governments of Roma strategies and policies continues to be a problem.

Working Session 7: Tolerance and non-discrimination II

Working session 7 addressed the issues of equality of opportunity for women and men, implementation of the OSCE Action Plan for the Promotion of Gender Equality and prevention of violence against women.

In his introductory remarks, **Ambassador Janez Lenarčič, ODIHR Director**, drew attention to the challenges faced by participating States and the OSCE as an organization in ensuring gender equality.

The introducer, Ms. Pirkko Mäkinen, Ombudsman for Equality Finland, gave an overview of the slow but steady development of equal society in Finland in the past century. Ms. Mäkinen focussed on the challenges of integrating women in public and private decision-making bodies and on the combat against domestic violence.

On the issue of women's participation in decision-making, she presented the Finnish experience following the introduction of quotas in 1995 for state committees, advisory boards and working groups on national and local levels. The quota system led to a substantial increase of women in decision-making bodies, especially on local level. However, in the private sector, Ms. Mäkinen acknowledged that difficulties remain and that women are still under-represented.

On the topic of violence against women, Ms. Mäkinen underlined the need for gathering data in order to develop effective policy responses. The importance of victim support initiatives, in which NGOs have a significant role to play, training of police, teachers, social and health workers, prosecutors, judges, and the development of awareness-raising campaigns were also mentioned. Ms. Mäkinen further emphasized the importance of criminalizing domestic violence and ensuring public funding for shelters.

The moderator, Ms. Anara Niyazova, Deputy Plenipotentiary Representative of the President of the Kyrgyz Republic in Jogorku Kenesh (National Parliament), presented the experience of introduction of special measures (electoral gender quotas) in Kyrgyzstan that allowed increasing the share of women in parliament. She also stressed women's rights as an issue closely intertwined with democratization and the rule of law and that gender inequality hinders growth and undermines efforts in combating poverty and corruption.

During the discussion that followed, many delegations provided information about their national experiences and legislations on equality of opportunity for women and men, promotion of women's political participation in democratic processes, prevention of violence against women.

Delegations drew attention to a number of challenges faced in order to achieve the above-mentioned goals. The gap between *de jure* and *de facto* equality between men and women was highlighted. The persistence of gender based stereotypes in the private and public spheres was referred to. The continuous difficulties faced by women in reconciling family and professional life as well as discriminatory pay were mentioned. In some cases, so-called "traditions" continue to provide a justification for the perpetration of serious crimes such as honour killings, bride kidnapping and polygamy. The importance of encouraging the involvement of men in the promotion of gender equality in order to shift the erroneous perception that this is a "women's issue" was mentioned by some of the participants.

Domestic violence merited special attention throughout the discussions. The need to criminalize domestic violence and to rigorously prosecute abusers was reaffirmed.

The establishment of victims' assistance centres and shelters, as well as their adequate public funding was underlined. Early education and awareness-raising campaigns, with an active participation of the media, were considered decisive in preventing the phenomenon. Furthermore, adequate training for law enforcement officers was deemed essential.

With regard to the implementation of the 2004 OSCE Action Plan for the Promotion of Gender Equality, progress has been registered. Nevertheless, gender-mainstreaming in the politico-military and economic and environmental dimensions must be further enhanced as well as increased participation of women in management positions of the OSCE.

A number of detailed **recommendations** were made by delegations during the working session and these can be summarized as follows:

(I) to participating States:

on gender equality

- to adopt national action plans and relevant legislation on the promotion of gender equality and ensure their full implementation;
- to consider the use of positive action/quotas in order to increase women's political participation.

on domestic violence

- to criminalize domestic violence, including marital rape;
- to prosecute effectively perpetrators;
- to provide all necessary measures for victim assistance such as legal aid and shelter services;
- to ensure adequate public funding for victim shelters;
- to collect comprehensive sex-disaggregated data in order to develop policy responses to combat violence against women;
- to train law enforcement officers, prosecutors, judges, health and social workers on the special needs of victims of gender violence;
- to cooperate with NGOs;
- to raise public awareness, including through the media, on the dire consequences of domestic violence.

(II) to OSCE institutions, executive structures and field missions:

- to improve further the implementation of the 2004 OSCE Action Plan on Gender Equality;
- to enhance efforts to include a gender perspective in politico-military and economic and environmental dimensions (gender-mainstreaming);
- to take into account the UN Security Council Resolution 1325, particularly in the politico-military dimension;
- to increase women representation in management positions;
- to eradicate instances of women abuse by OSCE peacekeepers;
- to continue supporting special programmes on promotion of gender equality, increased participation of women in democratic governance and combating violence against women.

Working Session 8 (specifically selected topic): Education and awareness-raising in the promotion of human rights

This session underscored the importance of human rights education in supporting human rights promotion, and of identifying and supporting best practices in this field. The session also identified thematic areas of concern, recommending additional efforts in these areas to strengthen human rights education in the OSCE region.

A number of participating States stressed the importance of human rights education in combating intolerance, building respect, and ensuring human dignity. Intervening NGOs reiterated this sentiment and, together with many States, commended the OSCE and ODIHR for taking up this specifically selected topic during the 2008 HDIM.

Several participating States relayed the steps they have taken to promulgate international human rights instruments in local languages, establish libraries and expand access to educational materials on human rights, develop national strategies for human rights education, implement human rights curriculum into primary and/or secondary schooling, and build human rights knowledge of state professionals, particularly in the educational and security sectors.

The work of OSCE missions in Bosnia and Herzegovina, Kosovo, Serbia, and Georgia were identified by participating States and NGOs as noteworthy in their efforts to develop human rights education as part of mitigating social tension and increasing respect for human rights and democratic values, particularly among primary school-aged youth. One participating State noted the importance of coupling such human rights education with efforts to train law enforcement and identify and report on hate crimes as a broader strategy for combating intolerance.

Participating States and NGOs stressed the importance of identifying best practices and curricula that have been successfully used in human rights education. To this end, the forthcoming compendium of best practices developed by the OSCE in conjunction with the Council of Europe, UNESCO, and the UN Office of the High Commissioner for Human Rights was welcomed by several speakers during the session.

A number of thematic areas of concern were noted by NGOs and some participating States. Several intervening NGOs underscored the important role civil society should play in human rights education and stated that, in a number of participating States, the input and expertise of NGOs is not adequately incorporated into national efforts on human rights education. One intervening NGO, with the support of NGOs from ten other countries, made a statement expressing a broader need for NGO participation to be fully realized in OSCE meetings. The statement endorsed the idea of an NGO preparatory forum prior to HDIM as one method for doing such. Some participating States echoed the concern that civil society groups be more robustly involved in human rights education work in the OSCE region.

Some intervening NGOs expressed the need for national action plans on human rights education, and for monitoring and evaluation mechanisms that provide accountability and increase effectiveness of education efforts. Some participating States also identified a lack of sufficient monitoring and evaluation as a problem for further consideration. A number of NGOs echoed these concerns.

Several NGOs also identified the problem of limited capacity among teachers and state professionals to effectively teach human rights curriculum. The Council of Europe reiterated this sentiment. A number of intervening NGOs called for increased efforts to train teachers in this regard. One NGO explained that while textbooks may contain human rights content, this does not mean that human rights are actually being taught. A number of NGOs and participating States stressed the need for lifelong learning with respect to human rights education, noting the need for qualified teachers who can provide instruction on the professional level as well at the school-age levels.

A number of NGOs and participating States identified international instruments on the rights of children as requiring improved human rights education efforts. Many participating States indicated that such education had been introduced at the primary school level, though one participating State noted that this was not always possible. One intervening NGO stated that forced labour of children in the participating State where it works was precluding fulfilment of the obligation to provide children with the right to education.

Rights of reply were made by three participating States. One participating State said that it has placed a legal ban on child labour, though it is violated intermittently. Another participating State noted its efforts to combat the hate speech of extremist groups in its country identified in a video presentation by one of the intervening NGOs. The final participating State to reply countered the statements made by an NGO that human rights education in their country is “made by the baton,” stating that the NGO’s statement was inappropriately politicized.

Recommendations

From the EU to the OSCE:

- To reinforce the role of civil society and their role in civic education

From Youth for Human Rights International to the plenary:

- That human rights education should be mandated in an inclusive and transparent fashion

From eleven NGOs to the plenary:

- That participating States and ODIHR facilitate NGO preparatory meetings before OSCE conferences and safeguard the right of all NGOs to participate completely.

From the Holy See to the plenary:

- To remain focused on areas of competence in human rights education and greater effectiveness in agreed commitments.

From the United States to the plenary:

- That participating States should note successful examples from OSCE efforts, including on monitoring and evaluation.

From Civitas to the plenary:

- That OSCE participating States put in place a policy on human rights education focused on teaching and providing incentives and materials to support quality instruction.

From Ezgulik to Uzbekistan:

- That children in Uzbekistan should be provided the opportunity to go to school regularly and without interruption.

From Committee Against Torture in the Russian Federation to the Russian Federation:

- That the Russian federation should allow NGOs access to human rights education efforts and translate international materials into Russian.

From CEJI to the plenary:

- That participating States should support evaluation of human rights education programs, incorporate such programmatic approaches into national curriculum, and train teachers.

From Centre for Civic Education and Human Rights to the Russian Federation:

- That the Russian Federation should address problems concerning the lack of NGO input, teaching standards, and a national strategy in its human rights education.

From Mart to Ukraine:

- That a national action plan on human rights education be developed that incorporates civil society.

Working Session 9(specifically selected topic): Education and awareness-raising in the promotion of human rights (continued)

Working session 9 continued on the theme of human rights and education but with a closer look at implementation and evaluation. Keynote speaker Audrey Osler of Leeds University underlined that despite the moral and legal obligation on States, the right for all to human rights education had still not been realised 60 years after the Universal Declaration. Challenges to be overcome included:

- ensuring equal access to education;
- ensuring curricula were tailored to address the human rights concerns of each specific student group;
- getting networks and partnerships between governments and NGOs to work effectively;
- and, finding the balance between human rights education and democratic citizenship education.

On this last point, Osler felt human rights education explored our common humanity without distinction, where citizenship education was sometimes prone to exclude the needs of minorities or encourage uncritical patriotism.

These ideas framed the discussion that followed. The Council of Europe announced work in hand to explore and clarify the distinction between human rights education and citizenship education. It was also working to encourage schools to tailor their curricula. One State advocated cross-curricular integration of human rights and encouraged inclusivity both within education policies and more broadly.

States and NGOs described how they'd established fruitful cooperation. Sometimes

this had been achieved with the assistance of international organisations such as UNICEF. One NGO showcased effective collaboration between artists and educators in providing human rights education.

A number of OSCE States spoke in support of early evaluation, though discussion of how to conduct such evaluation was limited.

Some States said they'd introduced human rights education to promote understanding and prevent conflict. Governments expressed their commitment to human rights education both in schools and in public sector training, but complained of resource shortages. Inadequate training of police meant that they sometimes violated people's rights unwittingly. One participant said there was no incentive for people to learn about human rights if they couldn't see examples of these rights being exercised in their societies.

The importance of human rights defenders in raising awareness of human rights outside of formal education was highlighted and concern expressed that defenders across the OSCE were being denied their rights to freedom of assembly, association, expression and movement. They also experienced bureaucratic obstacles to their work, harassment, intimidation and violence. The work of the ODIHR in support of human rights defenders and independent national human rights institutions was commended.

The following recommendations were made.

To OSCE States:

- include human rights in programmes of citizenship education;
- include religion in strategies and plans to promote human rights;
- involve the media not just NGOs in devising education programmes;
- punish the perpetrators of violations and compensate victims and to provide education on both systems of redress;
- introduce systematic teaching of human rights for all public sector employees, especially law enforcement and justice officials;
- strengthen links between the human rights and arts worlds;
- integrate human rights and civic education into general curricula;
- forge partnerships with civil society;
- evaluate human rights education programmes early;
- adopt cross-curricular approaches to human rights education;
- encourage individual schools to produce plans for implementing human rights education, and include assessment of these in school inspections;
- explore interactive methods of human rights education to grab the attention of students;

To the OSCE ODIHR:

- continue and expand its programmes in support of human rights defenders and independent national human rights institutions

Working Session 10: Tolerance and non-discrimination II (continued)

Working Session 10 focused on the review of implementation of the OSCE commitments with regard to the promotion of mutual respect and understanding as

well as the issues dealt with by the three Special Representatives of the Chairman-in-Office. The Special Representatives Ms. Anastasia Crickley, Ambassador Ömür Orhun and Professor Gert Weisskirchen participated in this working session. The rising need to address hate crimes in the OSCE region has been a considerable part of the debate in parallel with the ODIHR's Hate Crimes Report which has been launched concurrently with the session.

ODIHR Director Ambassador Lenarčič, in his opening speech, drew attention to the findings of the Hate Crimes report which he qualified as disturbing. He emphasized particular concern on the ongoing violence and brutality against human rights defenders and reiterated the importance of engaging civil society in addressing this matter.

As the introducer, Mr. Jean-Pierre Gauci touched upon various aspects of intolerance and discrimination. He pointed out that despite the positive steps taken by the participating states in their legislation, difficulties continue to remain. He particularly emphasized the discrimination faced by ethnic and religious minorities in the fields of employment, housing and health care and cited the lack of data collection as one of the reasons of the failure in combating racist and discriminatory crimes.

The participants mostly addressed the problems of different forms of intolerance and discrimination, racist and xenophobic actions and discourse particularly in the political level against Jews, Muslims, Christians and other religious groups as well as against Roma, Sinti and Travelers, migrants and national minorities.

Several NGO's and participating states drew attention to the rising trend of religious intolerance. Urgent need to fully implement commitments on combating anti-Semitism, growing alienation of Muslims and the tendency to downplay intolerance against Christians were the main elements of the remarks made by the speakers. They also expressed appreciation of the ODIHR's efforts to combat all sorts of religious intolerance, recognized the fact that considerable progress has been made since the appointment of the three Personal Representatives and supported the idea of organizing a conference in 2009 with a view to reviewing the implementation of existing commitments.

Many participants underscored that religious beliefs present a fundamental human right and acknowledge that the OSCE has become a real centre of gravity in the fight against all forms of intolerance and discrimination. Several NGO's expressed the wish to access the reports from the country visits of the CiO Personal Representatives.

Many speakers pointed out that political will and a comprehensive approach which includes active participation of the civil society are key elements for eradicating hate crimes. Several statements voiced concern on the political discourse and its reflection to the election results in some participating states. Some NGO's also underlined necessity of addressing the issue of online incitement of hatred against religions. Data collection, training law enforcement officials such as police and prosecutors on hate crimes and adoption and implementation of criminal laws to cover all forms of bias-motivated violence were presented as the main deficiencies in tackling this challenge. One participating state highlighted the importance of victim perception in prosecuting hate crimes.

Some participants expressed concern about the trend of legitimization of racism and xenophobia. National legislations on family reunifications, resident permits and education were the common issues criticised by the NGO's. Some interventions put emphasis on the exclusion of Roma and Sinti population as well as the growing intolerance against different sexual orientation. However, some participants contested that sexual orientation has no link to security which is the core mandate of the OSCE.

Furthermore, several participating states informed the participants on best practices in their respective countries in addressing xenophobia, intolerance, racism and discrimination. ODIHR's activities were widely commended, and many participants called ODIHR also to take a closer look on the deteriorating situation in the participating states. One participating state invited ODIHR to solely focus on the OSCE commitments and follow more transparent and balanced approach.

Some of the recommendations presented by the participants are as follows:

- OSCE participating States should regularly publish statistics related to crimes committed with racist, ethnic, religious, or hate motives, ideally with distinctions made between the various types.
- OSCE participating States should assure their citizens that they will be protected against all forms of discrimination and hatred.
- ODIHR and the OSCE participating States should hold a follow-up meeting to the 2004 Paris Conference, in the form of a Supplementary Human Dimension Meeting or an expert meeting, with the express purpose of looking in depth at the relationship between online incitement to violence and hate crime in real life.
- ODIHR and the OSCE participating States should safeguard the right to association and peaceful assembly for LGBT individuals and organizations.
- OSCE participating States should prepare a high-level conference on tolerance, non-discrimination and on combating hate crimes in 2009 in order to generate political support for the implementation of the commitments.
- OSCE participating States should share their expertise in monitoring hate crimes and support the ODIHR in efforts to help states improve monitoring as a priority concern.
- OSCE participating States should ensure that the Law Enforcement Officer Program on Combating Hate Crime (LEOP) is supported.
- The ODIHR should organize a session between mainstream media actors and civil society to exchange opinions on freedom of expression and protection of religious minorities.

Working Session 11: Humanitarian issues and other commitments

*Migrant workers, integration of legal migrants
Treatment of citizens of other participating States*

Statements made in Session 11 focused on two broad themes: Internally Displaced Persons (IDPs) and migrants and their human rights, including the issue of integration of legal migrants.

Statements on IDPs focused primarily on the humanitarian crisis created by one participating State's recent invasion of another participating State. One participating State and some civil society representatives pointed out the responsibility that occupying powers bear for providing for the safety of civilian populations and for voluntary return by IDPs. Several participating States and civil society representatives called for international monitors, including EU and OSCE monitors, to be given full access to the entire region, including areas of conflict. Some NGOs urged all parties to the conflict to respect UN guidelines on IDPs. Another NGO called for establishment of an international tribunal to investigate possible war crimes in the region of conflict. One NGO noted that violence in Ingushetia had left 70,000 persons without homes, and many persons had disappeared; the NGO called for international assistance to avoid both humanitarian catastrophe and future bloodshed.

There also was discussion of the longstanding problems refugees and IDPs face in the Balkans and the difficulties they have in availing themselves of their right to voluntary return. One participating State, which hosts over 100,000 refugees related to one conflict and another 200,000 refugees from Kosovo, called for faster provision of housing or alternate compensation for refugees from a second participating State, an appeal echoed by a civil society representative. The second participating State provided an outline of its housing program for returning refugees but rejected alternate compensation as inconsistent with international law. An NGO representative noted the difficulties that refugees and IDPs in the Balkans face in obtaining documentation.

Themes of the dialogue on migration were how to integrate migrants into the receiving society with respect for the linguistic, cultural and religious traditions of both the receiving society and those of the migrants. Some participants suggested that the phrase "active participation" better captured the responsibilities of migrants than the term "integration." A participating State and an NGO both called for inclusion of migrant communities in the elaboration of integration policies. ODIHR Director Lenarčič noted that the human rights of migrants must be protected and form part of any policy on migration. Introducer Ricardo Cordero of the International Organization on Migration (IOM) also noted that where labour regulations are inflexible, employment simply becomes informal in order to meet growing economies' need for labour. The policy challenge for host countries is to balance the economic advantages of migration with respect for migrants' human rights. Cordero also called for a dialogue between receiving States and originating States. One participating State, speaking on behalf of a union of participating States, echoed this call for a political dialogue with originating States. One NGO noted reductions by one participating State of the rights granted immigrants with respect to laws on residency and family unification.

Several representatives of NGOs and participating States noted the links between migration issues and the OSCE's tolerance agenda. Some expressed concern about the discourse of extremist parties whose platforms include xenophobic and anti-immigrant statements. Several civil society organizations emphasized the need to protect the human rights of migrants. One NGO criticized a participating state for the

practice of preventive detention of irregular migrants and stated that some of these detainees have been deported without due process.

One participating State outlined a program to increase the diversity of law enforcement officers by taking specific steps to attract employment applications from among immigrant populations.

Several participating States gave presentations on the relevant migration legislation in their countries, and noted those international conventions to which they had subscribed. Some of these noted the importance of orderly migration within the framework of applicable legislation.

A few participants raised the issue of asylum seekers. One participating State noted the challenge of identifying refugees amongst the flows of migrants and to ensure their rights. An NGO raised the difficulties that Chinese adherents to the Falun Gong Movement have had in obtaining asylum status from some participating States although they are persecuted in their home country.

Recommendations

Georgia to Russia:

- Urged Russia to complete withdrawal by 10 October, which is crucial to launching of Geneva process on 15 October.

United States to Russia and Georgia

- Call on both Russia and Georgia to work to ensure that civilians are not subject to attack or displacement based on ethnicity and that those uprooted by the conflict are allowed to voluntarily return in safety
- Grant full access for the High Commissioner for National Minorities, as well as human rights monitors, throughout the region.

“Mashr” Human Rights Organization, Nazran, (Ingushetia):

- Joint projects aimed at building peace involving all governments of North Caucasus.
- International Support necessary to avoid humanitarian catastrophe and future bloodshed

Russian Federation:

- Urged devotion of every possible attention to the problem of refugees;
- called on pS to avoid situations which lead to greater flows of refugees;
- called for inquiry into the reasons why international organizations could not cope with Tskhinvali and carry out their mandate.

International Network Against Racism and Intolerance:

- called on all of Europe to be involved in efforts to assure human rights in S. Ossetia; human rights should be a greater priority than self-determination;
- called on EU observers to come to the zone of conflict,
- called for strengthening institutions of human rights in various countries, including NGOs of Russia and Georgia;
- called a Russian-Georgian dialogue, including between children and young people.

Agency of the Social, Economical and Cultural Development (South Ossetia):

- Called for an international tribunal to consider the crimes against humanity as perpetrated on territory of S. Ossetia.

France (on behalf of the EU):

- Holding of a political dialogue on migration between originating and host countries.
- The OSCE can contribute to the debate on these issues and this will be an important theme of the Economic Forum;
- the OSCE should focus on achieving concrete results rather than overly ambitious promises which cannot be kept.

Turkische Gemeinde in Deutschland to Germany:

- move from integration to active participation
- rights of migrants must be reinforced with respect to equality
- NGOs must be recognized as partners

Turkey

- Integration policies should be made in consultation with immigrant communities
- OSCE pS should explore ratification of the UN convention on protection of rights of migrant workers and their families.

Norwegian Helsinki Committee:

- EU states should suspend Dublin II transfers to member states which do not provide adequate protections to refugees
- OSCE should take up the issue of refugees because pS interest often is only in reducing the inflow of refugees

Cojep International

- We call for more vigilance against campaigns by politicians against ethnic and linguistic minorities.

Ricardo Cordero, IOM

- While States must control borders, policy makers should take into account the human factor and the human dimension.
- Migrants should go through preparatory courses before leaving so they know their rights and obligations and what to expect when they arrive in destination countries.

Group 484:

- called on Croatia to grant equal rights to all citizens, including ethnic Serbs and to provide compensation to refugees from Croatia who lost property.

Almaty Confederation of NGOs “Ariptes”:

- called on OSCE to help at intergovernmental level to instruct labor law enforcement authorities and to share experience of cooperation between labor unions between Kyrgyzstan and Kazakhstan; called for region-wide cooperation on migration issues including Russia and Central Asian countries.

Serbia

- called for restitution of all individual acquired rights of refugees in the countries of origin, including adequate compensation of property, tenancy, labor, pension and all other rights;
- called for comprehensive solution to all property issues in Croatia, including terminated occupancy/tenancy rights;
- called on Croatia to provide compensation for refugees who choose not to return to Croatia;
- called on international community to increase efforts to eliminate obstacles to the return of refugees to Kosovo and called for better coordination between OSCE missions in Belgrade and Pristina

Polish Falun Dafa Association:

- Called on states to pay attention to the reality of migrants who may have settled in safe countries, but are still subject to monitoring and control by their mother countries.

Federal Advisory Council on Foreigners (Germany):

- urged the OSCE and ODIHR to review the legislation on migrants in the member states.

Cojep International:

- called for more vigilance against campaigns against ethnic and linguistic minorities by politicians;
- asked pS to not abandon ODIHR and give it the resources to continue its activities in this area;
- called on France to continue efforts to support ODIHR to carry out educational activities in this sphere.

Working Session 12 &13 (specifically selected topic): Freedom of religion or belief

All aspects of the fundamental freedom of thought, conscience, religion or belief, including the right to practice any religion or no religion at all, to change one's religion or belief, the right of religious communities to legal personality, maintaining their places of worship and to educate, were addressed during these sessions.

In his introduction in the morning session, Prof. Hans-Heinrich Vogel, Venice Commission, made a reference to the situation of religious communities impacted by the international financial crisis.

Prof. Maurits Berger, in his introduction in the afternoon session, focussed on the countries west of Vienna and said that the divide between secular states and religion was increasingly not being respected by governments. Some sought to suppress religious identity, while others seemed to feel that blasphemy and defamation laws were necessary to protect religions.

Many participants underlined the importance of promoting freedom of religion and belief recognizing the inseparable link with the rule of law and the other fundamental freedoms and human rights.

At the same time several statements voiced concern that in a number of pS the **conditions of religious freedom** have worsened in the last year. Worrying **new tendencies** were observed, like the tendency of introducing restrictive policies and laws that were aimed at criminalizing unregistered religious activities and increasing government control. Also concern was voiced on the tendency to imprison small numbers of religious minorities. Several speakers were of the opinion that a number of pS put too much focus on new laws rather than on implementation of existing laws.

In this regard, the attention of the participants was drawn to the fact, that all participating States should implement their commitments. It was stressed, that the OSCE Chairman-in-Office had a particular responsibility to lead by example.

A number of participants stated that **religious communities**, particularly those not part of the dominant or traditional one, face problems of varying degrees of difficulty in a number of pS. The difficulties reported ranged from discrimination on issues like education and property to government harassment and repression. Along with governmental discrimination and repression, negative societal attitudes and actions were also outlined.

On the issue of **registration**, it was stated by many speakers that it should never form a prerequisite to exercise the freedom to manifest one's religion or belief in community with others.

Strong views were expressed on the question of **sects and cults** and government supervision measures which several participants felt were not in line with OSCE commitments.

In reply to this criticism several representatives of pS gave explanations regarding their regulatory framework. Several state representatives also informed about their efforts to promote inter-religious dialogue.

Conscientious objection to military service on religious grounds was also touched upon by several participants.

ODIHR was commended on its work in promoting religious freedom and belief, in particular on the *Guidelines for Review of Legislation Pertaining to Freedom of Religion or Belief*, the *Toledo Guiding Principles* and the *Guidelines on Freedom of Peaceful Assembly*. The work of the ODIHR Panel of Experts on Freedom of Religion or Belief was welcomed, its work was recommended to receive increased support and its activities to be expanded. Participating States were encouraged to request technical assistance from them.

Based on the continued importance and interest given to the topic of Freedom of Religion or Belief some speakers recommended follow-up to the 2007 Bucharest Conference in 2009.

Working Session 14 (specifically selected topic): Focus on identification, assistance and access to justice for the victims of trafficking

The specifically selected topic “Focus on identification, assistance and access to justice for the victims of trafficking” was considered in two sessions, with the first session focusing on the challenges in the process of identification of victims of trafficking and the afternoon session concentrating on the issues of compensation of victims of trafficking.

In the opening remarks ODIHR Director drew the attention of the participants to the key OSCE documents in the area of combating trafficking in human beings, underlining the importance of addressing the issue of labour exploitation in all OSCE participating States. In that context, identification and compensation were identified as main challenges in the area of assistance to the victims of human trafficking. The importance of shared responsibility of the governments and civil society, increased outreach work as well as the need to address legal and social contexts of compensation were particularly highlighted. The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Eva Biaudet, outlined the biggest shortcomings in combating trafficking in human beings in the OSCE region: failure to identify victims of trafficking of all forms of exploitation and mistreatment of victims by state agents as criminals and irregular migrants. It was noted that special attention should be given to children migrants and children without parental care. The emphasis was made on the need to prioritize the rights of victims in the process of identification, assistance and their access to justice in a daily practice of law enforcement agents and social service providers. It was recommended that federal funds be allocated to NGOs to ensure sustainability of adequate services.

The introducer noted the important work of the OSCE and ODIHR on raising awareness on labour exploitation among participating States. With the emphasis on anti-trafficking legislation, it was noted that the Palermo Protocol was restrictive in defining the phenomenon of human trafficking, which creates problems for the victims to meet the criteria set. Special attention was drawn to the work with migrant communities, to the role of migration authorities and NGOs in ensuring that the victims of trafficking are protected rather than criminalized. The importance of bridging the gap between the political commitments and practical steps in the fight against human trafficking was particularly noted by the introducer and widely supported during the discussion.

The discussion highlighted the fact that trafficking in human beings constituted a multidimensional phenomenon which requires multidimensional response. It was acknowledged that social, political and economic rights of the victims of human trafficking should be addressed, and the standards for anti-trafficking measures should be increased. The need to address the root causes of this phenomenon, as well as demand side was also emphasized.

Trafficking in persons for forced labour and the migrant’s rights were in the focus of the discussion in the context of anti-trafficking measures. It was noted that the more rights are granted to migrants, the less chance is left for trafficking and labour exploitation.

The OSCE structures and institutions involved in fighting human trafficking were commended for consistently keeping the focus on it, promoting co-ordinated efforts of the participating States and the international community, following the lines set by the 2003 OSCE Action plan and MC decisions, in particular in the areas of victim identification, assistance, and access to justice. The OSCE was also praised for promoting trafficking. The Special Representative’s office and the ODIHR were encouraged to continue sharing the best practices and providing expertise and training.

A number of delegations outlined their ongoing efforts in combating trafficking in human beings, which included, *inter alia*, the strengthened legislative

frameworks, cooperation and coordination mechanisms, improvement of victim identification process, training activities for law-enforcement agents, robust measures in prosecuting those exploiting children, establishment of national coordinators and rapporteurs.

The added value of the Council of Europe Convention on Action against Trafficking in Human Beings, which entered into force in February 2008, with the increased number of ratifications and the possibility for the non-members of the Council of Europe to become party to this instrument was highlighted during the discussion.

The role of NGOs in monitoring the implementation of anti-trafficking policies, their advocacy work in order to improve anti-trafficking policies as well as the importance of improving the level of cooperation between states and NGOs were also underlined.

During the discussion the following recommendations were made:

To the OSCE participating States:

- With regard to the fight against trafficking for labour exploitation, the participating States should strengthen legislative arsenal, to fill the deficit in the statistical data, increase human resources and raise their awareness of the problem;
- OSCE participating States were called upon to sign and ratify the Council of Europe Convention on Action against Trafficking in Human Beings;
- OSCE participating States were called upon to implement, in close cooperation with the OSCE relevant institutions, the provisions of Ministerial Council decisions 8/07 “Combating trafficking in human beings for labour exploitation” and MC decision 14/06.

To the OSCE institutions and field missions:

- The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings should continue to play a significant role in coordinating anti-trafficking efforts and to provide impetus to the activities of the Alliance against Trafficking in Persons, in close co-operation and co-ordination with the ODIHR and the other OSCE institutions and relevant structures.
- The OSCE Special Representative and ODIHR should continue their valuable efforts to assist participating States in improving research and data collection and analysis, in order to have sound knowledge of the complexity and scope of the phenomenon.
- The OSCE Special Representative and other OSCE structures and institutions are encouraged to keep drawing on the conclusions emerged from the conferences 'We can do better' and ' Child trafficking: responses and challenges at a local level', promoting evidence-based research on trafficking in human beings and rigorous evaluation of the impact of anti-trafficking interventions in particular for vulnerable groups.
- should continue promoting the sharing of best practices, including on what was learnt on prosecution practices at the recent OSCE conference in Helsinki;
- The OSCE/ODIHR should continue to provide its expertise and training to various professionals.
- The OSCE is encouraged to continue national referral mechanisms assessment;

- Field missions are encouraged to continue their efforts, with a particular focus on identifying, protecting and assisting victims, in close coordination with relevant OSCE institutions and in synergy with EU programmes.
- Both field missions and all participating States should continue to devote special and increased attention to the groups most vulnerable to human trafficking, including girls and, for example, Roma, as well as populations in conflict and post conflict areas.

Working Session 15 (specifically selected topic): Focus on identification, assistance and access to justice for the victims of trafficking (continued)

The anti-trafficking session 15 focused on the need of compensating trafficked and exploited persons as an important part of the right of access to justice for victims of trafficking.

The discussion concerning the right to compensation for victims of trafficking was based, *inter alia*, on the findings of the OSCE study “Compensation for Trafficked Persons in the OSCE region”, which was published in May 2008.

The two introducers highlighted how crucial it is for the victims to receive their well-deserved and hard-earned wages and financial compensation to redress the harm they had suffered. It was noted, that this was not only a way of delivering justice and allowing victims to rebuild their lives, but also a disincentive to future trafficking. It was underlined that the OSCE participating States had a number of mechanisms through which the right to compensation can be implemented: as part of criminal, civil, labour or state compensation schemes. However, in practice few trafficked persons access this right and even fewer receive compensation after going through lengthy legal proceedings. This happens because the information about these schemes is not provided or properly explained to trafficked persons and the legal systems are slow, difficult to navigate and intimidating to victims. State funds, when they are in place, are inaccessible to victims because they are limited to specific crimes and the injury has to be proven without doubt. But most importantly, legal advice and representation for victims is not provided systematically because of a lack of funds and of a pool of trained lawyers. Civil society organizations are trying to provide legal assistance, but they also are restricted by limited resources and lack of support from the Governments.

A number of recommendations have been made during the session by the introducers and participants from the floor such as:

- Participating States should develop a comprehensive and integrated policy on compensating trafficked persons based on consultation with the individuals themselves and NGOs that represent their interests. This should be part of a broad victim’s rights agenda.
- Participating States need to review their compensation mechanisms and determine their efficiency and the existing gaps.
- Measures should include systemic and legal reform in civil, criminal and labour law so that access to justice is improved; the provision of legal aid for trafficked persons; the provision of information and support services to trafficked persons; opportunities for trafficked persons to regularize their status for the duration of a claim; strengthening the powers of labour inspectors and similar bodies to impose orders including the grant of

compensation; and exploring non-litigious systems of negotiating compensation payments such as mediation.

- Advice and support services for trafficked persons should be in place. They are an essential element of the right to compensation. To pursue a claim for compensation trafficked persons must be aware of their rights and how to access them.
- NGOs and trade unions should be empowered to play a role in developing advocacy strategies to improve access to compensation and remedies as well as providing assistance in assistance and mediation efforts.
- The rule of law is crucial; a compensation system can only function as well as the judicial and administrative environment in any specific country, so it is important that a culture of independence, competence and efficiency exists, especially within the judicial and prosecutorial services.
- Compensation arrived at by way of a mediated or voluntary agreement or instituted through a third party in certain circumstances may have a greater chance of being paid than legal proceedings against a trafficker. Therefore efforts to strengthen the compensation powers of state regulatory bodies (such as labour inspectors or minimum wage enforcers) and exploring methods of facilitating collective actions and mediations through state or civil society actors need to be supported and further developed.
- Participating States should establish micro-credit programmes, endorse confiscation of assets, enable ways of entering and working in destination countries legally.

Working Session 16: Discussion of human dimension activities (with special emphasis on project work)

First Deputy Director of the OSCE/ODIHR Mr. Toralv Nordbo introduced the working session by focusing on the extensive added-value that participating States are able to obtain through close cooperation with the ODIHR in the various areas encompassed by its human dimension mandate. The working session was devised as a stage for presenting a few notable examples of partnerships with participating States. The speakers were subsequently introduced.

The first project was presented by Ms. Nina Suomalainen, Senior Adviser at the OSCE High Commissioner on National Minorities (HCNM) in The Hague. The project was conceived in concert between the OSCE/ODIHR, the HCNM and the Council of Europe Commissioner for Human Rights. It is aimed at elaborating a pioneering assessment report on trends of Roma and Sinti migration in parts of the OSCE region, most notably countries of the EU and South-Eastern Europe. Aside from specific data the report would contain expert analysis of state policies and practices as well as recommendations to the relevant authorities. The principles that were viewed as being central to the successful implementation of the project by early 2009 are flexibility, cooperation, complementarity and added-value.

The second example was presented by Ms. Suzanne Hoff, Coordinator of La Strada International. The project is focused on the establishment of financial compensation mechanisms for victims of trafficking, which was viewed as an important assistance and prevention tool for recovering individuals and their families. La Strada works

with Anti-Slavery International and the OSCE to create a pool of countries that have implemented this mechanism on national level. The ODIHR's supportive stance and financial backing of this initiative received positive acclaim, as well as the OSCE's role in raising awareness, establishing links between NGOs and governments and attracting political focus to this issue.

The third joint effort was highlighted by Ms. Jasmina Dimitrieva, National Legal Advisor at the OSCE Spillover mission in Skopje. The project involved the ODIHR's assistance to the OSCE field presence in promoting a legislative reform process in the Former Yugoslav Republic of Macedonia. A newly compiled report, containing an overview of the lawmaking process, outlining existing deficiencies and offering recommendations on their correction, would be presented to the Ministry of Justice. The ODIHR's expertise was praised as being central to the successful delivery of the project.

Finally, Ms. Isabel Enzenbach, Head of Centre for Research on Anti-Semitism at the Berlin Technical University, presented a project on the development and implementation of country versions of teaching materials developed jointly by the ODIHR and the Anne Frank House in Amsterdam. The teaching materials offer user-friendly and innovative pedagogical materials that can guide teachers in promoting a zero-tolerance approach for Anti-Semitism in their classes. The OSCE was viewed as a relevant platform for establishing a toolkit to prevent relapses into this tragic European legacy, i.e. by promoting remembrance of the Holocaust and through civic education. ODIHR's support was sought in distributing multinational versions of the teaching materials, conducting expert meetings and maintaining focus on this important issue.

Main points of discussion

The ensuing discussion, focusing on priority areas for the ODIHR's work, unveiled a number of conceptual differences, at times polar. Many delegations expressed strong support for the ODIHR's activities and mandate. They generally appreciated the current setup of the Office's activities, highly appraising its efforts in the key field of democratization and encouraging it to address countries and regions where most deficiencies have recently been sighted. Projects related to human rights defenders received notable support from some delegations and NGOs. Yet other delegations emphasized the assistive role of the ODIHR in relation to recipient states, underscoring the need for reform to achieve increased geographic balance, transparency and practical yield of the Office's work.

The fulcrum of the debate centered on the issue of election observation. Many referred to it as the credible and internationally recognized "golden standard" of the ODIHR's work. They defended the ODIHR against what they considered to be attacks on its autonomy. Emphasis was placed on enhancing long-term observation and follow-up. Other delegations cited problems in the area of election observation. They referred to the lingering imbalance between East and West of Vienna and called for more scrutiny and accountability of election observation to OSCE collective bodies. The ODIHR was urged to fully implement reform tasks contained in Ministerial Council decision 19/06.

Against this backdrop overwhelming and unchallenged support was voiced to many other mandated tasks of the ODIHR - in relation to promoting gender equality,

combating trafficking of human beings, fighting intolerance and xenophobia. Equally supported were further efforts on encouraging geographic diversity of staffing and enhancing dialogue on issues within the scope of the ODIHR's mandate, including elections. New voting technologies were viewed as an area for further progress.

One delegation underscored the need for donor harmonization, outlined its budgetary concerns and called on participating States to remove potential impediments to the implementation of human dimension projects.

Generally delegations did not dispute ODIHR's expertise and potential for providing targeted assistance to participating States in attaining their human dimension goals when enacted upon the request and in close and mutually respectful partnership with the state concerned. The importance of coordination within the ODIHR, with OSCE collective bodies, institutions and field missions, as well as parliamentary bodies, international and regional organizations and members of civil society were stressed as being crucial to the success of the ODIHR's efforts.

In concluding First Deputy Director Mr. Nordbo stated that the ODIHR would serve and draw from the mandate received from the participating States and continue to look to their practical guidance.

Recommendations

- The focus of the ODIHR's activities in the human dimension should be in areas where flagrant and frequent violations have occurred, most notably freedom of expression, freedom of assembly, freedom of religion, as well as human rights defenders.
- Focus should be on tolerance and non-discrimination, hate crimes, as well as gender and anti-trafficking issues.
- More attention should be awarded to standardizing migration policies in participating States.
- Priority should be given to election assistance and observation.
- The ODIHR should undertake more conclusive action to implement Brussels Ministerial Council Decision 19/06, in particular parts related to strengthening election observation, and report thereon regularly to the OSCE Permanent Council.
- The ODIHR should engage in dialogue with participating States on the issue of democratic elections and election observation in concert with the OSCE Chairmanship-in-Office.
- The principles of equality of OSCE participating States, transparency, accountability and professionalism should be infused into the activities of the OSCE/ODIHR.
- Focus should be shifted to enhancing long-term observation, geographic diversity and follow-up of election observation.
- Participating States should not retreat from their election commitments.
- Greater donor harmonization is to be encouraged.
- Participating States should establish long-term master agreements with the OSCE and the ODIHR for the provision of extra-budgetary funding.
- The ODIHR should be instrumental in organizing expert meetings and high-profile political contacts to promote the anti-Semitism agenda.

- The ODIHR should maintain unbridled access of NGOs to its meetings and events.
- Impediments to human dimension projects in OSCE participating States should be removed.
- A greater degree of coordination and complementarity with OSCE institutions, field missions, parliamentary bodies and regional organizations should be attained.

Working Session 17: Democratic institutions

Democratic elections; Democracy at the national, regional and local levels; Citizenship and political rights.

Working session 17 focused on the promotion of democratic institutions in the OSCE region, primarily democratic elections, as well as on democracy at the national, regional and local levels, and on citizenship and political rights. The Director of ODIHR, Ambassador Janez Lenarčič, as the moderator of the session noted that the legal frameworks for elections have improved all over the OSCE area, while at the same time serious shortcomings in the implementation of OSCE election-related commitments persisted in some participating States. He also highlighted some emerging challenges to the electoral processes and stressed that the follow-up on the ODIHR recommendations remain to be concretized.

29 interventions were made after the introduction by the moderator, of which 16 by non-governmental organizations. In addition, four participating States made use of their right of reply in response to prior interventions.

Many delegations expressed their support for ODIHR's ongoing election-related activities and methodology as well as ODIHR's autonomy and impartiality in this regard. They stressed the need for a consistent follow-up to ODIHR's election-related recommendations as well as to enable ODIHR to conduct comprehensive election observation missions. They welcomed measures undertaken by ODIHR to implement the Ministerial Council Decision 19/06. Participants also welcomed the Chairman-in-Office Seminar on Election Related Issues of 21-22 July, and supported the co-operation between ODIHR and the OSCE Parliamentary Assembly.

While the methodology applied by the ODIHR was commended by many delegations, others called for further steps to increase the transparency and accountability of ODIHR's procedures and a revision of its methodology. They called for the elaboration of universal standards for election observation and stronger involvement of the Permanent Council. There was also a call for a comparative expert analysis of the electoral legislation of the participating States.

A number of delegations informed on their efforts to implement ODIHR's recommendations in their electoral practices and legislation as well as on preparations for upcoming elections.

Most non-governmental organizations (NGOs) drew attention to restrictions and shortcomings existing in the election processes and legislations of the participating States which were limiting or effectively denying the right to free and fair elections. It was also noted that the conditions of the election processes in some countries had degraded. Among enumerated concerns it was particularly referred to limitations on effective domestic election observation, shortcomings in registration procedures, uneven conditions for campaigning, the importance of citizenship in election processes, challenges to freedom of expression, assembly and association as well as lack of independent media. On the other hand, recent positive developments were noted in a number of participating States in the preparation and conduct of elections as part of the democratic process. Non-governmental organizations informed about their efforts to enhance election processes through domestic election observation and the active involvement of the civil society.

A number of recommendations were made during the working session. They will be summarized and distributed in written in the Consolidated Summary of this meeting.

Recommendations to the participating States:

- To fully implement OSCE election-related commitments.
- To improve and reinforce the follow-up the recommendations of ODIHR provided in the election observation reports.
- To acknowledge ODIHR's expertise in election observation and invite ODIHR in a timely fashion to observe national elections process.
- To fully cooperate with ODIHR, before, during and after elections.
- To improve the access and the full involvement of the civil society in their own election processes.
- To engage in an open dialogue among participating States on ways to further enhance the transparency and methodology of election observation.
- To adopt a "Copenhagen plus" document with standards for election observation in order for the OSCE to improve mechanisms for implementation of recommendations.

Recommendations to the OSCE, its institutions and field operations:

- To encourage participating States to reinforce the implementation of ODIHR's recommendations to improve the conduct of elections in all participating States.
- To strengthen ODIHR's election observation methodology by elaborating a universal body of standards.
- To ensure universality, mutual action, transparency, professionalism and impartiality in the conduct of election observation.
- To conduct comparative expert analysis of national election legislation of participating States.
- To reinforce the follow-up to ODIHR's election observation recommendations.
- To create concrete benchmarks and deadlines for implementation of the ODIHR recommendations.
- To mutually reinforce cooperation between the ODIHR and the OSCE Parliamentary Assembly on the basis of the 1997 Cooperation Agreement.
- To address challenges of new voting technologies.

IV. COMPILATION OF WRITTEN RECOMMENDATIONS

WORKING SESSION 1: Rule of Law 1

Recommendations to participating States:

European Union

- **OSCE participating states shall have sufficient legal and structural institutions allowing for judicial independence from government influence the judiciary has a unique position in a democratic society.**
- Independence pre-supposes a separation of powers in which judiciary is institutionally protected from undue influence. The importance of judicial independence extends beyond the political. It is important to have an independent and impartial judge, in a stable and prosperous economy. Individuals and institutions must be able to rely on a predictable justice, free of the vagaries of any influence in the adjudication of their claims. The confidence that court decisions will be fair and in a short period (timely) contributes to the security and predictability of economic transactions as noted, the EU considers the guarantee of judicial independence as an important element of human rights protection.
- There is also **an imperative need to guarantee this independence in practice and to set up necessary mechanisms to achieve it.** Some of the practical safeguards include the terms of appointment, the specialization of judges, the need for guaranteed tenure, the requirement of efficiency, fair and independent disciplinary proceedings, the duty of our States to provide adequate resources as salaries and training to promote and facilitate the judiciary's freedom of expression and association, and to cooperate through dialogue, contacts and exchanges in order to identify where problem areas exist.

Freedom House Europe

- encourages the OSCE and the participating States to keep issues of judicial independence, separation of powers, and legislative transparency on the agenda of the organization and to implement the relevant OSCE decisions including the Decision Number 12 of 2005 OSCE Ljubljana Ministerial Council Number 12 which rightly stresses that rule of law is “justice based on the recognition and the full acceptance of the supreme value of the human personality and guaranteed by the institutions providing a framework for its fullest expression.”

- recognizes that most of the OSCE participating States are also members of the Council of Europe. The European Court for Human Rights has played an important role in strengthening rule of law in the region. Therefore, Freedom House calls upon the State Duma of the Russian Federation to join the Parliaments of other 46 Council of Europe member states in ratifying Protocol 14 of the European Convention on Human Rights which would enable the European Court for Human Rights to operate more effectively.

Association of Advocates of Uzbekistan

To Uzbekistan

Ташкентское городское отделение Ассоциации адвокатов Узбекистана призывает Специального докладчика, изучив ситуацию, рекомендовать государству следующее:

- Реформирование адвокатуры необходимо проводить в соответствии с Конституцией, законами Республики Узбекистан и международными стандартами в области прав человека, с учетом опыта других стран.
- Приостановить реформу, направленную на огосударствление института адвокатуры. Демократическая природа адвокатуры требует организации Палаты адвокатов снизу, а не назначение сверху руководства Палаты. Необходимо строго соблюдать требования международных стандартов в области обеспечения независимости адвокатуры. В частности обеспечить самоуправление и выборность исполнительных органов Палаты.
- Государственные органы не вправе принимать участие в избрании председателя Палаты адвокатов и других ее должностных лиц.
- Председатель Палаты адвокатов не может быть наделен единоличной властью по назначению и смещению коллег-адвокатов с постов руководителей территориальных управлений Палаты.
- Вовлечь в процесс реформирования большое количество адвокатов и адвокатских формирований.
- Сделать процесс обсуждения реформы открытым, публичным и прозрачным.
- Обеспечить внесение поправок в законы об адвокатуре и другие законодательные акты, в соответствии с международными стандартами: Всеобщей Декларации прав человека, Международному Пакту о гражданских и политических правах, Основным положениям о роли юристов и другим документам ООН.

WORKING SESSION 2: Fundamental Freedoms 1

Recommendations to participating States:

European Union

Participating states should:

- Ensure that media laws are in line with international standards and OSCE commitments and are implemented subsequently, strengthen their

commitment to ensure freedom of opinion and expression, and especially to decriminalize libel and defamation.

- Ensure that journalists in the OSCE area can work safely and without being threatened by physical violence, persecution, detention, harassment, intimidation, direct or indirect economic pressure or any other form of interference
- Ensure that these commitments equally apply to journalists who are also human rights defenders.
- Ensure that press freedom is guaranteed by an independent judiciary to which journalists can appeal in cases of alleged violations, ensure that journalists can keep their sources of information confidential by enacting appropriate legislation ('shield laws').

Polish Falun Dafa Association

To Poland

- We urge the Eutelsat's members, shareholders and governments to help restore NTDTV broadcasting to China without delay and further excuse.

FIDH and Turkmen Initiative for Human Rights

Recommendations to the government of Turkmenistan:

- Rapidly implement the recommendations of the UN committees, particularly the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Rights of the Child, and the Committee on the Elimination of Discrimination Against Women;
- Allow all UN Rapporteurs and experts who have so requested to visit the country, particularly the Special Rapporteurs on Torture, on Independence of Judges and Lawyers, on Human Rights Defences, and on Violence Against Women;
- Rapidly submit all overdue periodic reports to the UN treaty bodies;
- Launch the process of reviewing politically motivated criminal cases, giving the process maximum transparency;
- Immediately cease action against family members, and release all prisoners held on the grounds that they are family members;
- Lift all arbitrary prohibitions on entry and exit from Turkmenistan;
- Lift prohibitions on independent media and unrestricted access to the Internet;
- stop prosecutions of journalists and social activists; develop national legislation on the media that complies with international standards;
- Develop national legislation on the rights of national minorities that “respects and protects the existence and cultural identity of all national and ethnic minorities” in accordance with the recommendations of the CERD2;
- Develop general legislation on the protection of workers’ rights (collective rights);
- Develop national legislation on NGOs compliant with international standards and Turkmenistan’s international obligations;
- Guarantee access for representatives of the Red Cross to detention centres;

- Enable representatives of human rights organisations and journalists to enter the country and work independently.

Freedom House Europe

- We call on the authorities of the Kyrgyz Republic and of those participating States that are in the position to provide relevant information to bring to justice those who took the life of the *ferghana.ru* journalist Alisher Saipov. And we call on the Russian authorities to bring to justice those who perpetrated and carried out a recent murder of Magomed Evloev, the owner of the *ingushetiya.ru* website.

Georgia

- We call on Russia to stop unsuccessful attempts to misinform the International Community and strictly adhere to international law in foreign policy.

United States

- In closing Mr./Madam Moderator, the United States delegation must again express its concern over the fate of journalists in many OSCE participating States. This is especially the case in the North Caucasus region, where in the space of only a few days at the end of August and early September, two journalists, Magomed Yevloyev of the opposition “Ingushetia.ru” web page and Islamic TV reporter Telman Alishaev of Dagestan were murdered and Miloslav Bitokov was severely beaten. We call on the Government of Russia to fully investigate these crimes and bring the perpetrators to justice. **In the South Caucasus, we again express our concern regarding imprisoned journalists in Azerbaijan, especially those charged with criminal libel.**

Recommendations to the OSCE:

European Union:

The OSCE Representative on Freedom of the Media should:

- Continue to assist participating states in achieving full implementation of the OSCE commitments.
- Continue efforts to promote adoption of legislation which is in line with OSCE and other international standards notably in the field of defamation.
- Continue to elaborate how comprehensive and non-discriminatory access to information in particular to the internet can be ensured, continue to strengthen freedom of the media through capacity building in the framework of training activities and media conferences, in co-ordination with the ODIHR's point of contact on human rights defenders, assist the participating states in delivering on their commitments to protect the journalists who are also human rights defenders.

Turkish Cypriot Humans Rights Foundation and Turkish Cypriot Journalists' Union

- We encourage the OSCE Representative on Freedom of Media to take necessary steps and to pressure the government of the “Republic of Cyprus” in order to deal with the issues listed above;
- In addition we encourage the OSCE/ODIHR to establish official contacts with the “Republic of Cyprus” government in order to remove the isolations which violate the basic human rights of Turkish Cypriots. Because, human rights issues as these are not to be under a conditionality associating the recognition or not recognition of a state. Human rights are universal and derive from the nature of being human beings.

WORKING SESSION 3: Fundamental Freedoms 2

Recommendations to participating States:

FIDH (International Federation for Human Rights):

- 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;
- Fully recognise the vital role of defenders in the advent of democracy and the rule of law;
- Review their national legislation to conform with international and regional human rights instruments, in particular regarding freedoms of association and assembly;
- Comply with the provisions of the final document of the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension, of the Conference for Security and Co-operation in Europe (CSCE) and of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the 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;
- 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 in order to provide it with a mechanism of alert, giving it the ability to address individual cases, by interacting with OSCE missions on the ground and with other relevant mechanisms of protection of human rights defenders that have been developed over the past years within the United Nations, the European Union, the Council of Europe, the Inter-American Commission on Human Rights and the African Commission on Human and People’s Rights.

European Union:

- To ensure the safety and protection of the rights of human rights defenders and pay particular attention to the role and situation of journalists and female human rights defenders
- To ensure that human rights defenders can carry out their peaceful activities in an environment free of the fear of harassment, reprisal, intimidation and discrimination.
- 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.

Turkish Cypriot Human Rights Foundation (TCHRF):

- Finally, we would like to encourage the international community to end the isolations imposed upon Turkish Cypriots which by itself causes gross human rights violations as you will be able to read in the booklet “Turkish Cypriots: The Excluded Europeans” distributed and displayed during this meeting.

Western Thrace Minority University Graduates Association to Greece

- We recommend that the Greek authorities should respect the collective usage of the right of self-identification and allow the minority to establish their own associations based on ethnic base.
- We, also, recommend Greece to ratify the Council of Europe’s Framework Convention for the Protection of National Minorities that has signed in 1997 but not ratified yet.

Recommendations to the OSCE:

Turkish Cypriot Human Rights Foundation:

- The lack of international enforcement in North Cyprus does not prevent us from doing our work; but it nonetheless forces us to carry out human rights relevant activities practically without any international assistance, expertise, reporting or international pressure upon our authorities to better protect our human rights. We therefore strongly encourage OSCE/ODIHR, participating states and other relevant international institutions or NGOs to establish direct dialogue with both Turkish Cypriot NGOs and authorities in order to address these problems.

European Union:

recognises the important work of the OSCE field presences in strengthening civil society and recommends to ODIHR and field missions:

- To assist the PS in enhancing the protection of human rights defenders, encouraging them to implement the UN declaration on the rights and

responsibility of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms.,

- To continue to engage with human rights defenders across the OSCE area, to strengthen their capacity to promote and defend respect for human rights and fundamental freedoms.

Recommendations to NGOs/civil society actors:

Turkish Cypriot Human Rights Foundation:

- We would like to encourage international NGOs such as Amnesty International and Human Rights Watch to establish a bureau or branch in North Cyprus in order to monitor the human rights situation and to report on relevant practices there.

WORKING SESSION 4: Rule of Law II

Recommendations to participating States:

The American Civil Liberties Union

To the USA

- Given the problems with capital punishment including human error, law enforcement misconduct, inadequate and untrained counsel, racism and unfair hearings, the U.S. should end the use of capital punishment and follow the steps of the overwhelming majority of countries in the OSCE region. At minimum, the U.S. should impose a national moratorium on its use consistent with the 2007 U.N. General Assembly resolution calling for a global moratorium, because in the words of the most senior U.S. Supreme Court Justice, Paul Stevens, the time had come to reconsider “the justification for the death penalty itself.”

European Union

- At the eve of the 60th anniversary of the universal declaration of human rights the EU encourages other participating states to join its efforts to achieve a world where human rights are fully respected in all circumstances.

EU expects participating states:

- To comply with the unconditional prohibition of torture and cruel, inhuman or degrading treatment or punishment, to take all necessary and effective legal, administrative, judicial, social and other measures to prevent torture, and not to transfer any person to a country, where there are substantial grounds to believe that he or she would be subjected to torture or ill treatment.
- To fully cooperate with the independent preventive and monitoring mechanisms in OSCE, UN, ICRC the Council of Europe and at national level,

as well as with civil society, to provide requested information and to grant them unhindered access to places of detention and unrestricted possibility to interview any person in private.

The EU recommends that participating states:

- adhere to OPCAT and other relevant international instruments such as the international convention for the protection of all persons from enforced disappearance and make the declarations provided for in UNCAT articles 21 and 22.

The EU also urges

- all OSCE participating states to ensure implementation of all UN general assembly and human rights council resolutions on torture and other cruel, inhuman or degrading treatment or punishment.

The EU expects all OSCE participating states

- to fully respect international law, in particular human rights, refugee and international humanitarian law in their counter terrorism measures.

The Council of Europe

General recommendations

- The Group and the CDCJ do not recommend at this stage the drafting of a specific legal instrument addressing non-criminal remedies be prepared. Among core recommendations entailed in the report stands the necessity of promoting and disseminating the existing Council of Europe standards.
- The importance of appropriate training and awareness raising activities is also emphasised in order to give full effect to existing Council of Europe standards, as well as of sharing and disseminating examples of good practices, a number of which are enclosed in the report.
- Another strong recommendation is that a procedure aiming at enabling the rapid payment of the state compensation to the victim be put in place, the state scheme being subsequently subrogated in the victims' rights.

Hands off Cain

- We ask the US and Belarus to consider adopting a moratorium, and the OSCE member States that did not completely abolish the death penalty *de jure* yet, to finalize this process. We also recommend the OSCE institutions to work out a specific programme to achieve this result.

International Federation for Human Rights (FIDH) France

To Belarus

On the administration of justice

- Guarantee the independence of the judiciary by establishing proper rules regarding the process of appointment, promotion and dismissal of judges; by ensuring that judges are irremovable; and by abolishing the system of “substitute judges”;

- Abolish the right of the higher courts to withdraw cases from the lower court for first-instance examination;
- Introduce judicial review of prosecutors' decisions to place a person in custody or to extend the period of detention in custody; to provide effective remedies for people in detention when their rights are being violated by law enforcement officers; to ensure full respect of the UN basic Principles on the Independence of the Judiciary;
- Introduce the right to challenge before a court actions and decisions of investigative bodies affecting rights and liberties of suspects and accused;
- Put an end to the control of defence attorneys by the Ministry of Justice and revise the legislation regulating the Bar association in order to ensure its full independence, in conformity with the UN Basic Principles on the Role of Lawyers;
- Abolish administrative arrest, as it does not offer the necessary fair trial guarantees;
- Adopt an immediate moratorium on the death penalty, as a first step towards abolition, and refrain from instrumentalizing the supposed popular support of capital punishment in order to avoid any reform in this field; on the contrary, awareness raising campaigns should be launched focusing notably on the absence of dissuasive effect of that punishment; put an end to the secrecy surrounding executions and make the number of executions public in order to allow an informed public debate on this issue;
- Adopt all legal and administrative measures to prevent acts of torture on the territory of Belarus;
- Open independent and impartial enquiries in case of allegations of torture by a detainee ;
- Establish criminal, civil and administrative sanctions for violation of legal procedures (arrest, interrogation, treatment of detainees) ;
- 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 human rights mechanisms (in particular of the UN Special Rapporteur on Human Rights in Belarus and of the Working Group on Arbitrary Detention);
- Ratify the UN Convention for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment; to ratify the Optional Protocol (Istanbul Protocol) to CAT, establishing a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment;
- Ratify the UN International Convention for the Protection of All Persons from Enforced Disappearance;
- To submit the State report to the UN Committee against torture and the UN Human Rights Committee;
- Issue a standing invitation to UN special procedures, and reply positively in particular to the requests to visit by the UN Special Rapporteur on Torture (request dating back to 2005, renewed in 2007), the Special Representative of the Secretary general on the situation of human rights defenders and the UN Special Rapporteur on freedom of opinion and expression (request dating back to 2003);
- Ratify the Council of Europe Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

- Cooperate fully with the OSCE mechanisms on Human Dimension, notably ODIHR, and with the OSCE office in Minsk.
- Conform with the OSCE Human Dimension commitments in particular in the field of Rule of Law and relating to civil and political rights.

On conditions of detention

- Ensure that conditions of detention, both in pre-trial detention facilities and for convicted detainees, conform to international human rights standards, in particular the prohibition of cruel, inhuman or degrading treatment or punishment (Art. 7 of the ICCPR); the UN Standard Minimum Rules for the Treatment of Prisoners, the UN Basic Principles for the Treatment of Prisoners and the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment should guide the government's policies in that field.
- Separate the functions of investigation and supervision over detainees, and transfer detention facilities to the jurisdiction of the Ministry of Justice;
- Ensure that visits to detention places by Prosecutors take place in a systematic and regular way;
- Immediately revise the special rules governing the conditions of detention of death row prisoners, in order to avoid unnecessary suffering for them and their family;
- Guarantee access to all detention facilities by both international and local independent NGOs;
- Ensure a proper compensation for human rights violations occurring in detention, including negative impact on health;
- Ensure permanent human rights training of law enforcement officers, including prison guards;
- Fully comply with the ILO Convention concerning Forced or Compulsory Labour (n° 29, 1932).

To the European Union

- Address the issue of conditions of detention in the framework of its dialogue at various levels with the authorities of Belarus and especially on the occasion of EU troika meetings with Belarusian authorities; make a demarche towards the Belarusian authorities under the EU Guidelines on Torture, based on the findings of the present report; including:
 - request for information on allegations of torture and ill-treatment in prison,
 - specific actions on individual cases documented in this report,
 - recommendations for the “adoption and implementation of safeguards and procedures relating to places of detention”.
- Address the issue of human rights defenders and arbitrary restrictions to local NGO's activities and existence under the EU Guidelines on human rights defenders.
- UN general Assembly Member states should renew their resolution concerning the human rights situation in Belarus, including prison conditions.

International Rehabilitation Council for Torture Victims

- The IRCT recommends that all states sign and ratify the Optional Protocol to the

Convention against Torture and ensure swift implementation of the establishment of independent national visiting mechanisms.

- The IRCT further encourages states to include experienced and independent forensic medical experts with training in the Istanbul Protocol as part of the national preventive mechanisms.
- All states should enact national legislation that ensures torture – as defined according to the UN Convention against Torture – is a criminal offence, with no statute of limitations for prosecuting perpetrators.
- The IRCT encourages all states to ensure professional support and appropriate training on the prohibition against torture for all law enforcement and medical personnel working within the police and penitentiary systems, in order that they can fulfil their responsibilities to prevent torture in accordance with international law and medical ethics.
- States should ban the practice of extraordinary rendition flights, prohibit the transit of such flights on their territories and to fully investigate rendition cases to ensure appropriate justice.
- The IRCT urges for all detention facilities to operate according to the rule of law and international human rights standards. States should sign and ratify the Optional Protocol to the Convention against Torture as a way to demonstrate their commitment to preventing torture in places of detention.
- Civil servants in reception authorities receive training in identification of and interaction with victims of violence and make referrals to rehabilitation and other support programmes as appropriate.
- States should not extradite asylum seekers before completion of a full examination of their asylum claim, and should never extradite persons at risk of torture or other human rights abuses, in accordance with the principle of *non-refoulement*.
- States should not rely upon diplomatic assurances when expelling terror suspects, as these are not legally binding mechanisms and victims have no recourse should torture and ill-treatment occur.

Rainbow – Organisation of Macedonian Minority in Greece

To Greece

- We demand that Greece guarantees the right to freedom of movement of all of its citizens, including those who identify as ethnic Macedonians. The best way to do this is to implement its commitment to paragraph 9.5 of the Copenhagen document.

The World Organisation Against Torture (OMCT)

- In this same positive spirit, the OMCT now proposes that all participating States of the OSCE make a similar undertaking to prioritise the eradication of torture and other forms of ill-treatment across their 56 participating States and also worldwide. Such a determined contribution to bring an end to these illegal

practices would provide a good example to the rest of the world and could inspire further important progress in this field.

The Home of Macedonian Culture

To Greece

- Guarantee in all circumstances the physical and psychological integrity of Mr. Dimitras and other activists.
- Put an end to all acts harassment, including at the judicial level, against Mr Dimitras, as well as all human rights defenders in Greece;
- Comply with the provisions of the Document of the Copenhagen Meeting.
- Comply with all the provisions of the United Nations Declaration on Human Rights Defenders, in particular with Article 1, which provides that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”, as well as with the above-mentioned Article 12.2;

Kazakhstan International Bureau for Human Rights and Rule of Law

To the Republic of Kazakhstan

К ст. 1 Конвенции

- Привести определение «пытки» в ст.347-1 УК РК в соответствии с Конвенцией.

К ст. 2 Конвенции

- Ввести в законодательство адекватные меры, которые гарантировали бы защиту от пыток:
- Усилить гарантии защиты прав граждан при задержании либо в ходе иных действий, в соответствии с чем считать лицо, подвергнутое задержанию, ограниченным в свободе с момента его фактического задержания. Для чего:
 - а) ввести в законодательство гарантии права всех лиц на адвоката при любом контакте с правоохранительными органами, ограничивающим их законные права и интересы, независимо от процессуального оформления их статуса;
 - б) ввести в законодательство четкие процедуры, регулирующие осуществление задержания и дать определение понятиям «задержанный», «момент задержания» и другим относящимся к процедуре задержания.
- Ввести в действующее уголовно-процессуальное законодательство и законодательство об административных правонарушениях требование к сотрудникам правоохранительных органов незамедлительно информировать любое фактически задержанное лицо о сути подозрений или обвинений в отношении него; праве на молчание и праве не давать показания, которые могут быть использованы против него; праве на

адвоката (защитника); праве на информирование родных и близких о задержании.

- Ввести в законодательство положение о праве задержанного на адвоката за счет средств государства с момента фактического задержания.
- Ввести в законодательство положение, в соответствии с которым подозреваемый или обвиняемый может быть подвергнут принудительному помещению в медицинское учреждение для производства судебно-медицинской экспертизы только по решению суда. Предусмотреть дополнительные гарантии для соблюдения прав подозреваемых или обвиняемых, помещаемых в медицинские учреждения, включая право обжаловать методы, продолжительность и объем медицинского воздействия.
- Ввести в законодательство положение, согласно которому признательные показания обвиняемого могут быть признаны допустимыми доказательствами, только если они даны в рамках судебного следствия перед судьей. Любые признательные показания, полученные органом, осуществляющим уголовное преследование, от подозреваемого, обвиняемого до суда должны признаваться как допустимые доказательства, только в случае и при условии их подтверждения данным лицом в ходе судебного разбирательства.
- Снять необоснованные и нецелесообразные ограничения на поддержание семейных связей через переписку и регулярные свидания подследственных до судебного рассмотрения дела.
В отношении прав несовершеннолетних:
 - образовать специализированную систему отправления правосудия по делам несовершеннолетних в соответствии с Конвенцией по правам ребенка;
 - принять незамедлительные меры по усилению контроля над соблюдением прав несовершеннолетних, гарантированных в законодательстве, путем введения особого учета и надзора за законностью по делам несовершеннолетних с участием общественных организаций;
 - ужесточить меры ответственности за нарушение прав несовершеннолетних в процессе уголовного производства.В отношении прав женщин:
 - обеспечить скорейшее принятие законодательных актов о противодействии бытовому насилию и о равенстве прав и возможностей для женщин и мужчин в Республике Казахстан при участии в обсуждении общественных организаций;
 - предусмотреть специальные средства в государственном бюджете, начиная с 2009 года, для поддержки полноценной работы кризисных центров и телефонов доверия для жертв бытового насилия, а также внести изменения в законодательство РК, позволяющие использовать эти средства неправительственными организациями по целевому назначению.

К ст. 3 Конвенции

- Ввести в законодательство запрет на выдворение, возвращение и экстрадицию лица в другую страну, где есть основания полагать, что это лицо будет подвергнуто пыткам.

- Ввести в уголовно-процессуальный закон судебный порядок рассмотрения вопроса о выдворении, возвращении и экстрадиции лица в другую страну. Определить законодательно перечень объективных и субъективных критериев, подлежащих выяснению при рассмотрении вопроса о выдворении, возвращении и экстрадиции лица в другую страну, которое утверждает, что оно находится в опасности быть подвергнутым пыткам в этой стране.

К ст. 4 Конвенции

- Ввести в ст. 347-1 УК РК надлежащую меру наказания за применение пыток. Исключить возможность квалификации преступления, предусмотренного ст. 347-1 УК РК, как преступления небольшой или средней степени тяжести.
- Исключить возможность квалификации случаев пыток, повлекших смерть потерпевшего, как преступных деяний, совершенных по неосторожности. Предусмотреть соответствующее наказание за причинение смерти в результате пыток, аналогичное ст.96 УК РК (убийство, совершенное с особой жестокостью).
- Законодательно закрепить запрет на применение амнистии и возможность примирения сторон по ст. 347-1 УК РК «Пытки».

К ст. 11 Конвенции

- Привести законодательства и правоприменительную практику в Казахстане в соответствие с Минимальными стандартными правилами ООН обращения с заключенными и со Сводом принципов защиты всех лиц, подвергаемых задержанию или заключению в какой бы то ни было форме, для полного обеспечения права на свободу от пыток. Ввести изменения в законодательство и обеспечить соблюдение на практике правил применения одиночного заключения в соответствии с международными стандартами и положениями Конвенции.
- Принять дополнения в действующее законодательство, регулирующие проведение общественного контроля за соблюдением прав человека в полицейских участках и изоляторах временного содержания МВД РК и других закрытых учреждений, включая медицинские учреждения закрытого типа.
- Расширить полномочия Общественных наблюдательных комиссий, позволяющие членам наблюдательных комиссий осуществлять внезапные посещения в закрытые учреждения уголовно-исполнительной системы, в изоляторы временного содержания и в другие закрытые учреждения, находящиеся как в ведении МВД, так и других ведомств, включая Комитет национальной безопасности.
- Обеспечить рассмотрение и расследование жалоб заключенных, полученных во время случаев массовых членовредительств, начиная с 2002 г., о применении к ним пыток и других жестоких или унижающих человеческое достоинство видов обращения и наказания.

К ст. 12 и 13 Конвенции

- Создать независимый специализированный орган по рассмотрению заявлений и жалоб о пытках для обеспечения быстрого,

беспристрастного и тщательного расследования случаев пыток. Предусмотреть возможность общественного контроля за работой вышеуказанного органа и за ходом расследования по фактам применения пыток.

- Ввести в законодательство особый порядок рассмотрения заявлений и жалоб о пытках с учетом следующих требований:
 - а) обозначить максимальный срок рассмотрения заявления о пытках - 10 дней;
 - б) предусмотреть незамедлительное проведение судебно-медицинской экспертизы при поступлении заявления или жалобы о применении пыток. Закрепить в законодательстве особые права заявителей о пытках, аналогичные правам потерпевших, для реализации ими в ходе доследственной проверки следующих, в частности, прав:
 - а) право быть информированным о ходе проводимого рассмотрения заявления или жалобы и знакомиться с материалами проверки;
 - право давать показания, представлять доказательства, заявлять ходатайства, участвовать в проведении действий, направленных на проверку заявления или жалобы и т.д.
 - Законодательно закрепить право потерпевшего при рассмотрении или расследовании его/ее жалобы о пытках иметь представителя или защитника, а в случае отсутствия средств иметь защитника за счет средств государства.
- Внедрить международные стандарты в области эффективного расследования пыток (Стамбульский протокол) в руководства по расследованию дел о применении пыток и других жестоких, бесчеловечных или унижающих достоинство видов обращения и наказания. Руководствуясь международными стандартами в области эффективного расследования пыток (Стамбульский протокол), разработать и законодательно закрепить критерии проведения медицинского освидетельствования жертвы пыток.

К ст. 14 Конвенции

- Предусмотреть возможность предъявления гражданского иска жертвой пыток о получении компенсации за вред, причиненный в результате пыток. При этом возможность получения компенсации не должна ставиться в зависимость от установления вины приговором. Обеспечить своевременность и адекватность процедуры выплат компенсаций жертвам пыток из государственного бюджета.
- Разработать механизм психолого-психиатрической и/или медицинской реабилитации жертв пыток.

К ст. 15 Конвенции

- Ввести в законодательство специальную процедуру рассмотрения судом заявления подсудимого о применении пыток и исключения доказательств, полученных в ходе предварительного следствия в результате пыток.
- Обеспечить соблюдение следующих требований в ходе рассмотрения таких заявлений:
 - а) незамедлительно назначить процедуру рассмотрения жалобы подсудимого о том, что доказательства были получены путем пыток, при получении судом такой жалобы. Такое рассмотрение может быть назначено судом и в отсутствие жалобы подсудимого, когда у суда есть

основания полагать, что доказательства были получены незаконно. При этом слушание в главном судебном разбирательстве должно быть приостановлено до разрешения вопроса о допустимости доказательств;

б) бремя доказывания во время рассмотрения заявления подсудимого о применении пыток с целью получения доказательств должно быть возложено на сторону обвинения;

с) судья должен обеспечить подсудимому, его/ее представителю или защитнику право вызывать дополнительных свидетелей, предоставлять информацию и доказательства, требовать проведения дополнительных экспертиз;

д) в завершение процедуры рассмотрения судья должен вынести обоснованное, мотивированное решение. При подтверждении обоснованности жалобы подсудимого на применение пыток, судья обязан вынести постановление о недопустимости использования доказательств, полученных с применением пыток, и частное определение о выявленном нарушении закона с последующим незамедлительным возбуждением уголовного дела.

Council of Europe

Concerning victims of terrorism, core standards to be promoted and disseminated are:

- - the Council of Europe Convention on the Prevention of Terrorism (CETS 196)
- the Recommendation (2006)83 on assistance to crime victims 23
- - the Guidelines on the protection of the victims of terrorist acts (adopted by the Committee of Ministers on 2 March 2005).
- In respect of victims of terrorism and concerning compensation mechanisms, the CJ-S-VICT and the CDCJ support the need to encourage dialogue and interaction between states and insurance companies.
- The European Day for Victims of Terrorism (11 March) and the European Victim's Day (22 February) could be a focus point to publicise the latest research and national policies and could be used as a launch-pad for new initiatives in the field of victims.

USA

- OSCE participating States must ensure that lawyers do not find themselves subject to disbarment for defending those charged by the government, or merely for attempting to sue the government.

Recommendations to the OSCE:

Rainbow – Organisation of the Macedonian minority of Greece

- We hope that in future if the OSCE High Commissioner for National Minorities should visit Greece, minority activists will not be subject to harassment on the part of the state authorities for speaking out against Greece's treatment of its Macedonian minority.

The Italian Helsinki Committee

- We recommend the OSCE and the ODIHR to intensify the dialogue with the US government, as well as with Belarus, in order to stress the commitment for a higher degree of respect of the human rights, including the right not to be executed, and for a consequent reduction of the level of violence in the societies.

European Union

- The Office for Democratic Institutions and Human Rights (ODIHR) should closely monitor the conditions of detention in Belarus, and contemplate the possibility of engaging in technical cooperation projects in the field of the human dimension; the ODIHR indeed has a broad mandate to uphold the human dimension commitments of participating states;
- The OSCE office in Minsk, in the framework of its mandate to consolidate the Rule of Law, should pay special attention to the conditions in detention facilities;
- The OSCE Parliamentary Assembly should follow-up the issues raised in this report, and invite its Belarusian members to take the relevant legislative initiatives to bring domestic law in conformity with international human rights standards in this field.

Recommendations to International Organizations:

Russian Federation

To the Council of Europe

Российская Федерация исходит из того, что работа, проводимая международным сообществом по выявлению и изучению возможностей заполнения пробелов в международном контртеррористическом праве и практике, должна продолжаться. В этом контексте обращаем внимание делегаций 13-го ежегодного Совещания ОБСЕ по рассмотрению выполнения обязательств в области человеческого измерения на неоднократно выдвигавшееся российской стороной предложение о необходимости разработки и скорейшего принятия международно-правового инструмента, направленного на противодействие использованию террористами и их пособниками киберпространства. Такая работа могла бы быть поручена, например, Комитету экспертов Совета Европы по борьбе с терроризмом (КОДЕКСТЕР) – основному рабочему органу СЕ в вопросах международного антитеррористического сотрудничества.

WORKING SESSION 5: Tolerance and non-discrimination I

Recommendations to participating States:

Home of Macedonian Culture

- urges Greece to review these discriminatory laws and practices and afford recognition to its Macedonian minority.

European Union

- Placing issues of aggressive nationalism, racism and chauvinism highly on the agenda of the OSCE's activities has helped to work out numerous commitments aimed at tackling those problems. Now we must concentrate on practical implementation of those commitments.

Constantinopolitan Society:

To Turkey

- Turkey should take immediate action so as to redress past injustices and to build, both politically and in every day life, a sense of tolerance and safety within the members of the Minority.
- Turkey should cease to interfere with the title of the Ecumenical Patriarchate, should officially recognize its legal entity and reopen the Theological School of Halki. The Ecumenical Patriarchate should have the right to call and employ priests from abroad without any residency constraints. The Ecumenical Patriarchate printing facility has to re-operate in order to perform its own spiritual mission by publishing religious journals, treatises and books.
- Turkey should relinquish its claim that the Spiritual Leader of 300 millions Orthodox Christians all over the world should possess the Turkish citizenship.
- The Churches and Community Foundations, along with their property, that have been seized (“mazbut”) by the Turkish Directorate General of Foundations, through various arbitrary and unchecked practices, should be given back promptly to the Greek Minority. An end has to be put to the administrative interventions in the Minority Foundations regarding the confiscation, by the Turkish state, of their property. In a broader context, the 5737 Law on the Vakif (charitable Institutions) should be fully implemented, in its letter and spirit, so as to avert anything of the like to happen in the future, and Turkey should proceed to additional remedial actions to address those major problems which are not solved by the above – mentioned new Turkish Law.
- The Turkish Authorities should permit without any obstacles the appointment of teachers from the Greek Minority. Also, they should review the appointment of a Turkish deputy schoolmaster in Minority Schools, and put no limitations on the registration of students in the Minority Schools.
- The officially approved schoolbooks in the public educational system should have no references to the Ecumenical Patriarchate that might evoke any hostile impressions upon the Turkish public opinion or the Turkish students against the Patriarchate and the Greek Minority, so as the latter not to become a target of terror organizations, such as *Ergenekon* and others.
- Turkey should take a series of effective measures – we believe to the benefit of its society as whole – in order to ensure the facilitation of the coming home of the expatriated members of the Minority in Istanbul and in the Gokceada (Imvros) and Bozcaada (Tenedos) islands; in compliance with the 28/6/2008 Resolution of the Council of Europe regarding Imvros and Tenedos. There should also be no limitations as far as the acquisition of property is concerned on the part of foreign citizens and last, but certainly not least, Greek citizen’s succession rights should be fully respected with the view of having them enjoyed the possession of the inherited property.

Culture, Arts and Sport Association “Gercek”:

- We need more support from the international community. We see the priority areas as;
- adoption of common strategies for the support of minority communities,
- positions in administration set aside for minority representation so that the public institutions become more accessible,
- material and financial support for the education in minority languages with a special emphasis on the preparation and provision of adequate books,
- support for the founding of cultural and youth centers that can also be used by the minority associations,
- founding of language centers for minority communities,
- provision of minority community rights in the Constitution of Kosovo,
- full implementation of the Constitutional and legal provisions concerning minority communities,
- support for the minority community media.

Federation of Western Thrace Turks in Europe:

To Greece

- Education needs to be made available and accessible at all levels to the members of a minority group and, most importantly, it needs to adapt to the socio-linguistic and cultural needs of minority students.
- A culture of respect must be maintained to protect the right to be different and the principles of non-discrimination and equality in educational level. The accomplishment of such a goal requires a satisfactory level of education that takes into consideration the special social and cultural needs of the members of the Turkish minority in Western Thrace.
- Federation of Western Thrace Turks in Europe (ABTTTF), therefore, urges the Greek government that the extension of the period of compulsory education from nine to ten years under Law No. 3518/2006 should be extended to the minority schooling system.
- We assert that the minority system of education should be reconstructed according to the principles of multiculturalism and multilingualism. In this context, we encourage the Greek government to provide Muslim Turkish students with sufficient opportunities to learn both the official language of the state and their mother tongue.

FIDH and ADC “Memorial”

Concerning forced eviction,

- Immediately stop forced evictions of *Kelderari* Roma;
- Adopt legal provisions against forced evictions in conformity with international law, and incorporate in particular the Basic Principles and Guidelines on Development-based Evictions and Displacement developed by the UN Special Rapporteur on the Right to Housing.
- Such legislation should prohibit forced evictions as a principle, allow evictions only in exceptional cases and provide for appropriate safeguards.
- The legislation should: integrate the Roma population in decision-making processes regarding development and infrastructure projects which affect their

right to housing; provide effective remedies for persons threatened by forced eviction and legal aid for needy parties seeking redress,

- provide adequate compensation of evicted people, and sanctions in case of forced evictions being carried out;
- Where persons have been expelled from their house, due remedy including restitution, alternative housing and/or compensation should be provided in the best timeframe;
- Persons or entities responsible for violations of law and for violence during evictions should be prosecuted.

Concerning the right to housing of Roma and subsequent access to ESC rights

- Adopt a law on the regulation of housing and land on the model of the “Dacha Amnesty” law of 2006 simplifying the privatization process and strengthening security of tenure;

To Russian Federation

- Register Roma settlements lacking recognized tenure and upgrade living conditions to ensure the dignity of the inhabitants. Secure legal access to water, electricity and gas in the Roma settlements, including the installation of meters indicating the actual consumption of each house.
- Enable registration of Roma people in the house where they live, even if their house is not duly registered, to enable them to enjoy economic, social and cultural rights, including access to education, healthcare, employment etc. More generally, eliminate the dependence of social benefits and rights (such as pension benefits, social security, access to education and employment) upon the institution of permanent registration. The loss of one's residence shouldn't lead to the loss of all social benefits. In case of resettlement, all the rights of those resettled should be preserved independently of their registration status.

Concerning discrimination against Roma

- Adopt a comprehensive federal plan for the Roma community aiming at promoting and respecting their cultural identity and at eradicating social and economic marginalization, caused in particular by poor housing conditions, lack of documents, the high level of dropouts of Roma children at school and the difficulties of the Roma to access employment. The plan should also aim at sensitizing Russian society to Roma history and traditions, in order to eliminate the negative stigma and stereotypes Roma are recurrently associated with.
- Ratify the Revised European Social Charter.
- Address a standing invitation to all UN Special Procedures, and in particular to the UN Special Rapporteur on the Right to Housing, and the UN Special Rapporteur on Racial Discrimination.

Minority Rights Group International

- We urge the governments of Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro and Serbia to engage constructively with the minority communities and civil society in these member states in order to establish and strengthen minority inclusion in their countries and thus contribute to the fulfilment of the Copenhagen political criteria as well as their OSCE commitments.

Recommendations to the OSCE:

FIDH and the ADC “Memorial”

- urge the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE to closely monitor the forced evictions of Roma in the Russian Federation, in the framework of its human rights mandate and in particular of its Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, adopted in 2003.
- Our organisations appeal to the office of the High Commissioner for National Minorities of the OSCE to investigate the situation of Romani people in the Russian Federation, paying special attention to the practice of forced evictions.
- The OSCE Parliamentary Assembly should follow up on the issues raised in this report, and invite its Russian members to take the relevant legislative initiatives, including our recommendations to the Russian authorities.

Center for Peace, Legal Advice and Psychosocial Assistance:

- would like to invite all relevant international actors, including the OSCE, EU, UN and CoE, to continuously monitor the process and issues of relevance for minority returns to Croatia, and to contribute continuation of the process launched by Sarajevo Ministerial Declaration pursuant to its principles, and toward the full achievement of its goals.

Public Movement “Multinational Georgia”

- Employ mandate of the High Commissioner on National Minorities for the timely investigation of the facts and allegations in the ethnic discrimination and ethnic-driven violence in the zone of the Georgian-Ossetian conflict, as well as to provide protection of the representatives of the all ethnic groups residing on the territories, which are not controlled by the central authority of Georgia.
- Unite efforts of the High Commissioner, respected departments of the OSCE/ODIHR and Mission of OSCE to Georgia for the support (including technical assistance) in creation of legal and institutional environment for the protection of the national minorities and deepening of their civil integration in line with their involvement in decision making process, including conflict resolution process.
- Undertake measures on monitoring of implementation of the OSCE recommendations for the effective participation of national minorities in the electoral process including OSCE/ODIHR Final Report about Parliamentary Elections in Georgia.

Human Rights First

- Governments across the region need to do more to stem the threat that violent hate crime poses to their societies.
- First and foremost, law enforcement officials should respond vigorously to individual incidents and hold the perpetrators of these crimes accountable.
- governments should also be developing longer-term mechanisms to confront this challenge.
- In particular, we are calling on governments – in line with OSCE commitments they have already undertaken – to establish systems of official monitoring and data collection. This is an essential means to assess and respond to patterns of discriminatory violence.

WORKING SESSION 6: Tolerance and non-discrimination I

Recommendations to participating States:

European Union

recommends

- Comprehensive plans and coordinated policies at all levels (regional, national, European), including all aspects of social inclusion should be elaborated in order to improve the situation of Roma and Sinti in the OSCE area.
- Education should be a priority in all policies concerning Roma and Sinti.
- Roma-related policies should be elaborated and implemented by the relevant authorities 'for Roma, with Roma', as stated explicitly, among others, by the OSCE plan for improving the situation of Roma and Sinti in the OSCE area.
- Acknowledgement, respect and support of the Roma and Sinti cultures and languages should be an essential part in forming and implementing national policies for the inclusion of the Roma and Sinti.
- Special attention must be paid to fighting all forms of discrimination against Roma and Sinti.

Center for Interethnic Dialogue and Tolerance “Amalipe”

To Bulgaria

- We call upon Bulgarian government to start providing state budget financing for Framework program implementation from Budget 2009;
- to ensure proper administrative infrastructure for Framework program implementation: we express our concern that the administrative capacity for Roma integration policy decreases. Most of the District experts on ethnic and demographic issues left their positions or were discharged with the changes in administration in May 2008; the National Council for Cooperation on Ethnic and Demographic Issues is still not-working body and lacks responsibilities; the human resources for Roma integration policy in the ministries are close to zero;
- to ensure decentralized way for implementation of the Framework program through establishing fund and programs for financial support of municipalities in implementing the Program at municipal level;
- to ensure certain mechanisms for participation of Roma NGOs and Roma community in the Program implementation, monitoring and evaluation
- to approve the Framework program after it is approved by the vast majority of Roma NGOs;
- to approve the Framework program as Decree of the Council of Ministers and to propose it the Parliament for approval as Decision of the Parliament.

European Roma Rights Center

- The ERRC reminds national governments that they have an obligation and a positive duty to undertake action to address the particular situation of the Roma.

Romani CRISS (Romania)

- we call upon the Romanian delegation to evaluate the implementation of the policies related to the improvement of the quality of education and to ensure that in the school year 2008-2009 those policies are actually implemented at local level.
- We call upon the Romanian, Bulgarian and Hungarian Delegations to provide information about concrete measures and penalties imposed against violent acts, discriminatory practices and hate speeches.
- Nevertheless, we remind to the Italian delegation that at the OSCE meeting in Vienna in June 2008, we called upon the Italian government to report on the progress made in administrating justice in racist attacks targeted at Roma, at the next Human Dimension Meeting by the OSCE.

USA

- We urge the authorities to denounce the frequent characterization of Romani immigrants as criminals and to prosecute those responsible for these cowardly attacks.
- The United States encourages Slovakia, Romania, and other participating States to improve the implementation of the Action Plan's recommendations regarding housing and living conditions of Roma.

Freundenberg Foundation and Pakiv Reflexion Group

- The purpose of the EU policies should be to achieve full and effective equality between Roma and non-Roma.
- The EU and Member States should continue to evaluate their Roma-related policies to-date and seek ways to eliminate any paternalistic approaches the Roma issue, implying the Roma as dependent, passive recipients of policy benefits.
- Rather, Roma should be actively encouraged to take responsibility as citizens for their part in perpetuating their own marginalization. They should also share responsibility for the definition and development of policy, and play a leading role in promoting the broader European equality and non-discrimination agenda that would benefit not only Roma but everyone.
- EU and Member States policies should generally avoid separating the Roma issue within isolated Roma-related institutions, programmes, policies and funding schemes.
- Instead, a Roma-specific aspect should be ensured within each relevant EU and Member State structure, programme, policy or funding scheme. However, positive action, implying a targeting approach so as to accelerate progress towards equality of the Roma, is necessary as a counter-balance to mainstreaming.
- The EU and Member States should be requested to give priority to certain key issues over the next 5-year period (2009-2013), so as to make it possible to assess and evaluate the practical and visible effects of the measures pursued.
- Special attention should be given in this context to those measures which are also supported by the EU Structural Policies and Funds, which in any event require the full cooperation of and reporting obligations on Member States and the European Commission.
- we also call on the EU to reinforce cooperation with the Council of Europe and the OSCE in this field, and to take the necessary steps to ensure that the

EU's Structural Policies and Funds are used as a visible and well-coordinated effort to complement the valuable contribution of the Roma Education Fund set up and supported by the World Bank, the Open Society Institute, a number of States, and European foundations via the Network of European Foundations (NEF).

- The Commission and Council should be invited to take the necessary steps both at EU level and within Member States to establish a pool of experts, including Roma, to act as advisers on problems of multiple deprivation and disadvantage including those affecting the Roma.
- In December 2008, the European Council should be invited to revisit the commitments it makes every 2 years with a view to monitoring progress and to identifying further steps required to achieve the objectives set out above, which should be the essential basis of the policies of the EU and Member States in this field. For its part, the European Parliament should use its authority and powers to review progress jointly with the European Council and identify further policies needed to address the situation of Roma in Europe.

Recommendations to the OSCE:

Russian Federation

- Важным направлением, которое также нуждается в особом внимании со стороны ОБСЕ, является обеспечение доступа к образованию цыганских детей.

Former Yugoslav Republic of Macedonia

- We recommend ODIHR to assess the current situation in our neighboring country in terms of looking at existing legislation and administrative and judicial practice
- identify if any discriminatory regulations or practice which is not in compliance with OSCE commitments exist.
- We rely on the expertise that could be provided by the ODIHR Human Rights Department on Freedom of association, Freedom of assembly and Freedom of expression, as well as on the Legal Support Unit.
- Furthermore, we recommend the Representative of the Freedom of Media to consider pronouncing himself on the concerns raised by the minorities in Greece. The clarification of the situation could certainly further promote democratic stability in the region and contribute to the development of good neighborly relations. In light of the upcoming Chairmanship, we rest assured in the readiness of Greece to demonstrate its commitment to the OSCE principles and values.

European Roma and Travellers Forum

- demands from OSCE and from all others present at the Human Dimension Implementation Meeting, to implement its documents more responsibly especially the Action plan for Roma and Sinti.

Romani CRISS (Romania)

- We call upon the CPRSI, to continue the dialogue carried with the Romanian Ministry of Education and contribute to the development of the Permanent Working Group within the Ministry as stated in the Desegregation Ministerial Order and which is responsible for monitoring and advice in relation to the quality of education.
- we urge the (OSCE), in conformity with its mandate to prevent tensions to respond effectively, in a proactive manner, to ensure the protection of the Roma people at risk.
- we call upon the representatives of these institutions' (ODIHR, the delegation for European Union, the Council of Europe, European Roma Networks) to formalize again this process and make it more transparent.

Universitat Autònoma de Barcelona

To the ODIHR

four strategies are suggested to be considered by the ODIHR.

- **To place all students in heterogeneous groups.** The scientific literature indicates the negative consequences of all kinds of segregation and streaming. Therefore, it is recommended to avoid any kind of students' segregation or streaming along language, ability, or ethnic lines. To encourage the interaction between students of different backgrounds and abilities, as it does not only increase the instrumental learning of all students but also builds up a context of solidarity in which all the students are receiving the same quality education. Heterogeneous grouping require additional resources. Therefore, it is recommended **to include additional resources in the classroom to support heterogeneous groups.**
- **Community participation.** Families' participation in the students learning activities and decision making of the school contributes to the quality of education. It becomes a way of increasing the human resources which are available in the school and support the implementation of inclusive practices. This participation can thus also support students' school success, especially relevant for the case of students' with vulnerable backgrounds. Thus, family and community participation in schools contributes to a better coordination between the home and the school.
- **Community education.** The scientific community has extensively demonstrated that family educational background correlates with students' performance. While many efforts have been made to support teachers training, community education can be also a strategy to enhance and support students' learning. Community education contributes to enriching the children's environment by raising the level of education of all agents that interact with students (families, community members etc.)
- **To give more and better to those who have less.** Extend the students' learning time, hold high expectations and provide quality education for all students.

Recommendations to participating States and the OSCE:

European Roma Rights Center

- The ERRC uses this occasion to call upon the governments of EU member states and the OSCE's Contact Point for Roma and Sinti Issues to work on developing common European standards for Roma inclusion, based on the effective engagement of institutions and Member States of the European Union
- In addition, the Contact Point for Roma and Sinti Issues should play a key role in facilitating the engagement of the EU and therefore it should take a

proactive role in coordinating the activities and developing overarching guidelines for the solution of the problems that Roma face today in the OSCE region.

WORKING SESSION 7: Tolerance and non-discrimination II

Recommendations to participating States:

Greek Helsinki Monitor

- Greek authorities should push through the necessary reforms to facilitate the process for rape victims seeking justice
- “Authorities in Greece should realize that rape victims, after all they have been through, cannot be left waiting indefinitely in order to serve outdated laws,”

USA

- victims of domestic violence must have access to shelter and economic stability in order to permanently escape their abuser and prevent future violence.
- We urge all participating States to commit themselves to rigorous prosecution of domestic violence under either specific domestic violence statutes or under general assault laws.
- States must do more to train law enforcement and social workers in effective response to victims of domestic violence.

Recommendations to the OSCE:

Almaty Confederation of NGOs “Ariptes”

Предложение к ОБСЕ.

- Предлагаю ОБСЕ создать сеть мужчин-гендеристов, которые смогут через свою призму взглядов решать гендерные и женские темы в ОБСЕ и в других организациях. Тогда у нас будет действительное продвижение гендерного равенства и решение женских вопросов.

European Union

- The EU encourages both organisations (the OSCE and the Council of Europe) to enhance and strengthen their cooperation in all fields possible, especially regarding in the field of tolerance and non-discrimination.

OSCE Secretariat

- Firstly, the mainstreaming of gender aspects must be broadened to not only cover the human dimension but also the politico-military and the economic and environmental dimensions;
- the participation of women in the management and steering of OSCE executive structures and programmes must be increased.
- Clearly, our field operations should focus more on addressing women’s and girls’ concerns and include their contributions within the framework of politico-military and environmental and economic programmes.

Canada

- Canada would therefore like to see the OSCE continue its efforts to effectively implement gender equality into OSCE programming and projects, such as by performing gender-based analysis and formulating gender-responsive results.

Recommendations to participating States and the OSCE:

European Roma Rights Center

- the ERRC calls upon the national governments of the OSCE region and the OSCE itself to develop and implement policies which will address the effects of multiple forms of discrimination and eliminate discrimination based on gender and race.

USA

- The OSCE and participating States must take every step to ensure the physical safety and security of women and their children in crisis and conflict situations.

WORKIN SESSION 8 & 9: Education and awareness-raising in the promotion of human rights

Recommendations to participating States:

European Union

- We call upon all states to implement this plan and further integrate human rights into the primary and secondary school system
- human rights education should not stop at the end of primary or secondary education. It is important to conceive human rights education as a lifelong learning process.
- In order to promote tolerance we need to raise human rights awareness in all generations and in all social strata.
- This can be achieved only by investing in teacher training and by equipping the teachers at all levels with sufficient skills and knowledge on human rights and minority rights.

USA

- We encourage all OSCE participating States to join us in commending both OSCE and ODIHR for their critical work in spearheading efforts to promote human rights education across the region.

To Uzbekistan

- We urge the Government of Uzbekistan to begin to allow the return of non-governmental organizations and media which were forced to depart the country after the 2005 Andijan events.

To Azerbaijan

- Since freedoms of association and movement are also essential to the ability of political party leaders and NGOs to raise awareness of democratic rights, we urge the Government of Azerbaijan to ensure that all political party leaders are allowed to travel domestically and abroad to conduct normal party activities, including attending political rallies and meetings.

To Armenia

- We call on the Government of Armenia to take greater steps to address the violent attacks on human rights activists within their borders, including the May 21 attack on Michael Danielian of the Helsinki Association and the May 28 attack on a youth movement leader

Public Movement “Multinational Georgia”

- the state should provide suitable conditions for training of teachers and promote access to such training.

Recommendations to the OSCE:

Civitas-Bosnia and Herzegovina

- There is a need for the OSCE member countries to put in place policies which would ensure that programs that promote human rights and encourage active citizenship are at the very foundation of curriculum. Since this is a new content teacher professional development should also be mandated and regulated

European Union

- The EU welcomes the existing cooperation between the OSCE and the Council of Europe. The EU encourages both organisations to enhance and strengthen their cooperation in all fields possible, especially regarding education and awareness-raising in the promotion of human rights.
- The EU proposes that the ODIHR continues implementing the project and tries to attract more participating states in further promoting human rights education with special focus on the rights of the child.

Recommendations to participating States and the OSCE:

Stichting Magenta - Magenta Foundation

we recommend to the participating states and ODIHR

- to Facilitate Civil Society preparatory meetings at the HDIM, analogue to the preparatory meetings facilitated by the TnD program staff and others, but organized and controlled by Civil Society itself.
- Safeguard at all times the right of NGOs to fully participate in the HDIM, including the right to do individual interventions and give recommendations

Public Movement “Multinational Georgia”

- Amend the 2005 Law on General Education to emphasize bilingual education in minority areas and ensure that core social science subjects are taught in Azeri and Armenian (in parallel with Georgian).
- Support this commitment using mandate of the OSCE High Commissioner on national minorities.
- Strengthen Georgian as a second language (GSL) teacher training, development of GSL teaching materials and opportunities for minorities to learn GSL in primary and secondary schools.
- Strengthen instruction of teachers in intercultural education in line with introduction of the human rights education on regular basis or as a part of school curricula.
- Teaching tolerance should be part of this process. Intercultural learning should involve teachers, parents and children as partners.

- Support this process by involvement of the ODIHR/TND and ODIHR Human Rights Department.
- Improve access to higher education by amending rules to allow minority students to take national entrance examinations in Russian, Armenian or Azeri and provide intensive GSL study to students who do not pass Georgian language exams.
- Support this commitment using mandate of the OSCE High Commissioner on national minorities.
- To revise school textbooks regarding issues relating to racism and racial discrimination, using mandate and programs of the ODIHR/TND and involving local NGOs and educators.

WORKING SESSION 10: Tolerance and non-discrimination II

Recommendations to participating States:

European Union

The EU calls on all participating States:

- to step up their efforts to promote the integration of Roma.
- to implement their commitments to collect and maintain reliable information and statistics about anti-semitic and other hate crimes.
- to protect the human rights of these people, including their right to organise and campaign free of intimidation.

The EU encourages participating states

- to seek the assistance of ODIHR in responding to hate crimes, in particular in training law enforcement officers, strengthening legislation, data collection and developing educational programmes.

Council of Europe

- Member States of the Council of Europe are encouraged to sign and ratify Protocol N° 12 to the European Convention on Human Rights.
- 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.
- OSCE participating States 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 the key components set out in ECRI's General Policy Recommendation No7 are provided in such legislation.
- Member States of the Council of Europe are encouraged to implement ECRI's recommendations contained in its country-specific monitoring reports as well as ECRI's General Policy Recommendations.

Observatory Forum for Religious Tolerance and Freedom

Participating States are urged:

- to welcome the concerns of religious communities regarding legal or administrative provisions or the alternative initiatives of those communities;

- to reject the claim that a democratic and pluralistic society should relegate to the realm of private opinion its members' religious beliefs and the moral convictions which derive from faith;
- to fully respect and guarantee the exercise of the right to conscientious objection of those who work in Public Administration;
- while respecting freedom of expression, to adopt practical measures to ban the vilification of religions and of their identity symbols;
- to guarantee that the media and the public discourse are respectful for religions, their teachings and symbols;
- to adopt effective and tailor made commitments, particularly in the next Ministerial Council Decisions, to firmly combat discrimination and intolerance against Christians, especially in the field of education, in the media, in public discourse and in the fight against hate crimes;
- to follow-up the Cordoba and Bucharest Conferences by convening in 2009 a Conference at appropriate level to examine in a balanced way anti-Semitism, Christianophobia, Islamophobia, intolerance and discrimination against members of others religions in the OSCE area, within the realm of existing commitments.

COC Netherlands

- To recognize principles on the application of international Human Rights law in relation to sexual orientation and gender identity as laid down in the Yogyakarta Principles.
- COC expects from the OSCE and its partner States to clearly identify this task in the mandate of the Personal Representative by adding 'combating homophobia' to the existing title, resulting in: 'the Personal Representative of the OSCE Chairman-in-Office on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians, Members of other Religions and LGBT people.'

To Uzbekistan and Turkmenistan:

- To decriminalize homosexuality.

European Jewish Congress

- To abide by the agreements they have entered into if they are to understand what is going on [in terms of anti-Semitism] within their borders.

Human Rights First

- to support the reappointment of the three personal representatives on combating intolerance by the Greek Chairmanship in 2009.
- to undertake immediate preparations for a high-level conference on combating hate crimes in 2009 in order to generate political support for the implementation of tolerance and non-discrimination commitments as well as to reinforce the activities of the personal representatives on tolerance and the ODIHR. Action must be taken immediately to identify a host country, develop an agenda and proposed outcomes, and take steps to ensure high-level participation, with the goal of developing a common program of action to

respond to hate crime while recognizing the unique factors that characterize different types of bias motivation.

- to share their expertise in monitoring hate crime and support the ODIHR in efforts to help states improve monitoring as a priority concern.
- to support the ODIHR's civil society training program and encourage the ODIHR to convene a meeting of the National Points of Contact on Combating Hate Crimes on the building of trust and cooperation between law enforcement agencies and victims, their communities and civil society groups.
- to ensure that the Law Enforcement Officer Program on Combating Hate Crime (LEOP) has the support it needs and that participating states are taking part in this program.
- to reinforce their commitment to guarantee to all persons equal and effective protection against discrimination on any ground by unambiguously stating their intention to combat all hate crimes, including those motivated by bias based on race, religion, ethnicity, national origin, sexual orientation, gender, gender identity, disability, or other similar attributes.

The Institute on Religion and Public Policy

- to institutionalize with permanent mandates the three special representatives of the Chairman in Office to promote greater tolerance and combat racism, xenophobia and discrimination (Personal Representative on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions; Personal Representative on Combating anti-Semitism; and Personal Representative on Combating Intolerance and Discrimination against Muslims). Their permanent mandate will strengthen the OSCE's capacity to advance fundamental rights in an ongoing and uninterrupted manner.
- to provide greater resources to the three special representatives of the Chairman in Office to promote greater tolerance and combat racism, xenophobia and discrimination. These resources must include permanent staff to each special representative to assist them in the fulfilment of their mandates, as well as funds for research, travel, and publications.
- to amend the mandates of the special representatives of the Chairman in Office to promote greater tolerance and combat racism, xenophobia and discrimination to coincide with those of the United Nations special rapporteurs in order to grant the special representatives investigative authority, site visit opportunities, and permanent structures to allow them to fulfil their mandates in the most effective means possible.
- to grant greater resources and staff to the Panel of Experts on Freedom of Religion and Belief to assist with the development of religion laws in keeping with OSCE commitments to religious freedom, education on freedom of religion and belief within OSCE member states, and advance the protection of individual rights within the OSCE region.

OMNIUM des Libertes Individuelles et des Valeurs Associatives

- To be reminded that the rights of religious, spiritual or philosophical minorities regarding the respect due to their beliefs as drafted by the Helsinki agreement and that it encourages all French authorities to undertake a constructive dialogue with representatives of these minority movements.

To the personal Representative of the CiO against intolerance and discrimination regarding Christians:

- To send a mission to France, to gather evidence stemming from the many members of spiritual or religious associations, victims of discrimination.

Order of St. Andrew

- To place its full weight and support behind the ruling of the European Court and to advise Turkey that OSCE takes formal notice of the ruling as a serious and non-negotiable position of the international community regarding Turkey's human rights obligations and
- to include the demand for immediate implementation of the Court's decision in the agenda of discussions with the Government of Turkey. Furthermore, a fundamental change of policy is necessary in order for Turkey to convince its partners in this and other organizations, as well as the members of the European Union and indeed the world, that it is indeed a reformed state with a forward outlook, worthy of inclusion in the family of civilized nations.

Public Movement 'Multinational Georgia

To Russia and Georgia

- To support strong informational campaigns both in Russian Federation and Georgia aimed at the elimination of the hate speech, war propaganda and enemy image and dissemination of the fair and balanced information about the conflict
- To promote creation in both Russian Federation and Georgia of the coordination bodies consisting of the both civil society based and government based stakeholders responsible for the monitoring and prevention of the hate crimes and hate speech
- To support contacts between civil societies of Russian Federation and Georgia as a potential resource for the peaceful resolution of the conflict.
- To support civil societies of the two countries in their work in the field of human rights protection, conflict resolution, protection of freedom of expression in order to ensure that peacemaking process and protection of the democratic values in the both countries will not be endangered more than it is at the moment and new threats to the lives and rights of the citizens of the both countries will not emerge, as well as threat of the proliferation of violence, war propaganda and non-democratic forms of the political system development.

SOVA Center for Information and Analysis

- To focus legislation regarding counteractions to racism on the most dangerous, i.e. violent, crimes.
- To regularly publish statistics related to crimes committed with racist, ethnic, religious, or hate motives, ideally with distinctions made between the various types. Separate this data from statistics on crimes which right now are being considered by articles of the existing national criminal legislation.

Stichting Magenta - Magenta Foundation

- To assure their citizens that they will be protected against all forms of discrimination and hatred.

- To strive to abolish laws on blasphemy or defamation of religions from their legal system.
- To make -and keep- a clear distinction at all times between race and religion.
- To oppose proposals for codifying “defamation of religion” at national and international levels.
- To filter-out religion as a subject of protection from the international Human Rights discourse.
- To rephrase the terms Islamophobia and Christianophobia as ‘hate against Muslims’ and ‘hate against Christians’.

Turkish Cypriot Human Rights Foundation

To the Greek Cypriot Authorities:

- To take the strictest measures as regards such racist organizations, and to introduce severe legal sanctions against the responsible
- To encourage the recent initiative taken by the Greek Cypriote Ministry of Education initialising the introduction of reconciliation themes in the school programmes while deploring that this initiative has strongly been opposed by some teacher unions and the ultra-nationalist camp including Church representatives.

Ukrainian Helsinki Human Rights Union

To Ukraine

- To draw up and pass a basic anti-discrimination law which should contain all necessary definitions, a list of prohibited grounds for discrimination, as well as mechanisms for protecting against such discrimination. It should also increase the State’s responsibility for combating discrimination and introduce a special anti-discrimination body.
- To prepare a Draft law on amendments to the Law «On national minorities in Ukraine», and undertake an expert analysis of the Draft to ensure its compliance with OSCE, Council of Europe and European Union standards.
- To draw up a Draft law on amendments to the Law on languages and review the Law on ratification of the European Charter on regional languages and language minorities.
- To prepare Draft laws «On national-cultural autonomy», on amendments to the Civil Code and other laws, as well as special programmes aimed at developing the principle of non-discrimination, and allow special quotas for discriminated ethnic groups (the Roma, Crimean Tatars, Karaims, Krymchaks, etc.).
- To prepare a special electoral law for the Autonomous Republic of the Crimea.
- To carry out an inventory of land in the Crimea to help resolve the problem of land allocations to representatives of formerly deported peoples.
- To provide better definition of the elements of the crime under Article 161 of the Criminal Code; introduce norms stipulating civil and administrative liability for actions directed at discriminating against individuals and groups of society.
- To broaden the force of anti-discrimination norms to cover foreign nationals legally abiding in Ukraine

- To improve the procedure for the gathering of information by the law enforcement agencies and the courts regarding hate crimes. This includes statistics on the use of Article 67 § 1.3 of the Criminal Code.
- The MIA should carry out generalization of investigative operations and other action on prevention and investigation of crime in order to eliminate discrimination on the basis of ethnic origin or other factors.
- To develop a policy of zero tolerance for manifestations of racism and xenophobia, including drawing up and implementing educational and cultural campaigns aimed at building tolerance towards people of other nationalities.

Recommendations to the OSCE and the OSCE Institutions:

SOVA Center for Information and Analysis

- To continue discussions with member countries which already have experience in gathering statistics about racism and discrimination.

European Union

To the ODIHR and the Council of Europe:

- To enhance and strengthen their cooperation across all fields, especially regarding tolerance and non-discrimination session at the Human Dimension Implementation Meeting.

Holy See

To the ODIHR:

- The Holy See reiterates its call for a more balanced and transparent approach on the part of the ODIHR, in accordance with Ministerial Decisions and existing commitments.

Council of Europe

- OSCE institutions are encouraged to continue their co-operation in the fight against racism, racial discrimination and all forms of intolerance with the Council of Europe by further strengthening mechanisms enabling the free flow of and exchange of information and data.

Observatory Forum for Religious Tolerance and Freedom

To the ODIHR:

- The ODIHR should not consider hate crimes and hate speeches against majority religions less serious than those against minority religions because hate crimes and hate speeches are serious per se. Therefore the ODIHR is urged to continue to monitor and report the recurring episodes of intolerance and discrimination against Christians, not only East by also West of Vienna.
- The ODIHR and CiO Personal Representatives efforts should focus more to fulfilling the existing commitments agreed upon by the 56 participating States and pay less attention to other concerns out the boundaries of the OSCE *acquis*.

COC Netherlands

- To safeguard the right to association and peaceful assembly for LGBT individuals and organisations;

- To recognize principles on the application of international Human Rights law in relation to sexual orientation and gender identity as laid down in the Yogyakarta Principles;
- To contribute to fostering a climate in which LGBT people are free from discrimination, exclusion, prejudices and prosecution;
- To extend the mandate of the Personal Representative on combating Discrimination to combating homophobia;
- To collect data on hate crimes based on sexual orientation;
- To respect the rule of law and ensure that perpetrators of hate crimes do not go unpunished.

Danish Turkish Islamic Foundation

To the ODIHR:

- To go into a constructive dialogue with the Danish governmental institutions focused on the following recommendation no. 1805 point 2 from the Council of Europe in 2007 under the heading “Blasphemy, religious insults and hate speech against persons on grounds of their religion” *“The Assembly underlines the importance of respect for, and understanding of, cultural and religious diversity in Europe and throughout the world and recognises the need for ongoing dialogue. Respect and understanding can help avoid frictions within society and between individuals. Every human being must be respected, independently of religious beliefs.”*

Human Rights Without Frontiers

To the ODIHR:

- To adopt a comprehensive and consistent approach to the various facets of religious intolerance;
- To include some clarification about the terminology to be used in order to identify the target-groups;
- To establish a typology of concrete acts through which this religious intolerance is manifested;
- To achieve a balanced coverage of religious intolerance throughout the OSCE space so as to avoid complaints by some states about real or perceived double standards;
- To collect data throughout the whole spectrum of ethno-religious groups and communities of faith or belief affected by hate crimes;
- To post on its website a standardized complaint form aiming at collecting data according to its typology of hate crime incidents such as verbal harassment, threats, intolerance in the workplace, cases of defamation in public services and in the private sector, defamation in the media, physical attacks, vandalism and attacks on property, desecration of cemeteries, etc.;
- To collect court decisions on defamation of individuals motivated by their religious affiliation and of religious communities in the OSCE participating states.

International Network Against Cyber Hate

To the ODIHR and participating States:

- To look at the possibility of putting certain neo-nazi groups that have shown a history of violence and terror on terrorist lists.

- To hold a follow-up meeting to the Paris 2004 conference, in the form of a Supplementary Human Dimension Meeting or an expert meeting, with the express purpose of looking in depth at the relationship between online incitement to violence and hate crime in real life.
- To report what has been done with the other decisions of the 2004 ministerial Council in Sofia relating to Internet and hate, inter alia action taken against violence and criminal threats of violence, motivated by racist, xenophobic, anti-Semitic or other related bias on the Internet; the training of law enforcement agents and prosecutors on how to address said crimes and; fostering exchanges directed toward identifying effective approaches to the issue of racist, xenophobic and anti-Semitic propaganda on the Internet.

WORKING SESSION 11: Humanitarian issues and other commitments

Recommendations to participating States:

European Union

- [...] La gestion des migrations requiert un renforcement du dialogue politique et une étroite collaboration avec les pays tiers en veillant à un équilibre entre les routes migratoires du sud et celles de l'est et du sud-est. [...]
- Parallèlement, l'UE considère qu'il est nécessaire de promouvoir une approche globale et cohérente des politiques d'intégration des ressortissants de pays tiers dans les Etats membres de l'UE. [...]
- L'émergence de réseaux internationaux structurés fait peser sur les travailleurs migrants potentiels la menace de tomber dans des filières de migration clandestine ou de traite d'êtres humains. Pour faire face à ce fléau, et en complément de la coopération policière et judiciaire, l'UE souhaite orienter autant que possible la politique de lutte contre la traite des êtres humains vers la prise en charge des victimes et la prévention. [...]
- L'Union Européenne rappelle que tout étranger persécuté a le droit d'obtenir aide et protection sur son territoire. Les Etats de l'UE sont parties à la Convention de Genève de 1951 relative au statut des réfugiés et doivent à ce titre assurer la protection des personnes menacées de persécutions dans leur pays d'origine. L'UE souligne que le renforcement des contrôles aux frontières extérieures ne doit pas interdire aux demandeurs d'asile d'accéder au territoire de l'Union Européenne. L'enjeu pour l'UE est d'identifier les réfugiés parmi les flux de migrants et de leur apporter la protection adéquate, notamment en leur permettant d'effectuer sans discrimination leur demande d'asile sur le territoire européen. [...]
- En conclusion, l'Union Européenne a démontré sa pleine implication dans la problématique des migrations et sa volonté d'explorer toutes les pistes à sa disposition. Elle estime que l'OSCE peut contribuer utilement à ce débat. Les questions de migration seront ainsi un des thèmes principaux lors du prochain Forum économique et environnemental. L'action de l'OSCE doit se faire en synergie et dans le respect des compétences des organisations en charge de ces questions. C'est à ce prix que l'OSCE renforcera plus encore sa crédibilité, à laquelle l'Union européenne attache la plus grande importance. L'action de l'OSCE sera jugée plus sur des réalisations concrètes et tangibles pour les citoyens et la société civile que sur des promesses excessivement ambitieuses qui ne pourraient être tenues.

UNHCR

- [...] People who need international protection must have access to the territory of states and be allowed to make their cases in fair and effective asylum procedures.
- Border controls should be designed to be sensitive to the rights and safety of refugees.
- The lives of people in distress on the high seas must be saved by ensuring their safe and timely disembarkation.
- Crackdowns of human smugglers and traffickers need to be intensified and their victims protected.
- Governments are encouraged to seek new ways to provide safe and legal immigration to their countries.
- As States redouble efforts to "manage migration", it is important to identify refugees and asylum-seekers within mixed movements, enable them to access protection and meet their needs.

Cojep International

- L'Europe de la Diversité est liée par nature à celui de la Paix et nous pousse à la solidarité et à la collaboration. La cohésion sociale de notre continent doit être défendu par tous les moyens et par chaque acteur qui compose l'Europe. Les extrémistes de tout bords ne pourront pas pousser à l'infini la surenchère du choc des civilisations, de l'inadaptation à la culture européenne et du manque de volonté d'intégration. L'important est de dénoncer, de réagir et de vaincre les préjugés de tout bords. D'aller défendre ou exprimer sa solidarité avec toutes les victimes en faisant fi de ses propres origines identitaires et des raisons de ces discriminations. L'humanité appelle à la raison mais aussi à la réaction, et j'invite chacun d'entre vous à être réactifs notamment en période électorale. [...]

Greek Helsinki Monitor, Norwegian Organisation for Asylum Seekers, & Norwegian Helsinki Committee

- The organizations responsible for the present report are of the opinion that these regulations lead to a gamble with the possibilities of seeking protection in Europe. They call on all European countries to stop transferring asylum seekers to Greece.
- They also call Greek authorities to review their asylum policy so that it complies to its International obligations. [...]

Netherlands Helsinki Committee

The NHC calls on the authorities of Georgia, Azerbaijan and the Russian Federation, as well as the authorities of other OSCE participating States with displaced populations, to:

- Ensure that recently displaced persons have prompt, safe and non-discriminatory access to food, medicine and other basic necessities, as well as to satisfactory shelter meeting basic requirements of hygiene;
- Provide more long-term IDPs with housing that is adequate in terms of material conditions and infrastructure, and is located in areas where their safety is not endangered. They should also be protected against forced eviction;
- Ensure that long-term IDPs enjoy equal rights with other citizens with respect to access to employment, health care, social services and education, and make

particular efforts to address problems of social exclusion, poverty and trauma among displaced populations;

- Respect the right of displaced persons to freedom of movement and choice of residence, and accordingly, refrain from any kinds of forced resettlement or return, while taking appropriate measures to enable displaced persons to, on a voluntary basis, return to their places of permanent residence, resettle in other parts of the country, or stay and integrate where they currently are;
- Properly inform IDPs about alternatives available to them regarding temporary shelter, resettlement, and return and, to as wide an extent as possible, involve them in the planning and implementation of measures affecting their situation.

The NHC also urges the members of the OSCE community to:

- Continue to support the efforts of the authorities of Georgia, Azerbaijan, the Russian Federation and other countries to assist displaced persons, and to facilitate their return and resettlement. When doing so, they should emphasize the importance of ensuring that all measures employed are consistent with the international obligations of the respective governments and with respect for the dignity and rights of those affected;
- Continue to press for political settlements of the different conflicts in the Caucasus, and for measures to guarantee the security of displaced persons who return to conflict-affected areas, in particular by insisting on accountability for serious violations of human rights and humanitarian law perpetrated in connection with the conflicts.

Norwegian Helsinki Committee

- We urge Member States to suspend Dublin II transfers to countries that do not guarantee and implement an effective access to an asylum procedure.
- we urge the European countries to put a system into place that ensures that those refugees arriving to European territory will get immediate and full access to the procedure for submitting an application, will be given the best possible legal security and humane reception conditions as required by the existing Directives, and finally, will receive guarantees that those applicants in need of legal protection will receive such protection regardless of the country responsible for processing their asylum application.
- We continue to urge all European countries to suspend the transfer of asylum seekers to Greece until it can demonstrate compliance with EU regulations and international standards.
- There are a number of ways in which a new solution may be implemented to improve the legal security of asylum seekers to European territory.
- As an immediate precaution, it is necessary that Schengen Member States suspend transfers to countries that do not guarantee an effective access to an asylum procedure.
- Moreover, the Sovereignty and Humanitarian clauses of the Dublin II regulation must be applied more widely, for instance in order to ensure that the rights and interests of children, families and vulnerable groups are upheld.
- Over time, the Dublin-system must be reformed and possibly even replaced. A reformed system must provide a collective decision-making process, after which all transfers to non-compliant countries would be suspended. This is both a moral and a legal duty of Europe as a whole.

Turkish Community in Germany

- The number of the migrant's youngsters who get an education place becomes less. This is alarming. Here the politicians must put basic conditions.
- The Turkish Community in Germany demands a regular exchange with the Federal Government. Moreover she hits the institution of a federal advisory board for integration and migration. In this advisory board representatives of the civil-social organisations and the government should sit and deal also with the integration politics.
- Another problem is the attempt of the repudiation of the decisions of the European Court of Justice. Turkish citizens have almost the same rights like citizen of the European Union, if they have legally entered in the EU. Germany must accept that Turkish citizens are a firm component of the Federal Republic of Germany.
- The mother languages of the migrants attract in the German educational system hardly attention. Bit by bit become mother-linguistic offers from the schools. The mother languages are a treasure for the migrant's children and may not be neglected. If the Federal Government speaks of the integration and not from the assimilation, it must promote the mother languages of the migrants. The Turkish Community in Germany asks the Federal Government to take here suitable measures.

Turkey

- The OSCE participating States should sign and ratify the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, one of the major international human rights instruments. Unfortunately, there are only 6 OSCE participating States which have already done so. The club of signatories should not remain so exclusive.

Recommendations to the OSCE:

Almaty Confederation of NGOs Ariptes

Предложения:

- Мы обратились в Министерство культуры и информации Республики Казахстан для включения тем лотов по трудовой миграции в государственный социальный заказ на 2009 г., в том числе и по обучению государственных служащих и правоохранительных органов. ОБСЕ мы просим помочь уже на межправительственном уровне Центральной Азии проводить их обучение и НПО в том числе, поделиться опытом других стран.
- Предлагаю изучить и распространить опыт профсоюзов Казахстана и Кыргызстана по работе с трудовыми мигрантами
- Назрела необходимость провести конференцию стран Центральной Азии и России по вопросам трудовой миграции
- Информирование общественности и изменение взглядов на этот вопрос является еще нерешенной проблемой в нашем обществе. Необходимо объединить усилия в этом направлении. Необходим научный подход, осуществления замеров в обществе, сравнительный анализ положения дел в странах Центральной Азии и России, обмен опытом. Решение этих задач необходимо осуществлять вместе и по общим стандартам.

Commissariat for Refugees of the Republic of Serbia

- We have to emphasize that there is need for better coordination and cooperation between offices of OSCE in Belgrade and Pristina.

Norwegian Helsinki Committee

- We urge OSCE institutions to engage in the case of asylum seekers' protection in Member States at a time when the policy of most member States is aimed at stopping refugees even before they enter Europe.

WORKING SESSION 12 (specifically selected topic): Freedom of religion or belief

Recommendations to participating States:

Associazione "Dossetti: i Valori" Observatory for Religious Freedom and Tolerance

- to follow-up the Cordoba and Bucharest Conferences by convening in 2009 a Conference at appropriate level to examine in a balanced way intolerance and discrimination against Christians, Jews, Muslims and members of others religions in the OSCE area, within the realm of existing commitments.
- to fully respect and guarantee the religious freedom through the compliance with all the OSCE commitments in the area of this freedom and urge the ODIHR to pay attention to the effective implementation of the OSCE commitments to fight discriminations against Christians and to ensure the religious freedom in the whole OSCE Region.

The Congress of National Minorities of Ukraine NGO

- to draw attention of Ukrainian government to Toledo guidelines on teaching about religion. The best practices of intercultural interreligious programme "Source of Tolerance" can be used as well to teach about religious diversity and ethic norms of different religious at schools.

FOREF Europe - Forum for religious freedom Europe NGO

- We appeal to the French government to stop its massive sponsorship (over 90%) of the European Anti-Cult organisation FECRIS. Under the banner of human rights, FECRIS has been promoting intolerance & discrimination against religious minority groups throughout the European Union. The association has repeatedly called on EU countries to import the French style Anti-cult legislation known as the Picard law. Over many years this law has been criticised by human rights defenders, since it is clearly violating OSCE standards as well as the Anti Discrimination guidelines of the EU.

Human Rights Without Frontiers International NGO

To Kazakhstan, Uzbekistan, Kyrgyzstan and Tajikistan

- to adapt their legislation to the OSCE standards guaranteeing freedom of association and assembly;

To Russia

- to protect freedom of assembly of religious groups as guaranteed by the OSCE standards and the European Court decision in the case *Kuznetsov v. Russia*, and to prosecute the law enforcement agents disrupting peaceful religious meetings;

To Ukraine

- to cooperate with specialized human rights organizations in their dealings with newly settled religious groups and to eradicate intolerant statements from their school text-books.

Institute on Religion and Public Policy NGO

- We strongly urge the OSCE member states to reconsider Kazakhstan's chairmanship in 2010 unless the Kazakh government revises the draft law to be in compliance with OSCE guidelines concerning religious freedom.

The Netherlands Helsinki Committee NGO

- Respect international human rights guarantees for freedom of religion or belief with regard to all peaceful activities regardless of the status of registration of the community conducting them and irrespective of faith;
- Ensure equal treatment to all religious communities, and equal protection against acts of discrimination, harassment, hate speech, destruction of property, and violence, promptly investigate such acts and bring to justice those responsible for them;
- Exercise strenuous caution when invoking national security reasons in order to regulate religious activities so as to ensure that international standards for religious freedom are not violated.

The NHC also appeals

To Turkmenistan

- to continue efforts to bring the country's legislation and practices in conformity with its international commitments and to remove all restrictions for the peaceful exercise of religion or belief;

To Kazakhstan

- to withdraw the restrictive draft bill on religious activities currently under debate, to carefully review it in light of international standards and in negotiation with local minority religious communities, and to amend it in accordance with advice provided by experts of ODIHR;

To Belarus

- to remove from legislation pertaining to religious activities all references to preferential status of any religious community and to review all legal provisions and regulations on religion, including regulation no. 123 of January 2008, in light of OSCE and other international standards;

To Russia

- to take a firm stand against discrepancies between federal and regional laws, ensure that they are in conformity with international standards and react promptly to any arbitrary interpretation by authorities that violate Russia's international commitments with regard to freedom of thought, conscience, religion and belief;

To Bulgaria

- to make publicly clear that discriminatory and violent acts against representatives of minority religions are not tolerated, and to engage in information campaigns to promote religious tolerance;

To Serbia and Macedonia

- to respect the existence of different traditions and practices within religions and lift all legal restrictions on the registration of their representatives as legal entities; and to

treat all religious communities on an equal footing, refraining from any interference in affairs that concern solely their internal affairs.

The Norwegian Helsinki Committee

- The Norwegian Helsinki Committee urges Kazakhstan to reconsider its draft legislation in light of input from the OSCE/ODIHR and the Venice Commission

The Becket Fund for Religious Liberty

Our recommendation to the OSCE is

- first to continue to provide the advisory panel of experts with the resources it needs to help member states fulfil commitments to religious freedom.
- we recommend that countries seek out the advice of the advisory panel in an effort to reform registration laws that may be impeding the full enjoyment of religious freedom.
- Finally, OSCE countries should recognize the importance of a free market of peaceful ideas and beliefs. Accordingly, limitations on the free expression of religion or belief should be repealed.

European Humanist Federation

- Governments should not uncritically assume that the churches represent even their congregations, let alone all those who from inertia adopt a religious label when asked.
- Governments owe duties to **all** their citizens, and if (for example) a restriction of freedom is advocated by a religious majority on the basis only of religious doctrine, not prudential argument, then the Government must look to the rights of the rest of the population.
- Governments should take care not to give religious groups a privileged position in the state for historic or political or other reasons.

Falun Gong Followers' Foundation

To Ukraine

- The Ukrainian government should officially state its position regarding the persecution of Falun Gong practitioners in China, in the same way many other OSCE member countries already done.
- The Ukrainian government needs to dramatically increase its dialogue with NGO's in Ukraine; the current lack of dialogue is a fundamental cause of existing abuses of religious freedom, freedom of association, and assembly.
- We apply to the Ministry of Justice of Ukraine to be led by the Universal Declaration of Human Rights and defend the fundamental rights of their own citizens.

Institute on Religion and Public Policy

To the Czech Republic

- To achieve true religious freedom, the Czech Republic must not only support inter-faith tolerance, but discard discriminatory registration laws that hinder the ability of religious minorities to practice their faith. Additionally, the Czech Republic should strive for greater religious autonomy and develop a more clearly defined separation of church and state, beginning with the issue of state funds and the regulation of church-sponsored institutions.

To Greece

- Urgent measures must be taken to ensure that minority religions have equal rights and that Greece is in compliance with international conventions and treaties ensuring religious freedom. Measures need to be taken to ensure that all religious communities have the ability to establish houses of worship. The government must end practices, such as “The Burning of the Jew,” which encourage societal anti-Semitism, discrimination, and violence. The alternative terms for conscientious objectors are punitive unfair and need to be re-examined. In addition, the favouritism shown toward the Greek Orthodox in education and employment needs to be rectified.

To Kazakhstan

- The government must implement steps to create a more transparent process for dealing with religions. Trials must become more fair and impartial. Maintaining an open courtroom is one step towards that end. Targeting small and non-traditional religions for increased scrutiny must stop. Kazakhstan touts its religious diversity, but then makes no efforts to promote or support this diversity internally. Increased understanding and acceptance of alternative faith beliefs is a necessity.

To Kyrgyzstan

- The government of Kyrgyzstan needs to carry out its constitutional responsibilities of protecting religious freedoms fully. There are many actions that need to be taken to ensure that Kyrgyzstan finds itself in compliance with international standards of religious freedoms.
- The government needs to remove any favoured status it has given Islam and Russian Orthodoxy and grant all religions equal status.
- The government needs to abolish the registration restrictions placed upon religious groups.
- The government also needs to start taking a proactive role in preventing violence between different religious groups. When security forces fail to do so, they should be prosecuted under the rules of law.

To Russia

- In order to improve the state of religious freedom within its borders, the Russian Federation must amend its current legislation regarding religious freedom so as to bring it into accord with international human rights standards.
- The Russian government must also amend the 2002 law “On counteracting extremist activity” so that a religious organization facing the threat of liquidation is not presupposed as guilty. The law must not suspend the organization’s activity while the petition for liquidation is being reviewed, not restricting the organization’s financial activity, and allowing it to defend itself through the media and demonstrations
- it is necessary to educate local, regional, and national security forces, judges, and political representatives about how to implement the laws in a fair and unbiased manner. Furthermore, these officials must receive special training regarding relations with religious associations. Such training must incorporate not only specific information about the religious organizations in the officials’ jurisdiction, but also general information regarding religious freedom.
- the Russian Federation must focus not only on improving its current legal standards regarding religious freedom, but also on ensuring that those standards are adhered to and enforced.

To Turkmenistan

- The government needs to simplify its registration process and allow all religious denominations to register. It also needs to repeal laws punishing unregistered groups meeting for worship.
- The government needs to lift the ban on publishing religious texts. Turkmen authorities must cease their imposition of the Ruhnama on its citizens as moral law, particularly in mosques where it is forced to be held on the same level as the Qur'an.
- The government must respect conscientious objectors and others, by providing alternative civil service to citizens who feel they cannot actively participate in the military. Turkmenistan needs to allow for all Muslims who are willing and able to make the pilgrimage to Mecca to do so, not simply a handful chosen by the government.
- Finally, the government should allow its universities the option to establish religious faculty that function outside of the influence of the government.

To Uzbekistan

- The Republic of Uzbekistan must take numerous steps in order to comply with required international human rights standards.
- The religious freedom laws need to be drastically rewritten to remove restrictions on the registration of religious groups, as well as the internal functioning of religious communities. Articles 145, 159, 216, 217, and 244 must be stricken from the Criminal Code to decriminalize the legitimate practice of religion in Uzbekistan.
- The government must end the abuse and detention of minority religious figures and stop harassing and spying on religious groups in order to reduce the air of fear and repression that grips the country's religious communities.
- The government of Uzbekistan must also relax its control of and interference in the internal affairs and religious practices of the country's Muslim majority. Finally, the censorship of religious materials needs to cease.

To Belgium

- In order to guarantee the religious freedom of its population, Belgium must recognize and uphold the freedoms that its own constitution grants citizens. Belgium's arbitrary and vague system of registration requirements discriminates against the country's religious minorities.
- In addition, Belgium must stop promoting the state-sponsored discrimination of religious minorities by labelling minority religions as "sects" and allotting government spending toward a select few religions.

To Bulgaria

- While recognizing its traditional link to the Bulgarian Orthodox church, the country has taken strides to recognize and support the activities of those religious groups that have registered with the Sofia City Court.
- What Bulgaria must guard against is the increasing atmosphere of anti-Islamic bias that has arisen in the post-September 11 era. More importantly its media must lead the way in refraining from exercising its freedoms to pillory religions that it 'perceives' as threats to the nation.

To Armenia

- Armenia must uphold the freedoms guaranteed to its citizens in the constitution.
- Armenia needs to end the oppressive registration requirements that hinder the ability of smaller and non-traditional religious communities to operate freely.

- The state should stop the prosecution of conscientious objectors and release all current prisoners of conscience.
- Furthermore, Armenia must become more vigilant and active in the investigation and prosecution of acts of religious hatred.

To Romania

- The Government of Romania needs to repeal legislation that restricts the ability of smaller religious communities to fulfil the needs of their religious adherents.
- Government authorities must also do more to ensure protection of religious minorities within the country.
- School teachers and government authorities need to be trained and instructed not to harass religious minorities.
- Police and investigatory agencies need to do more to investigate claims of harassment and intimidation of the country's religious minorities.
- Local authorities must do more to intervene to protect the legal rights of religious minorities that already exist and have been protected by court order.

To Azerbaijan

- The registration process remains a primary official instrument for discrimination by providing the government a method to sanction or condemn particular religious groups. The government must make this process more transparent and less arbitrary.
- Azerbaijan should address the security issues brought up by extremist religious groups, it must remain fair and impartial towards those who are simply observant. Azerbaijan maintains a closed-door approach to developing religious policy, which must change if the country wishes to become compliant with its international obligations.

Recommendations to the OSCE:

Associazione “Dossetti: i Valori” Observatory for Religious Freedom and Tolerance

To ODIHR:

- to continue to monitor and report the recurring episodes of intolerance and discrimination against Christians, not only East by also West of Vienna.

Coordination des Associations et Particuliers pour la Liberte de Conscience

To OSCE Personal Representative on Combating Racism, Xenophobia, and Discrimination against Christians and Members of Other Religions

- Request OSCE Chair-in-Office Personal Representative on Combating Racism, Xenophobia, and Discrimination against Christians and Members of Other Religions to visit France and closely monitor the activities of MIVILUDES and its new President to ensure that their actions comply with religious freedom and tolerance in accordance with the Helsinki Accords.

FOREF Europe - Forum for religious freedom Europe NGO

- Appeals to the OSCE (as we heard yesterday) to separate religious freedom & Human Rights should never be taken into serious consideration, since this would pervert the very foundation of human rights.
- calls on the OSCE/ODIHR to investigate the recent appointment of Mr. Georges Fenech (who is a former MP) to the position of president of MIVILUDES (governmental organisation to observe “sectarian deviations”).

He is known for his extremist positions regarding religious minorities and makes no secret of his desire to see the French approach to be extended to all of Europe.

- We ask the OSCE to appeal to the Austrian Government (Ministry of Education & Cultural Affairs) to grant full recognition to the Jehovah's Witnesses and to repeal the discriminating 1998 Act on the Legal Status of Registered Confessional Communities.

The Norwegian Helsinki Committee

- In order to strengthen dialogue between OSCE Participating States on how to implement their commitments, ODIHR could facilitate contacts and dialogue between limited groups of states with similar challenges. Kazakhstan and other Eastern states with non-traditional religious minorities could discuss legislative and policy issues with Western states with Muslim or other non-traditions religious minorities.

WORKING SESSION 13 (specifically selected topic): Freedom of religion or belief (continued)

Recommendations to participating States:

European Association of Jehovah's Christian Witnesses

- We appeal to the Moldavian authorities to put an end to the discrimination inflicted to Jehovah's Witnesses and to find a constructive solution through a frank dialogue with our community in Moldova.

Forum 18

Some human rights defenders, and those who experience violations of freedom of thought, conscience and belief, have told Forum 18 that helpful existing approaches include:

- Understanding fundamental rights and freedoms holistically, as the *Guidelines on Freedom of Peaceful Assembly* recommends. Violations of human rights are not just attacks on particular people or communities, but attacks on the fundamental rights and freedoms of all people.
- Participating States insisting that politically binding human dimension commitments are for implementation by all participating States. This particularly applies to the Chairman-in-Office.
- Supporting those who uphold and exercise fundamental freedoms such as freedom of religion or belief – for this fulfils the OSCE aim of increasing security.

SOVA Center for Information and Analysis

- To define more precisely the wording of the legislation on incitement to hatred, so that any prosecution of intolerance towards someone else's views as such and especially of blasphemy could not be possible. Or to accept supplementary interpretation from the institution authorized to give interpretations of the legislation.
- To consider as a disciplinary infraction any statements of the state officials when they concern the essence of a religion.

Becket Fund for Religious Liberty

- Blasphemy laws and overbroad speech laws that criminalize peaceful speech should be repealed by member states, and reporting mechanisms for religious discrimination should be established at the national and international levels. If respect between religions is the goal, recognition of differences as well as similarities is essential, in order to recognize differences, conflicting truth claims must be allowed to exist.
- Member States should diligently examine current legislation to ensure that government legislation regarding the freedom of religion or belief is promoting and protecting this fundamental freedom, not limiting it.

Recommendations to the OSCE:

Church of Scientology International

- **Our first recommendation** is to widen the mandate of the Panel of Experts so that it can determine its own priorities and make public (or private) pronouncements on activities of religious intolerance or discrimination that is brought to its attention.
- the OSCE has instituted a system of Special Assistants to the Chairman-in-Office to deal with a range of subjects relating to religious freedom. This is an excellent initiative, but the Assistants are part-time and have a very heavy work load. Funding should be provided to provide full time staff for the Special Assistants.
- **Our second recommendation** is that a complaint procedure should be created so that concerned religious groups, their members or NGOs would be able to lodge a religious discrimination complaint against OSCE states for investigation and remediation by the Special Assistants.
- **Our third and final recommendation** is that a High Commissioner for Human Rights be established with a mandate over all OSCE religious issues. This position would be similar to and complement the OSCE High Commissioner for Minorities.

SOVA Center for Information and Analysis

To OSCE/ODIHR:

- To elaborate reference manuals for Mass Media (suitable also for the officials) on the traditions and the current trends of Islam in the countries with considerable Muslim population. These manuals, of course, should be elaborated with participation of the local experts.

Becket Fund for Religious Liberty(NGO)

- The OSCE, the UN, and other regional and international bodies should take measures to reaffirm the right to freedom of religion or belief, including the right to profess and manifest that belief in the public square.
- A distinction should be made between peaceful critical speech and speech meant to incite religious violence.
- We recommend that the Advisory Panel of Experts look closely at these three issues so that they can properly advise states during the drafting of relevant legislation

WORKING SESSION 14 (specifically selected topic): Focus on identification, assistance and access to justice for the victims of trafficking

Recommendations to participating States:

Holy See

- to assist the victims, but also to address the macro-economic issues that often perpetuate the cycle of trafficking and keep victims in the bondage of slavery.
- Clearly, it is necessary for governments and civil society to work together to promote the integration of victims into healthy and meaningful ways of life that respect their dignity as persons, including by providing medical care and psycho-social counselling, accommodation, residence permits and access to employment.

Human Rights Without Frontiers

To Belgium

- to carry out a unified fight policy based on consultations and on a global strategy in order to correct the lack of coordination between the services in charge of the fight against economical trafficking in human beings and their subordination to too numerous levels of power;
- to strengthen the legislative arsenal, in particular by adopting without delay a law on the sub-contracting of economical activities in chain, the Gordian knot of the whole issue of economical exploitation of human beings.
- to find solutions to the weaknesses of the conceptual analysis of the phenomenon of economical trafficking;
- to fill the deficit in the statistical data;
- to increase the human resources, to raise their awareness and to train them about the fight against economical trafficking;
- to harmonize European policies and legislations, at least inside the Schengen space.

Council of Europe

General recommendations

- Among core recommendations stands the necessity of promoting and disseminating the existing Council of Europe standards.
- The importance of appropriate training and awareness raising activities is also emphasised in order to give full effect to existing Council of Europe standards, as well as of sharing and disseminating examples of good practices,
- The European Victim's Day (22 February) could be a focus point to publicise the latest research and national policies and could be used as a launch-pad for new initiatives in the field of victims.
- Another strong recommendation is that a procedure aiming at enabling the rapid payment of the state compensation to the victim be put in place, the state scheme being subsequently subrogated in the victims' rights.

Specific recommendations

- In respect of victims of trafficking of human beings, special protection measures should be accorded to children and unaccompanied children should be represented by legal guardians, organisations or authorities which shall act in the best interests of the victim.
- In respect of victims of trafficking, core standards to be promoted and disseminated are:
 - the Council of Europe Convention on Action against Trafficking in Human Beings and in particular its Chapter III “Measures to protect and promote the rights of victims, guaranteeing gender equality”, Articles 10, 12 and 15;
 - the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (CETS 201 - opened for signature during the 28th Conference of the European Ministers of Justice, Lanzarote, 25-26 October 2007);
 - Recommendation (2002)5 of the Committee of Ministers on the protection of women against violence;
 - Recommendation (2006)8 of the Committee of Ministers on assistance to crime victims.

Human Rights Centre

To Tajikistan

- Нарращивать потенциал государственных чиновников работающих по вопросам торговли людьми и трудовой миграции. В частности обеспечить подготовку судей, прокуроров, следователей, работников миграционной службы и министерства труда по вопросам касающихся торговли людьми в целях трудовой эксплуатации.
- Нарращивать сотрудничество между государственными, общественными организациями и бизнес структурами, т.е. частными агентствами занятости, вовлеченными в процесс трудовой миграции и трудоустройства.
- Целесообразно, принять отдельный закон, регулирующий деятельность Агентств Занятости, который являлся бы комплексным нормативным актом, содержащим нормы трудового, гражданского и административного законодательства. Этот закон мог бы являться важным механизмом для защиты, прежде всего, прав трудовых мигрантов от трудовой эксплуатации. К процессу разработки законодательства необходимо подходить с учётом реальных возможностей как финансовых, так и технических ресурсов, которыми обладает Таджикистан.
- Необходимо исключить из Уголовного Кодекса Республики Таджикистан статью 132 предусматривающую наказание за вербовку людей для эксплуатации, так как вербовка в целях эксплуатации уже предусмотрена в диспозиции ст. 130¹ УК РТ (Торговля людьми). Квалификация же деятельности виновного лица по ст. 132 УК РТ предоставляет возможность назначения менее сурового наказания.
- Международным организациям необходимо поддерживать и поощрять совместные инициативы НПО стран отправления и назначения по вопросам оказания практической правовой помощи трудовым мигрантам – жертвам трудовой эксплуатации. НПО в странах отправления и назначения необходимо практиковать ведение стратегических кейсов против недобросовестных работодателей и агентств занятости практикующих эксплуатацию трудовых мигрантов.

- Таджикиские НПО специализирующиеся по вопросам трудовой миграции и противодействия торговли людьми должны обратить внимание на профессиональный уровень специалистов предоставляющих информационные и правовые услуги трудовым мигрантам и жертвам торговли людьми. Им также необходимо пересмотреть стратегию по проведению информационных кампаний среди потенциальных трудовых мигрантов и жертв торговли людьми, так как имеющаяся практика не является достаточно эффективной.

European Union

- We underline the importance of effective access to justice for victims and effective prosecution of traffickers in an effective approach to counter the phenomenon and call to participating states and the OSCE relevant institutions to enhance the existing cooperation to this end.
- We call on participating states to implement, in close cooperation with the OSCE relevant institutions, the provisions of MC decision 8/07 'combating trafficking in human beings for labour exploitation' and of MC decision 14/06.

Recommendations to the OSCE:

European Union

- we encourage the SR office and the ODIHR to continue promoting the sharing of best practices, including on the basis of what was learnt on prosecution practices in the recent OSCE conference in Helsinki.
- We encourage the special representative to continue in her impetus to the activities of the alliance against trafficking in persons, in close cooperation and co-ordination with the ODIHR and the other OSCE institutions and relevant structures.
- We encourage the SR and ODIHR to continue their valuable efforts to assist participating states in improving research and data analysis collection, in order to have sound knowledge of the complexity and scope of the phenomenon.
- In particular, we encourage the special representative and the other OSCE structures and institutions to keep draw on the conclusions emerged from the conference 'we can do better' and conference ' child trafficking: responses and challenges at a local level', promoting evidence-based research on trafficking in human beings and rigorous evaluation of the impact of anti-trafficking interventions in particular for vulnerable groups.
- We commend the ODIHR activity in assessing national referral mechanisms assessments, and encourage to continue it.
- We encourage field missions to continue their efforts, with a particular focus on identifying, protecting and assisting victims, in close coordination with relevant OSCE institutions and in synergy with EU programmes. Overall, both field missions and all participating states should continue to devote special and increased attention to the groups most vulnerable to human trafficking, including girls and, for example, Roma, as well as populations in conflict and post conflict areas.

WORKING SESSION 15 (specifically selected topic): Focus on identification, assistance and access to justice for the victims of trafficking (continued)

Recommendations to participating States:

UNDP

- Countries need to review their current compensation mechanisms and determine whether these are delivering justice to trafficked persons. In doing so consideration of the best attributes from existing schemes or practices in other countries can be imported.
- States should develop policy on compensating trafficked persons based on consultation with the individuals themselves and NGOs that represent their interests.
- Measures should include systemic and legal reform in civil, criminal and labour law so that access to justice is improved; the provision of legal aid for trafficked persons; the provision of information and support services to trafficked persons; opportunities for trafficked persons to regularize their status for the duration of a claim; strengthening the powers of labour inspectors and similar bodies to impose orders including the grant of compensation; and exploring non-litigious systems of negotiating compensation payments such as mediation.
- Advice and support services for trafficked persons should be in place. They are an essential element of the right to compensation. To pursue a claim for compensation trafficked persons must be aware of their rights and how to access them.
- Measures need to be in place to guarantee the security and well-being of the person for the duration of a claim procedure. This means that adequate housing, social assistance, legal advice, medical assistance and residence permits are essential ancillary rights without which access to compensation is restricted. Such assistance should ideally ensure that a person is sufficiently supported and able to come forward and provide evidence to substantiate a claim.
- NGOs and trade unions should be empowered to play a role in building a victims' rights culture by lobbying for legal and policy reform, by developing advocacy strategies to improve access to compensation and remedies as well as providing assistance in assistance and mediation efforts.
- NGOs themselves working in the area of trafficking would benefit from networking with other groups working with victims of crime, migrants' rights and workers' rights, as all of these groups have useful perspectives on this theme which need to be shared in order for implementation of the right to improve.
 - In order for states to meet their obligations under international law it is crucial that multiple legal avenues for compensation are available to trafficked persons to maximise the chances of them being able to find a modality of claiming which suits their situation and their choices. And also to maximise the chances of them pursuing AND receiving a successful claim.
 - Finally, the rule of law is crucial; a compensation system can only function as well as the judicial and administrative environment in any specific country,

so it is important that a culture of independence, competence and efficiency exists, especially within the judicial and prosecutorial services.

USA

- Victims' rights must remain the utmost priority, and assistance for those victims should encourage self-identification and cooperation with law enforcement to end the cycle of exploitation for other victims.

Recommendations to the OSCE:

Center for Women's Studies

- the Center needs assistance from OSCE, ODIHR, participating states and NGOs. We will welcome their sharing of expertise and provision of training activities or any assistance in order to contribute to the protection of victims of trafficking in North Cyprus.

WORKING SESSION 16: Discussion of human dimension activities (with special emphasis on project work)

Recommendations to participating States:

Canada

calls on all participating States

- to improve Donor harmonization.
- to establish a Master Arrangement with the OSCE and the ODIHR for the provision of their extra-budgetary funding.

We respectfully urge all host States concerned

- to remove all obstructions to the implementation of these important projects and to speed up project approval.

European Union

- Priority should be given to programme activities which focus on those areas which are subject to serious and persistent breaches of commitments in specific participating states.
- We should be open to further improvements in election monitoring. In our view improvements should build upon what has already been achieved, for example by strengthening the role of long term observers, or improving the follow-up to the recommendations made by ODIHR's election observation missions, or continuing to pursue diversity of election observers through support of the diversification fund. It is important that the Copenhagen commitments on election monitoring are honoured to the full in the spirit as much as in the letter by all participating states.

Recommendations to the OSCE:

European Union

- The EU wishes to stress the importance it attaches to complementarity between the competences of the ODIHR and the OSCE Parliamentary

Assembly, and would like to see harmonious co-operation on the basis of the 1997 memorandum.

- Human rights are indivisible and interdependent and there should be no thematic hierarchy in the OSCE tolerance agenda – all forms of intolerance and discrimination should be addressed, regardless of whether based on grounds such as ethnic origin, religion, sex, sexual orientation and gender identity, age or disability.
- the EU encourages OSCE institutions and field missions to give priority to the development of programmes and projects aimed at enhancing the protection of human rights defenders and helping to build their capacity.
- Referring to the need for coherence and to avoid duplication in the work of international organisations, the EU welcomes the existing cooperation between the OSCE and the Council of Europe. The EU encourages both organisations to enhance and strengthen their cooperation in all fields possible, especially regarding the human dimension activities.

Freedom House

- We therefore urge the ODIHR Human Rights Defenders Focal Point to develop concrete activities to support human rights defenders rather than simply carry on the projects that predated the Focal Point's creation.
- the increased attention of the ODIHR to Central Asia would be absolutely justified. However, this attention does not necessarily mean a plethora of projects, for it must be remembered that the situation in the region has not improved since the OSCE has began the implementation of projects in the region. Rather a dialog and a clear voice on shortcomings is required, and this is what we expect from the OSCE.”

USA

- We encourage the ODIHR Director to get directly involved in promoting and marketing these quiet programs that may not win many headlines, but are very effective in building democratic institutions.
- In our view, the Human Rights program should focus on the fundamental freedoms, such as freedom of expression, freedom of assembly, and freedom of religion.
- The Human Rights program should develop technical assistance and training programs for the emerging democracies on how to ensure that fundamental freedoms are respected.
- Civil society participation is the foundation of the effective review of the implementation of human dimension commitments by participating States. ODIHR must set an example of inclusiveness of NGOs and transparency at all ODIHR-organized events and meetings and we applaud the Chairman-in-Office's strong support for NGO access.

WORKING SESSION 17: Democratic institutions

Recommendations to participating States:

Legal Information Centre for Human Rights (Tallinn, Estonia)

- We expect that Estonia as an EU and NATO member-state will promptly achieve great success in promotion of justice and integration in the society.

Latvian Human Rights Committee

To Latvia

- To simplify naturalization, especially the language requirements for the elderly people.
- To grant citizenship at birth, to those children born to non-citizen parents, whose parents do not explicitly refuse from it.
- To grant voting rights in local and European elections to non-citizens of Latvia.
- To review the list of professions which are not available for non-citizens.

Freedom house

To Georgia, Kazakhstan, Kyrgyzstan, Russia, and Uzbekistan.

- We call on these States to create conditions to make the holding of genuinely democratic elections possible. This is not only a matter of technical improvements or election legislation, but also relates to improving compliance with international standards in areas already mentioned: freedoms of peaceful assembly, association, and expression.

To Kazakhstan

- to also bring its election legislation in line with international standards.
- We urge the States where declines have been found to get familiar with our reports and to address the identified shortcomings.

Civic Campaign "For Freedom"

To Belarus

- гарантировать включение хотя бы по одному представителю от оппозиции во все избирательные комиссии;
- обеспечение реальной возможности для всех кандидатов вести агитационную кампанию;
- проводить подсчет голосов избирателей в строгом соответствии с избирательным Кодексом;
- обеспечить наблюдателям реальную возможность обозревать процедуру подсчета голосов.

USA

- We applaud the agreement reached by Bosnian leaders earlier this year that changed the electoral law to ensure that 1991 residents of Srebrenica would have the option to vote in Srebrenica municipality, and thousands did so in the October 5 municipal elections.
- It is important that Macedonia implement ODIHR's recommendations and put safeguards in place to ensure that future elections are conducted in a manner fully consistent with OSCE commitments.
- We call on the Government of Kyrgyzstan take steps to increase political pluralism and build institutions that are more reflective of democratic values.
-

To Armenia and Georgia

- We encourage both countries to continue working with ODIHR and other experts to improve their election process well in advance of the next election.

International Federation for Human Rights (FIDH)

- The EU should continue defining its policy regarding Belarus on the assessment of OSCE convening the last electoral farce.

Recommendations to the OSCE:

Norway

- The inclusion of election monitors from various Parliamentary Assemblies is both useful and welcome, but ODIHR, with its mandate to observe “before, during and after” the elections is by far the most important actor in election observation. Accordingly, ODIHR must play a leading and coordinating role in all election observation missions in the OSCE region.

European Union

- the EU welcomes the existing cooperation between the OSCE and the Council of Europe. The EU encourages both organizations to enhance and strengthen their cooperation in all fields possible, especially regarding democratic institutions.

Freedom house

- We also urge the OSCE to devote more time to the discussions of the functioning of democratic institutions including convening an expert seminar on this issue.

Civic Campaign "For Freedom"

мы предлагаем БДИПЧ ОБСЕ

- продолжить работу с правительством Беларуси, представителями неправительственных организаций и политических партий направленную на изменение избирательного законодательства в Республике Беларусь.

А именно:

- ликвидации института досрочного голосования.
- включение представителей оппозиции во все участковые и окружные избирательные комиссии.
- позволить независимым наблюдателям находиться в непосредственной близости к месту подсчёта избирательных бюллетеней. _

International Federation for Human Rights (FIDH)

- FIDH calls all OSCE institutions, participating States and other international actors to adopt a coherent approach regarding the elaboration of common policies based on the reports of ODIHR regarding the free and fair elections in a given country.
- FIDH recommends that a more concrete and dynamic follow up should be made at the political level of the OSCE. Indeed the Permanent Council should assume the implementation by the States convened of ODIHR's recommendation and establish concrete benchmarks and deadlines that all Participating States should observe if they wish to be called democratic.

V. ANNEXES

- REMARKS/SPEECHES

Opening Remarks of Ambassador Janez Lenarčič, Director, OSCE ODIHR

Excellencies,
Ladies and Gentlemen,
Dear Friends,

It is an honor and great pleasure for me to welcome you here today for the opening of the 13th Human Dimension Implementation Meeting. For ODIHR, it has always been the single most significant event of the year, and since assuming my function this past summer I have been looking forward to sharing discussions, consultations and informal get-togethers with you over the upcoming two-week period.

Let me first welcome our special guests today: H.E. *Teija Tiilikainen*, Political State Secretary of Finland representing our Chairman-in-Office; Minister *Przemysław Grudziński*, Under-Secretary of State of Poland, our host country; the OSCE Secretary-General, Ambassador *Marc Perrin de Brichambaut*; and the heads of the other OSCE institutions, Ambassador *Knut Vollebaek*, High Commissioner on National Minorities, and the Representative on Freedom of the Media *Miklos Haraszti*.

I will give them the floor shortly, but let me first share a few thoughts with you. Since assuming this interesting but challenging post, I have received great comfort in realizing that there is one single action that both simplifies and clarifies almost all issues: putting the commitments into the centre of all our activities. We do not have to invent anything new; that work has already been done. The commitments will not change in the middle of our activities – although we might get more of them, which will give us possibilities to do even more.

The commitments are the same for all participating States; they do not play favours with anyone or discriminate against anyone else. Furthermore, all participating States have voluntarily pledged to implement them. We never have to look for exceptions by checking ratification tables or comparing possible reservations before launching into activities. They provide the common – and the only – baseline from which our Office can conduct our activities, and of course, a common baseline from which to all of us can discuss implementation here at this Meeting.

Having these common commitments as a baseline for our work is not only a blessing for the ODIHR, it also gives the participating States a great advantage: it makes ODIHR accountable and answerable to all the 56. And the commitments continue to be as relevant today as they were back in 1975 and over the next 33 years.

Ladies and Gentlemen,

Let me say a few words about our Meeting starting today, which is again overflowing with topics to cover in the next two weeks.

Apart from 11 regular sessions, we have three specifically selected topics. Education and awareness-raising in the promotion of human rights will be discussed on Friday this week. During the year when we are celebrating the 60th anniversary of UDHR, what could be more topical than discussing how to learn about human rights? Implementation without knowledge is impossible. This is an area where all of us, and all participating States, can improve.

The second specifically selected topic, Freedom of religion or belief, will be discussed on Tuesday next week. This is one of the most central and longstanding of the OSCE human dimension commitments, dating back to 1975. It has not received special attention since 2003, so we are glad that you have chosen to focus on it this year.

And finally the third topic, which is called Focus on identification, assistance and access to justice for the victims of trafficking, will be dealt with on Wednesday next week. Anti-trafficking does receive special attention more frequently - the last special day being in 2006 - but this year's discussion of compensation as a crucial aspect of access to justice is brand new and we hope something that States will take home with them and promote further.

But even within our regular 11 sessions we have plenty to discuss. Hopefully at the end of it we will have a better understanding of the degree of compliance and some clear suggestions of the way forward. I would like to contribute already today with a basis for discussion for two of our sessions: our Office has prepared input for the discussions on Roma and Sinti and on hate crimes in the OSCE region. Our *Status Report on Implementation of the Action Plan on Improving the Situation on Roma and Sinti Within the OSCE Area* has just been finalized and can be found outside on the tables. Unfortunately it paints a bleak picture. The situation has not improved as much as hoped and expected after the adoption of the Action Plan in 2003. There are still major steps to be taken to reach an acceptable level of implementation in our region.

Our second Report, *Hate Crimes in the OSCE Region: Incidents and Responses. Annual Report for 2007*, will be available on our website on 6 October. This is another area where the trend seems to be negative and where hate-motivated incidents in 2007 (including racist, xenophobic, anti-Semitic, anti-Muslim, anti-Christian, and homophobic attacks) continued to involve extraordinary violence and were characterized by extreme brutality, frequently resulting in serious injury or death. The report will be discussed on Monday during working session 10 as well at the side event after the session where the report will be officially launched.

Apart from the regular sessions, I will have to highlight the importance of the side events, which are an important tool to present experiences in closer detail. We have 43 side events scheduled for the next two weeks.

All our 19 sessions and 43 side events would not happen without the active participation from all of you. It is, as we like to remind you, Europe's largest human rights and democracy Conference and there will be more than 1,000 of us present in total.

What makes this and other human dimension events in our Organization unique, is the participation of representatives of civil society, including NGOs, and the possibility for them to exchange views with Governments on an equal footing. And this makes perfect sense. The vision of OSCE commitments is not one where action taken by States alone is sufficient to achieve democratic government under the rule of law. The commitments recognize as matters of international concern precisely those that civil society actors should engage in to influence government policy and protect democracy: full respect for human rights, including the freedom of assembly, freedom of association, freedom of expression and, of course, a free media.

Dear Friends,

The OSCE's approach to promoting democracy has never been a one-way street. The OSCE is not about one-way value transfer or imposition of values. Moving opposing positions closer through dialogue and exchange has always been the approach chosen by this organization – sometimes in incremental steps but nevertheless in an ongoing process. The key word has always been “co-operation” rather than “confrontation.”

To keep this dialogue going, it is therefore appropriate to argue that we need to re-create a Helsinki momentum. I advocate that we return to an understanding in which we use the OSCE as a political forum for peer review, in which its members hold *each other* accountable on the basis of *equality* and avail themselves of the assistance and advice of missions and institutions such as the ODIHR, which were set up precisely for this purpose.

However, in order to show true leadership on human rights one must start at home. As I have already highlighted, the norms against which each State's actions are measured are the same for all OSCE participating States. It is on the basis of our own country's performance within the 'human dimension' that we should be developing our stance vis-à-vis our international partners.

There can be no double standards in this work. But at the same time, we have to recognize that democracies develop at different speeds and from different starting points. Democracy is not a prize or a trophy that once won can be passed on from generation to generation; it is unfinished business everywhere. The Helsinki Final Act and the following commitments from Copenhagen, Paris and Moscow have set the goal, but we should not be discouraged by reversals and setbacks but instead refocus our efforts on the task at hand.

It is also in this vein that I propose that we shed the labels of 'young', 'new', and 'old' democracies, as well as 'East' and 'West' of Vienna. Stereotypes serve no purpose and distract us from the genuine dialogue needed.

And, Ladies and Gentlemen,

Dialogue is what is needed. Let us start that today. The Finnish Chairmanship announced at the beginning of the year that one of the priorities for 2008 would be implementation of commitments. And indeed, in the Chairmanship programme, the word “implementation” is mentioned approximately 20 times. About 15 of those times, the word is used in connection to the human dimension. This focus is appropriate, as implementation has always had a specific link to Finland.

Already in 1975 the participating States introduced the element of “*a thorough exchange of views (...) on the implementation of the provisions*” of the Helsinki Final Act.

And it was again in Helsinki 1992 where the participating States set up the specific system of reviewing the implementation of commitments, which was to be “*of co-operative nature, comprehensive in scope and at the same time able to address specific issues*” and which has developed into our annual Human Dimension Implementation Meetings. The participating States were “*invited to offer contributions on their implementation experience, with particular reference to difficulties encountered, and to provide their views of implementation throughout the OSCE area.*”

And that is of course exactly what we are still doing today. I hope that this year’s Meeting will contribute further to this joint endeavour. So let’s start our discussions today, in the Helsinki spirit of co-operation, equality and dialogue.

Thank you.

Opening remarks by Ms Teija Tiilikainen, State Secretary Ministry for Foreign Affairs of Finland, Representative of the Finnish OSCE Chairmanship

- It is a great pleasure to represent the Finnish Chairmanship in the Human Dimension Implementation Meeting (HDIM).
- I want to stress the importance of these meetings
- first, this meeting is a key signal of the OSCE's commitment to the value of human rights
- This year we are celebrating the **60th anniversary of the UN Universal Declaration of Human Rights** - the corner stone of all international human rights, including commitments undertaken in the OSCE. This gives us the opportunity to reaffirm our strong commitment to the values enshrined and commitments undertaken in the Declaration. I would also wish to mention - upon our return to Helsinki - the principles in the Helsinki Final Act, in particular the respect for human rights and fundamental freedoms.
- second, the broad civil society participation makes these meetings unique; the pluralism of this setting is very important to the Finnish chairmanship
- and third, we are here to assess perhaps the most important aspect of human rights norms, namely their implementation and how to enhance their implementation

- These two weeks will cover a broad range of human rights issues, and rightly so. Now I would like to briefly touch upon some questions based on the Finnish Chairmanship priorities for the human dimension.
- PART TWO
- I want to start from the broad concept of security
- without the promotion and protection of human rights as its essential elements the broad concept of security would remain hollow
- here we do have the goals of **tolerance and non-discrimination**.
- Stereotyping, marginalization, exclusion and non-integration pose real threats to human dignity and to our societies at large. They can lead to anger, resentment and frustration, in extreme cases even to hate and violence, shattering societies along ethnic, religious or any other dividing lines. We must step up our efforts to ensure that intolerance and any form of discrimination in the OSCE region are rejected. No one should be subject to criminal offences, harassment or humiliation based on his/her real or perceived characteristics.
- In combating intolerance and discrimination we must ask ourselves again and again that **why do these phenomena continue to persist and how could we tackle them in a most efficient way?**
- Why do we need to read reports from year to year on, in particular Roma, Jews, Muslims, Christians and members of other religions, as well as members of different ethnic and minority groups and, including representatives of sexual minorities, being the victims of violence and harassment? How can we enhance our efforts to ensure that none of our fellow human beings are discriminated, not on any grounds? In the name of indivisibility of human rights we should also ensure that there is **no hierarchy among different forms of intolerance and discrimination**. Overall, there is certainly a need for **intensified targeted measures** and transnational co-operation to combat all forms of intolerance, including hate crimes, reported by the OSCE.
- The ODIHR meeting for the national contact points on hate crimes, which was organised for the first time in Helsinki in June this year, was an encouraging step in the right direction. The concrete co-operation among the focal points complements the valuable network of OSCE institutions and structures, including the Chairman-in-Office's three Personal Representatives on Tolerance and Non-Discrimination.
- **Human rights education** starting at a young age is a key element paving the way for a change in our human rights culture and for more tolerant societies
- Indeed, in addition to education provided by government funded sources, non-governmental organisations, including **human rights defenders** and the

media are important actors in the providing critical information about human rights and the situation in a given country. **The work of these brave people, who often work under difficult circumstances, should be supported.** In addition to their role of strengthening an awareness of human rights, they are also at the forefront in defending fundamental freedoms we all have committed ourselves to. Furthermore, the Representative on Freedom of the Media does a remarkable job in promoting the right of free speech.

- PART THREE, dear participants
- The rights of **Roma and Sinti** have been at the centre of the human dimension this year
- The Finnish Chairmanship is looking forward to the ODIHR's report on the implementation of the 2003 OSCE Roma Action Plan, to be launched during the Human Dimension Implementation Meeting. We are very much urging participating States to study the recommendations of this Status report and **consider, but preferably also carry out intensified measures.** For example, one concrete issue requiring our serious investment is the provision early education for Roma children.
- I would also like to note the encouraging co-operation between the ODIHR Contact Point on Roma and Sinti Issues, the High Commissioner on National Minorities, and the CIO Personal Representative, Ms. Crickley as well as with the Council of Europe as a part of international co-ordinated efforts in improving the rights of Roma. Whilst nothing can replace the primary responsibility of the participating states in ensuring the implementation of human rights of Roma, facilitation of active and committed participation by the Roma themselves forms the other side of the coin.
- **Human trafficking** is another challenge of our time. A multidimensional, gender- and victim-sensitive approach covering all relevant actors must be enforced to combat this international crime and human rights violation. We have the relevant commitments for this, but they need to be turned into real terms. The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, gives valuable support in bringing countries of origin, transit and destination together and assisting in their anti-trafficking efforts, for example such as identification of victims and prosecution of perpetrators.
- Ladies and gentlemen, let me still stress two further human rights priorities of the Finnish chairmanship of the OSCE
- **first, Gender mainstreaming**
- which is not only a) a women's issue or b) an issue to be dealt with in the human dimension of the OSCE. Gender mainstreaming is inherent in all OSCE activities: both across the three dimensions and within the organisation itself. Overall, gender issues are to be mainstreamed and looked at in a

comprehensive way, not only dealt separately which may often lead to their marginalisation

- Just last Thursday, the Secretary-General presented to the Permanent Council in Vienna an Annual Evaluation Report on the Implementation of the 2004 OSCE Action Plan for the Promotion of Gender Equality. Especially gender mainstreaming into all OSCE dimensions and therefore into the OSCE work as well as the insufficient number of women in especially the executive structure of the OSCE was highlighted. We are particularly pleased of the initiative by the OSCE secretariat in co-operation with several of the field operations, including Albania, Azerbaijan, Kazakhstan, Moldova and Tajikistan, to start or intensify the mainstreaming of gender in politico-military and environmental projects.
- Finally, let me note the many **elections and election-related activities** within the OSCE this year. Yesterday, the elections in Belarus were monitored by a full-fledged OSCE election observation mission executed in partnership between the ODIHR and the Parliamentary Assembly. We are awaiting with interest the preliminary findings and conclusions by the election observation mission this afternoon from Minsk. Many more elections are to follow across the OSCE region. OSCE election observation is a valuable tool in supporting the development and building public confidence in the election system of a country and through this in the development and fortification of a democratic system. With this in mind the Chairmanship is committed to continue a constructive dialogue on election-related issues.
- As a conclusion, I would like to thank Ambassador Lenarčič and the whole team at the ODIHR for the organisation of this meeting. I am looking forward to the discussions and concrete suggestions made during these two weeks to come. Let the **emphasis be on the word implementation** -that is what we are here for. We all **share the need for improvement**, as nobody is perfect in human rights. However, we **should always remain ambitious and aim at doing much better**.

Address by Przemysław Grudziński, Under-Secretary of State in the Ministry of Foreign Affairs of the Republic of Poland

**Mister Chairman,
Excellencies,
Ladies and Gentlemen,**

I am pleased to welcome all of you on behalf of Minister of Foreign Affairs of Poland, Mr. Radosław Sikorski in Warsaw at the 2008 Human Dimension Implementation Meeting.

Let me welcome very warmly Ms Teija Tiilikainen, the Secretary of State in the Ministry of Foreign Affairs of Finland representing the Chairman- in- Office of the OSCE, the Secretary General of the Organisation Mr. Marc Perrin de Brichambaut

and the Heads of two crucial OSCE institutions operating within the Human Dimension: High Commissioner on National Minorities Mr. Knut Vollebaek and the Representative on Freedom of the Media, Mr. Miklos Haraszti.

I would like to take this opportunity to reiterate that Poland is proud to host again the HDIM. It is of particular proudness and satisfaction for us to be the host state for the Office for Democratic Institutions and Human Rights headquarters that has become one of the leading centers of the international discussion devoted to the human rights situation in the euro – atlantic area.

It has to be stressed that over the years the Human Dimension Implementation Meeting itself has come to be recognized as one of the most significant fora dedicated to this sphere. It is encouraging that each year we notice the growing number of participants in the discussion and we touch upon new risks and challenges emerging within the Human Dimension. I should like to add my voice to those positive comments on the importance of the Meeting we have already heard. Indeed, while preparing for this Meeting I was struck by the comprehensiveness of the agenda, the number of issues to be tackled and expectations that are linked to the Meeting.

I am convinced all of these achievements could not be accomplished without enormous amount of work and devotion of the ODIHR, its Director, Ambassador Lenarčič and his predecessors. My country values the Office and its activities as one of the most remarkable OSCE achievements. Its role in promotion of international norms and standards and the continuous support for the participating states in the implementation of the OSCE commitments deserves our recognition and full respect. In whole spectrum of the activities in the field of human rights, including election observation, the Office is able to act in impartial, competent way, avoiding to the maximum extent possible to be politically entangled.

My deep conviction that the HDIM is a gathering of special importance results also from the huge number of NGOs registered for participation in the Meeting. The opportunity to take part in the Meeting on an equal footing offered to the representatives of civil society is the OSCE trademark. It enriches significantly our discussion and helps achieving the aims of the Meeting.

Ladies and Gentlemen

In 2008 we celebrate 60th anniversary of the proclamation of the Universal Declaration of Human Rights, which paved the way for the rapid development of human rights standards in various international fora, among them the Council of Europe in the Western part of our continent and later on the OSCE in the euro – atlantic area. I am confident that this anniversary will give us additional motivation to use the upcoming two weeks in a proper and efficient way. However, we should constantly bear in mind that at the end of the road it is the real life that makes difference between the theory and practice and those sixty years of experience behind us clearly demonstrated there is a gap between the two approaches and that this gap is unfortunately too wide.

One has to remember that the relationship between human rights and international security nowadays is crucial as it has always been the case, but it is also evolving. Now, a critical factor in this evolution is the future role of the OSCE in the euro – atlantic space and the ability of this organisation to sustain and further develop a regional pattern and standards that transcend the lowest common denominator.

For years it has been taken for granted that respect for human rights was one of major contributions to the process of strengthening of both national and international security. Today this kind of linkage although still valid as a rule, is being occasionally blurred when for the sake of security and safety of the entire population and because of terrorist threats some human rights, to put it mildly, are not fully observed.

Really big and still growing problem is human rights of all kinds of refugees and internally displaced persons.

There are so called weak states, which cannot control situation on their territories.

All those factors contribute to the complexity of all Human Dimension issue, making OSCE work in that regard on the one hand even more important, while on the other – simply more difficult and complicated.

Decades ago OSCE Human Dimension served as a humanitarian and political weapon used to help defeat totalitarian communist regimes and thus to end Cold War divisions. Now Human Dimension provisions should continue to help building bridges between different nations and cultures. A part and parcel of this process is also the accountability of those who do not observe and follow these provisions, even if keeping someone accountable in that regard would have been at odds with political correctness, being at the same time in line with truth and moral sense of responsibility. To use somewhat lighter tone, if something walks like a duck, quacks like a duck and looks like a duck, please do not hesitate to call it a duck.

Your deliberations here in Warsaw will have to strike the right balance between the letter and spirit of OSCE Human Dimension rules, between pressing political needs and long-term strategic requirements, between the interests of states and their citizens. In my view a criterion of pivotal importance here should be the need to defend with entire OSCE strength the dignity of human being and his/her fundamental freedoms.

Ladies and Gentlemen

I would like to thank Ambassador Lenarčič and his staff once again for their consistent effort on the preparation of this event.

I wish you fruitful work during the Meeting.

Finally I would like to take this opportunity to confirm that in accordance with the well – established tradition, Polish Foreign Ministry offers a reception to warmly welcome distinguished participants of the Meeting in the more informal gathering. I hope to see you all there this evening.

Thank you for your attention.

Address by Knut Vollebaek, OSCE High Commissioner on National Minorities

Mr. Chairman,
Excellencies,
Ladies and Gentlemen,

It is a pleasure to return to Poland to attend this year's Human Dimension Implementation Meeting (HDIM). I join previous speakers in commending the OSCE and particularly our friends at ODIHR on facilitating these important meetings and in thanking the Government of Poland for being such good hosts.

Over the years the HDIM has surely proved its worth. Together with the Permanent Council in Vienna, these meetings form a pre-eminent instrument of peer pressure in our Organization. First of all, here the participating States hold each other accountable for honouring their commitments. Second, the meeting's detailed and systematic review of the entire spectrum of human dimension leaves no stone unturned. Finally and most importantly, the fact that representatives of civil society participate as equal partners around the table is ultimate proof of the OSCE's receptiveness to outside input and criticism.

In my regular statements to the Permanent Council in Vienna, I provide details of my country activities. On the occasion of the HDIM, however, it has become a tradition for the High Commissioner to briefly outline overarching national minority issues. In my remarks today, I will highlight three themes that have been occupying much of my time since our meeting last year.

The first concerns the increased politicization of national minority issues in international relations; sometimes even outright confrontation. This trend is of particular worry to me. When we look back at the history of the nineteenth or twentieth centuries, many of the devastating wars during this period had a "minority dimension." I am not here to proclaim that minorities were behind these conflicts but their mistreatment, actual or constructed, provided the *casus belli*.

Today, we witness the renaissance of this phenomenon. It usually manifests itself in two ways. The first is an inclination to think that a particular nation extends across international borders. Under this paradigm, the nation consists not only of the majority ethnic group within a state but also includes national minorities in other States by reason of ethnic affinity. This interpretation of the nation is then used to claim an almost natural and permanent interest in the situation of ethnic kin abroad.

The second, closely linked to the first, is a tendency for the ethnic majority within a state to regard national minorities as inherently alien and disturbing entities. Proponents of such views suspect national minorities of a permanent desire to reunite with their kin-State. These beliefs often lead to the myth that minority rights promote divisive segregation rather than integration and, thus, result in efforts to stamp out the aliens.

These views are formulas for trouble and contravenes the fundamental principle of international law, namely, that the protection of human rights, including minority rights, is primarily the responsibility of the States where minorities reside. Secondly, they represent a direct violation of the ban on forced assimilation.

You may ask: What if a state negates its obligations to protect and promote minority rights. In my statement on the conflict in the Caucasus that was issued on 25 August 2008, I stressed that the international community, including the so-called "kin-States," also bears a responsibility to protect minority rights. This, however, does not entitle or imply the right under international law to exercise jurisdiction over people residing on

the territory of another State. A duty to intervene is limited to cases of large-scale human rights violations as in cases of ethnic cleansing, mass expulsion and genocide.

Multilateral diplomacy is always the best and most legitimate response to such crises.

Ladies and Gentleman,

There is a brighter side to this debate, however, because the words "minority" and "problem" are not intrinsically linked. I firmly believe that the existence of a minority does not necessarily have security implications, domestic or international. Minorities must not be seen as a problem by law of nature.

On the domestic front, States need to embrace the idea of integration with respect for diversity. Based on the experience of the HCNM, this is the only way to achieve peace, stability, security and prosperity in multi-ethnic societies. Integration with respect for diversity is not a matter of "either-or", it is a question of finding the appropriate balance and acknowledging the right of minorities to maintain and develop their own language, culture and identity. Our goal is to achieve an integrated society where every person in the State has the opportunity to take part in and influence the political, social and economic life of mainstream society.

On the international scene, minorities may not, and ideally should not, be the cause of tensions and conflict. On the contrary, minority communities that span State frontiers often serve as a bridge between States. They contribute to prosperity and friendly relations, and foster a culture of pluralism and tolerance, particularly in the border regions. Sometimes, however, difficulties do arise and it is my job, as an instrument of conflict prevention, to address them as early as possible and prevent deterioration of both majority-minority relations within States and bilateral relations between States.

National minority issues in inter-State relations are no doubt controversial and debated today. Parties in disputes involving national minorities present contrasting viewpoints. How do we safely navigate the waters in this stormy sea of competing claims and interpretations?

In dealing with such delicate issues, I have come to realize that there is a need for greater clarity on what States may do in this area and the manner in which they do it. Let me be clear: there are ways to pursue legitimate interests with regard to national minorities abroad without straining inter-ethnic or bilateral relations.

It is against this background that the HCNM will officially launch the Recommendations on National Minorities in Inter-State Relations in Bolzano/Bozen in a few days time. The document will also shortly be available on the HCNM website at www.osce-hcnm.org. It offers guidance on how to properly deal with the sensitive issue in question. In doing so, this set of Recommendations acknowledges that States may provide benefits to national minorities abroad, but its main aim is to clarify the relevant international norms under which this can be done and the best practices applicable.

In the months to come, we will be holding regional seminars to present this text to key actors in government and civil society. I am counting on your active participation and feedback.

Ladies and Gentleman,

As already has been mentioned, this year we also mark the fifth anniversary of the 2003 Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area. Five years on, there is not a lot to cheer about. The increasing prosperity of the new Europe has failed to benefit the Roma and Sinti population.

It is clear that the many problems faced today by Roma and Sinti have implications for security in one way or another. These implications not only concern the security of Roma and Sinti communities themselves, when they have to relocate in their home countries or migrate from one country to another in order to improve their lot. The situation also leads to possible negative developments in relations between the Roma and other groups.

Thus, the current situation of Roma and Sinti in Europe does present certain important links to my conflict prevention mandate.

The recent migration patterns of Roma in Europe and the associated human security implications are of concern to me. I am working with the ODIHR and the Council of Europe Commissioner for Human Rights and to analyse the trends and implications of the new wave of Roma migration in Europe. Our joint report will assess this migration in the aftermath of several phases of EU enlargement and the crises in the former Yugoslavia. It will highlight the implications of such migration trends and the impact of policy responses by governments. More significantly, it will identify specific problem areas and be an aid in finding solutions.

Another question of great interest to me is the lack of registration among Roma and Sinti and their resulting statelessness. There are thousands of Roma who live in Europe without proper identification documents. This means that they have little genuine opportunity to work, receive education, have access to health care or social benefits, vote in elections or generally participate as full-fledged members in the society. By not providing the Roma and Sinti with proper identification and registration documents and citizenship, States push tens of thousands of Europeans to the margins of society.

The Roma and Sinti situation is a European issue and these people have the right to enjoy equal opportunities with the majority populations across Europe. Therefore on a European level, their freedom of movement in pursuit of economic opportunities and a better life cannot be limited based on ethnicity.

OSCE participating States have a primary responsibility to their own nationals and to those who are resident in their countries. The various National Roma Strategies should therefore be used to create better integration and inclusion policies for Roma and Sinti. Sufficient funding is required to put them into practice and prevent them from becoming empty documents.

Ladies and Gentleman,

In conclusion, I would like to share with you my profound unease about a recent tendency to preach the inevitability of the "clash of peoples." Such ideas matter because they – directly or indirectly – influence practice and have already made their way into policy-making and legislation.

This casts into doubt the very premise of various ethnic communities living in harmony within a State. It is claimed that majority-minority relations are, by their very nature, strained and that minority issues are inherently conflict laden. Separation is being advanced as the only viable alternative.

We must fight these arguments, and we must present substantive evidence to counter these claims in the public debate.

Separation is not a sensible way to deal with ethnic conflict. The history of the last century demonstrates that it is virtually impossible to create homogeneous nation-states. This idea also runs counter to the reality of today's world, where borders have become increasingly vague and people can quite easily change their place of residence.

The troubles associated with ethnic segregation are numerous. Segregation leads to protracted misery and human suffering, economically detrimental fragmentation of markets, development of culturally insular, parochial societies, brain drains and loss of skilled labour through forced expulsions. It is therefore an illusion that segregated societies guarantee benefits such as stability and social cohesion. At the same time, stability and a working degree of social cohesion have been achieved in many multi-ethnic states.

Ladies and Gentleman,

I opened my address today, underlining the importance of the HDIM. This was a sincere acknowledgement of how important the information gleaned at these meetings is to my work. Under my mandate, I gather and receive information regarding the situation of national minorities from a myriad of sources. Non-governmental organizations play a particularly important role. In the days to come, members of my political, legal and project staff will be attending meetings, talking to you and taking notes. I encourage you to approach them and to share with them your first-hand knowledge of and expertise in national minority issues. I count on your help in achieving our common goal of creating just and stable societies for all. Only together we may achieve progress

I thank you.

Closing Remarks by Ambassador Janez Lenarčič, Director, OSCE ODIHR

Excellencies,
Ladies and Gentlemen,

We are now approaching the end of this Human Dimension Implementation Meeting. For the thirteenth time, and 15 years after the first HDIM took place, we have come together – governments, civil society, experts – to jointly review progress in putting the OSCE's human dimension commitments into practice.

This may seem like a daunting exercise: the OSCE's human dimension commitments now fill a 250-page volume and the *acquis* developed since the Helsinki Final Act covers a vast area of standards on human rights, democracy and the rule of law.

And indeed, two weeks have been hardly enough to do this enormous task justice, even though these two weeks have been densely packed with working sessions, special focus days, and a record number of side events.

But I think it is fair to say that we have succeeded in what we came here for: to continue an open and honest dialogue about the state of affairs with regards to human rights and democracy in the OSCE region.

We have heard over the past two weeks, in the working sessions and side events, that much remains to be done in terms of implementation. I am not going to repeat what has been so aptly summarized by the rapporteurs.

Lack of implementation, drawbacks in some countries, new challenges emerging in others – certainly, the picture is not all rosy as we appear to be entering more difficult times marked by economic downturns and increasing political tensions. This is why we all have to remain vigilant.

But we have come a long way since the Charter of Paris in 1990 heralded a new era of democracy, peace and unity. We may not have fully achieved yet what we expected, perhaps somewhat over-optimistically, in the enthusiasm that accompanied the end of the Cold War. But immense progress has been made nonetheless in strengthening transparency, pluralism, and accountability throughout the region, and with this the respect for human rights and the principles of democracy.

We should not forget these positive developments as we tackle the challenges we face today. They can serve as an encouragement for all of us here around this table working for better implementation – wherever this may be: in the ministries, parliaments, in local government, in civil society organizations, or in international bodies set up to provide expertise and assistance.

Ladies and gentlemen,

This is my first HDIM as Director of the ODIHR, and from my experiences over the past two weeks, from the many encounters I have had with delegates and representatives of civil society, I can see why the HDIM remains an important tool for increasing security in our region by helping to build strong and stable societies firmly based on respect for human rights and the rule of law.

Firstly, the HDIM contributes to **building trust**. It can help building trust not only between states, but also between governments and civil society. No other international forum brings governments and civil society together around the same table, on an equal footing, to discuss human rights issues. In some cases, this is the only forum for NGOs to freely talk to their governments. We don't always agree, of course, but we hear each others views and positions, we listen to each other, and this is a precondition for genuine dialogue. We may sometimes feel frustrated about a certain dissonance of voices, about seemingly endless debates, about recurring concerns that appear to persist. But this has also been the strength of this Organization: to meet at the same table and discuss the issues at stake to reach a common understanding, even

if this sometimes can be acrimonious and seemingly incremental. I would encourage participating States not only to highlight their achievements, but also to be honest about the shortcomings and challenges they face. Doing so is a sign of strength, not weakness, and it would greatly enhance the dialogue and trust among states and between governments and civil society.

Secondly, the HDIM is a laboratory for developing **new initiatives**. Ideas and recommendations aired at the HDIM are recorded in the final report, and a number of such recommendations have been picked up by governments and the Organization's decision-making bodies in the past, and turned into concrete activities. I heard a number of proposals that, I believe, have the potential to be carried further. We will work hard over the next months on following up on the many very good recommendations that emerged from the working sessions. And I hope that you will do the same, taking advantage of the many examples of good practice we have heard during these two weeks.

In closing, I would like to express my gratitude to the Finnish Chairmanship for their strong support not only in organizing this meeting, but also more generally the work of ODIHR.

My thanks also go to the OSCE institutions, the secretariat and field operations for their important contributions. I'm very pleased that the President of the OSCE PA, Joao Soares, is attending this closing session. This testifies to the close contacts we have and the willingness to have a good co-operation in working together on human dimension issues.

And I want to thank all of you who have contributed with your presentations, statements and ideas to the success of this meeting.

We are very grateful also to our Polish hosts for their hospitality during these two weeks, and for hosting ODIHR here in Warsaw.

A big thank you goes to my colleagues at ODIHR, for their tireless efforts which have made this meeting possible. We appreciate a lot the excellent work done by our notetakers and rapporteurs, who gave us a very good overview of the issues that were raised and the recommendations that were made during this meeting. And finally I wish to thank the interpreters for making sure that we all understood each other, at least language-wise.

I look forward to working with you all, as we at ODIHR move ahead in developing our programmes and implementing them together with you.

I wish you a safe journey back home and look forward to welcoming you again next year.

Closing remarks by Ambassador Antti Turunen, Permanent Representative of Finland to the OSCE

Dear Excellencies,
Ladies and Gentlemen,

The main aim of the Human Dimension Implementation Meeting is to discuss and review implementation of OSCE human dimension commitments and to look at ways to enhance compliance with these commitments. Within the two weeks time here in Warsaw we have had the opportunity to discuss at large our human dimension interests including possible recommendations for the future.

Indeed, on the one hand, our human dimension commitments also face new challenges - for example related to technological and social developments - which we have to take into account when further developing and strengthening our commitments. On the other hand, these challenges should not provide any excuse to shortcomings in the implementation of existing commitments. This calls for forward-looking and action-oriented discussion by all stakeholders. Finland has during its Chairmanship stressed the full implementation of the human rights commitments by the participating States.

In the endeavour to ensure respect and promotion of human rights in our societies, it is crucial to build partnerships among States, international organisations and the civil society. I am convinced that our meeting has further supported this goal. The broad and active participation of non-governmental organizations in human dimension meetings is an achievement for which the OSCE should be proud of. The Finnish Chairmanship remains committed to ensure the effective participation of NGO's in the work of the OSCE on the basis of existing commitments, in particular the OSCE 1992 Helsinki Document.

Ladies and Gentlemen,

Let me highlight a few specific themes on the basis of our deliberations during the last two weeks. Referring to our Chairmanship priorities trafficking in human beings still remains high on our agenda. As the Special Representative Eva Biaudet underlined, reinforced action is needed in the identification of victims and in ensuring a victim-centered approach in criminal justice responses to human trafficking.

ODIHR's report on the Implementation of the Action Plan on Improving the Situation of Roma and Sinti was published during this meeting. It provides us an overview on improvements made as well as challenges yet to be met in this field. It is of utmost importance that the participating States and other actors involved carefully look into the findings of the report and take necessary action.

The OSCE's work on tolerance and non-discrimination remains topical and requires constant attention. Our region continues to be plagued by the rise of intolerance as is demonstrated in the ODIHR's newly released hate crimes report. The report unfortunately shows that in particular Jews, Muslims as well as migrants, Roma, and refugees are increasingly facing hate-motivated attacks. In addition, violent crimes based on individuals' sexual orientation are unacceptably common.

During the debate many of us have referred to the celebration of the 60th anniversary of the UN Universal Declaration of Human Rights. This declaration is the corner stone of all international human rights. We need to reaffirm our strong commitment to the rights and commitments enshrined in the Declaration. In the same vein I would also like to mention the principles in the Helsinki Final Act, in particular the respect for human rights and fundamental freedoms.

On the occasion of the World Day against the Death Penalty - which is recognized around the world today - the Finnish Chairmanship would like to draw your attention to the ODIHR annual publication entitled "the Death Penalty in the OSCE area".

Yesterday we witnessed a lively debate on election-related issues. The Finnish Chairmanship has contributed to this dialogue by organising a seminar in July on the issue. Furthermore, let me use this opportunity and remind of the seminar on electronic voting to be organised in Finland on 26-27 October.

The situation in Georgia has also been discussed during this Meeting. In September the Chairman-in-Office, Foreign Minister Alexander Stubb, together with the Council of Europe Chairman of the Committee of Ministers, Foreign Minister of Sweden, Carl Bildt called on the High Commissioner on National Minorities, the ODIHR and the Council of Europe Human Rights Commissioner to make an assessment of the human rights situation in the war-affected areas. The Finnish Chairmanship is pleased that the High Commissioner and the Director of the ODIHR have scheduled a joint visit to Georgia. It is essential that they will be given full access to all areas, including South-Ossetia and Abkhazia. We look forward to their assessment.

Furthermore the OSCE needs a long-term perspective in the promotion of human rights, democracy and the rule of law. In this respect the so called quintet cooperation has provided a new opportunity. The Chairmanship is pleased that the five consecutive Chairmanships of the OSCE, Spain, Finland, Greece, Kazakhstan and Lithuania have agreed a long-term approach towards anti-trafficking, gender mainstreaming as well as tolerance and non-discrimination issues.

Ladies and gentlemen,

During the discussions at this year's HDIM we have recorded a variety of recommendations addressed to the participating States and OSCE actors. This feedback needs to be carefully studied. As appropriate, we should consider action towards further enhancing the implementation of OSCE commitments on human rights, democracy and rule of law.

Let me conclude by expressing the Finnish Chairmanship's deep appreciation to Ambassador Lenarcic and his Office for their dedicated work in guaranteeing the success of this Meeting. Our gratitude also goes to Poland as host country. Furthermore I would like to thank the introducers for their thought-provoking interventions. I would also like to thank our moderators under whose professional guidance the discussions have taken place. I would also like to convey a great word of thanks to our dynamic rapporteurs for summarizing the deliberations of this Meeting. Last but not least I would like to thank the interpreters and technical staff, without whose contribution this Meeting would have not been possible.

Thank you.

- **MODALITIES FOR OSCE MEETING ON HUMAN DIMENSION ISSUES**

Please refer to the OSCE Permanent Council Decision No. 476, 23 May 2002 (Relevant Provisions)

- **LINK TO THE ANNOTATED AGENDA**

English: http://www.osce.org/documents/odihr/2008/09/32930_en.pdf

Russian: http://www.osce.org/documents/odihr/2008/09/32930_ru.pdf

- **LINK TO THE OVERVIEW OF SIDE EVENTS**

English: http://www.osce.org/documents/odihr/2008/09/33177_en.pdf

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- **LINK TO JOURNALS**

Overview of Day 1: http://www.osce.org/conferences/hdim_2008.html?page=33255

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Russian Federation	<p>93. Statement by Ambassador Azimov, Opening Plenary Session. [Russian, 5 pages]</p> <p>94. Written contribution on the rule of law, Working Session 1: Rule of Law I. [Russian, 6 pages]</p> <p>95. Statement by Mr. Timofeev, Working Session 2: Fundamental freedoms I. [Russian, 7 pages]</p> <p>96. Statement on freedom of association, Working Session 3: Fundamental Freedoms II. [Russian, 3 pages]</p> <p>98. Statement on Human Rights protection in fighting terrorism, Working Session 4: Rule of Law II. [Russian, 5 pages]</p> <p>105.Witten contribution on the capital punishment and ratification of Protocol 6 of the European Human Rights Convention, Working Session 4: Rule of Law II. [Russian, 3 pages]</p> <p>158.Statement on tolerance and non-discrimination, Working Session 5: Tolerance and non-discrimination I. [Russian, 4 pages]</p> <p>171.Statement on Roma and Sinti integration, Working Session 6: Tolerance and non-discrimination I. [Russian, 4 pages]</p> <p>175.Contribution on 'Prevention of violence against women', Working Session 7: Tolerance and non-discrimination II. [Russian, 4 pages]</p> <p>177.Contribution on gender equality, Working Session 7: Tolerance and non-discrimination II. [Russian, 4 pages]</p> <p>178.Statement on equality between men and women, Working Session 7: Tolerance and non-discrimination II. [Russian, 4 pages]</p> <p>219.Statement on 'Education and awareness raising in the promotion of human rights', Working Session 8: Education and awareness raising in the promotion of human rights. [Russian, 3 pages]</p> <p>246.Statement in exercise of the Right of Reply, Working Session 9: Education and awareness raising in the promotion of human rights (continuation). [Russian, 4 pages]</p> <p>361.Statemetn on tolerance and non-discrimination, Working Session 10: Tolerance and non-discrimination II (continued). [Russian, 4 pages]</p> <p>325.Satement on migration policy, Working Session 11: Humanitarian issues and other commitments. [Russian, 3 pages]</p> <p>501.Statement on freedom of religion or belief, Working Session 12: Freedom of religion or belief. [Russian, 4 pages]</p> <p>429.Statement on identification, assistance and access to justice of the victims of trafficking, Working Session 14: Focus on identification, assistance an access to justice for the victims of trafficking. [Russian, 7 pages]</p> <p>518.Statement on elections, Working Session 17: Democratic institutions. [Russian, 5 pages]</p> <p>521.Closing statement by Mr. O Maglinov, Closing Reinforced Plenary Session. [Russian, 3 pages]</p>
Holy See	<p>159.Statement by Monsignor Anthony R. Frontiero, Working Session 6:</p>

	<p>Tolerance and non-discrimination I. [English, 2 pages]</p> <p>214. Intervention on Education and Awareness Raising in the Promotion of Human Rights, Working Session 8: Education and awareness raising in the promotion of human rights. [English, 2 pages]</p> <p>270. Statement on 'Combating Hate Crimes Against Christians and Members of Other Religions', Working Session 10: Tolerance and non-discrimination II (continued). [English, 2 pages]</p> <p>340. Statement on religious freedom, Working Session 12: Freedom of religion or belief. [English, 2 pages]</p> <p>427. Statement by Monsignor Michael Banach, Working Session 14: Focus on identification, assistance an access to justice for the victims of trafficking. [English, 2 pages]</p>
Serbia	<p>168. Contribution on the Activities of Gender Equality Directorate, Working Session 6: Tolerance and non-discrimination I. [English, 3 pages]</p> <p>172. Contribution on Implementation of the Action Plan for Improvement of the Situation of the Roma and Sinti by the Republic of Serbia, Working Session 6: Tolerance and non-discrimination I. [English, 4 pages]</p> <p>352. Contribution on 'Decade of Roma Inclusion 2005-2015', Working Session 6: Tolerance and non-discrimination I. [English, 4 pages]</p> <p>547. Intervention on Implementation of the OSCE Action Plan on Roma and Sinti, Working Session 6: Tolerance and non-discrimination I. [English, 3 pages]</p> <p>351. Speech delivered by the State Secretary of the Ministry of Education of the Republic of Serbia, Working Session 9: Education and awareness raising in the promotion of human rights (continuation). [English, 4 pages]</p> <p>308. Statement by Commissariat for Refugees of the Republic of Serbia, Working Session 11: Humanitarian issues and other commitments. [English, 4 pages]</p> <p>436. Statement, Working Session 12: Freedom of religion or belief. [English, 3 pages]</p> <p>517. Contribution of freedom of religion or belief, Working Session 13: Freedom of religion or belief (continued). [English, 4 pages]</p>
Slovakia	<p>170. Declaration of the Romanies of the Slovak Republic regarding the standardization of the Romany language in the Slovak Republic (document also in Slovak, Romani), Working Session 6: Tolerance and non-discrimination I. [English, 7 pages]</p> <p>183. Statement in exercise of the Right of Reply, Working Session 6: Tolerance and non-discrimination I. [English, 7 pages]</p> <p>477. Statement in exercise of the Right of Reply, Working Session 12: Freedom of religion or belief. [English, 1 page]</p>
Slovenia	<p>204. Statement in exercise of the Right of Reply, Working Session 6: Tolerance and non-discrimination I. [English, 1 page]</p>
Switzerland	<p>4. Opening Statement, Opening Plenary Session. [German, 2 pages]</p> <p>6. Montreux Document, Opening Plenary Session. [English, 24 pages]</p> <p>535. Opening statement, Opening Plenary Session. [German, 2 pages]</p> <p>539. Statement on prevention of violence against women, Working Session 7: Tolerance and non-discrimination II. [German, 2 pages]</p> <p>537. Statement on combating rasism, xenophobia and discrimination, Working Session 10: Tolerance and non-discrimination II (continued). [French, 2 pages]</p> <p>538. Statement on assistance and access to justice for victims of trafficking, Working Session 15: Focus on identification, assistance an access to justice for the victims of trafficking (continued). [German, 2 pages]</p> <p>536. Statement on democratic institutions, Working Session 17: Democratic institutions. [German, 2 pages]</p>

	540. Closing statement, Closing Reinforced Plenary Session. [German, 2 pages]
Tajikistan	68. Written contribution on fundamental freedoms, Working Session 3: Fundamental Freedoms II. [Russian, 1 page]
Czech Republic	205. Statement in exercise of the Right of Reply, Working Session 6: Tolerance and non-discrimination I. [English, 1 page] 206. Statement in exercise of the Right of Reply, Working Session 7: Tolerance and non-discrimination II. [English, 1 page]
Turkey	56. Statement by Ambassador Yusuf Buluc, Working Session 2: Fundamental freedoms I. [English, 2 pages] 423. Statement by Ambassador Yusuf BULUC, Working Session 10: Tolerance and non-discrimination II (continued). [English, 2 pages] 424. Statement by Ambassador Yusuf BULUC on Migrant Workers, the Integration of Legal Migrants, Working Session 11: Humanitarian issues and other commitments. [English, 2 pages] 425. Statement by Ambassador Yusuf Buluc, Working Session 12: Freedom of religion or belief. [English, 2 pages]
Ukraine	21. Statement by the Representative of the Administrative Court of Ukraine, Working Session 1: Rule of Law I. [Russian, 6 pages] 22. Statement on the Independence of Judiciary, Working Session 1: Rule of Law I. [English, 3 pages] 31. Statement on protection of freedom of speech, mass media and access to information in Ukraine, Working Session 2: Fundamental freedoms I. [Russian, 3 pages] 46. Statement on freedom of assembly and association, Working Session 3: Fundamental Freedoms II. [English, 3 pages] 73. Regulations of the Human Rights Monitoring Department of the Ukrainian Ministry of Interior, Working Session 4: Rule of Law II. [English, 5 pages] 75. Statement on protection of human rights and fight against terrorism, Working Session 4: Rule of Law II. [Russian, 2 pages] 76. Statement on prevention of torture, Working Session 4: Rule of Law II. [Russian, 9 pages] 139. Statement on Institutional changes in the system of the Ministry of Interior of Ukraine, cooperation with non-governmental and international organizations, Working Session 4: Rule of Law II. [English, 2 pages] 116. Contribution on Activities of the State Committee of Ukraine on Nationalities and Religions on the Protection of National Minorities' Rights, Working Session 5: Tolerance and non-discrimination I. [English, 3 pages] 186. Contribution on 'Equality of opportunity for women and men', Working Session 7: Tolerance and non-discrimination II. [English, 3 pages] 465. Contribution on Measures undertaken in Ukraine for combating racism, xenophobia and discrimination, Working Session 10: Tolerance and non-discrimination II (continued). [English, 3 pages] 464. Contribution on freedom of religion or belief in Ukraine, Working Session 13: Freedom of religion or belief (continued). [English, 2 pages] 509. Statement on identification, assistance and access to justice for the victims of trafficking, Working Session 14: Focus on identification, assistance and access to justice for the victims of trafficking. [English, 3 pages]

OSCE Partners for Co-operation

Thailand	430. Written contribution on Thailand's efforts in Prevention and suppression of human trafficking, Working Session 14: Focus on identification, assistance and access to justice for the victims of trafficking. [English,
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OSCE Institutions

OSCE High Commissioner on National Minorities	<p>149.Address by Ambassador Knut Vollebaek, Opening Plenary Session. [English, 5 pages]</p> <p>225.Address by Mr. Brendan Moran, Working Session 5: Tolerance and non-discrimination I. [English, 6 pages]</p> <p>226.Statement by Mr. Brendan Moran, Working Session 6: Tolerance and non-discrimination I. [English, 3 pages]</p> <p>530.Presentation of the project on Research on Recent Migration Movements of Roma, by Ms. Nina Suomalainen, Senior Adviser at OSCE HCNM, Working Session 16: Discussion of human rights activities of the ODIHR, other OSCE institutions and field operations (emphasis on project work). [English, 3 pages]</p>
OSCE ODIHR	<p>64. Provisional List of participants, Background Documents. [English, 73 pages]</p> <p>164.Compilation of written recommendations covering Working Sessions 1-3, Background Documents. [English, 7 pages]</p> <p>203.Compilation of Written Recommendations, covering Working Sessions 4-5, Background Documents. [English, 18 pages]</p> <p>434.Compilation of written recommendations: Working Sessions 6-9, Background Documents. [English, 8 pages]</p> <p>467.Compilation of written recommendations covering Working Sessions 10-11, Background Documents. [English, 13 pages]</p> <p>500.Compilation of written recommendations - Working Sessions 12-13, Background Documents. [English, 6 pages]</p> <p>514.Compilation of written recommendations covering Working Sessions 14-15, Background Documents. [English, 5 pages]</p> <p>526.Final List of Participants, Background Documents. [English, 74 pages]</p> <p>544.Compilation of written recommendations - Working Sessions 16-17, Background Documents. [English, 4 pages]</p> <p>7. Opening Remarks by Ambassador Janez Lenarcic, Opening Plenary Session. [English, 7 pages]</p> <p>20. Introductory presentation by The Right Honourable Lord McCluskey, Justice of the Supreme Court of Scotland, Working Session 1: Rule of Law I. [English, 19 pages]</p> <p>515.Introductory Remarks by Ambassador Janez Lenarcic, Working Session 17: Democratic institutions. [English, 7 pages]</p> <p>533.Closing Remarks by Ambassador Janez Lenarcic, Closing Reinforced Plenary Session. [English, 5 pages]</p>

OSCE Secretariat

OSCE Secretariat	<p>189.Statement by Ms. Jamila Seftaoui, Senior Adviser on Gender Issues, Working Session 7: Tolerance and non-discrimination II. [English, 2 pages]</p>
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OSCE Missions and other Field Activities

OSCE Mission to Bosnia and Herzegovina	<p>242.Briefing paper - 'OSCE Mission to BiH: Key Successes in the Education Reform Process', Side Event: Education in Post - Conflict Societies. [English, 2 pages]</p> <p>243.Briefing paper- The OSCE Mission to BiH and Education Reform: Towards Post-War Statebuilding, Respect for Diversity and Civic Citizenship, Side Event: Education in Post -Conflict Societies. [English, 2 pages]</p>
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	244. Briefing paper - Ending Segregation: International Commitments and Recommendations, Side Event: Education in Post -Conflict Societies. [English, 3 pages]
OSCE Spillover Monitor Mission to Skopje	532. Presentation, by Ms. Jasmina Dmitrieva, of the Project on the Enhancement of the Macedonian Law Drafting and Regulatory Management, Working Session 16: Discussion of human rights activities of the ODIHR, other OSCE institutions and field operations (emphasis on project work). [English, 2 pages]

International Organizations

Council of Europe	<p>8. Written contribution on "The Council of Europe and the Rule of Law", Working Session 1: Rule of Law I. [English, 8 pages]</p> <p>27. Overview of the work of the Council of Europe in the media field, Working Session 2: Fundamental freedoms I. [English, 7 pages]</p> <p>52. Contribution on Freedom of association as guaranteed by the European Social Charter, Working Session 3: Fundamental Freedoms II. [English, 6 pages]</p> <p>53. Contribution on the Council of Europe and national human rights institutions, Working Session 3: Fundamental Freedoms II. [English, 1 page]</p> <p>54. The 2007 Annual Report on the Supervision of the execution of judgements of the European Court of Human Rights, Working Session 3: Fundamental Freedoms II. [English, 271 pages]</p> <p>55. Declaration of the Committee of Ministers on the Council of Europe action to improve the protection of human rights defenders and promote their activities, Working Session 3: Fundamental Freedoms II. [English, 3 pages]</p> <p>57. Introductory Memorandum of the Expert Council on NGO Law, Working Session 3: Fundamental Freedoms II. [English, 3 pages]</p> <p>58. Terms of reference of the Expert Council on NGO law, Working Session 3: Fundamental Freedoms II. [English, 4 pages]</p> <p>59. Recommendation CM/Rec(2007)14 of the Council of Europe Committee of Ministers to member states on the legal status of non-governmental organisations in Europe, Working Session 3: Fundamental Freedoms II. [English, 11 pages]</p> <p>472. Expert Council on NGO Law First Annual Report on Conditions of Establishment of Non-Governmental Organisations, Working Session 3: Fundamental Freedoms II. [English, 54 pages]</p> <p>85. Contribution on Protection of Human Rights and fighting terrorism, Working Session 4: Rule of Law II. [English, 4 pages]</p> <p>86. Contribution on the Council of Europe and protection of Human Rights and fighting terrorism, Working Session 4: Rule of Law II. [English, 3 pages]</p> <p>87. Written contribution on the work of the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment, Working Session 4: Rule of Law II. [English, 3 pages]</p> <p>88. The Council of Europe information on abolition of the death penalty, Working Session 4: Rule of Law II. [English, 2 pages]</p> <p>127. Contribution on tolerance and non-discrimination, Working Session 5: Tolerance and non-discrimination I. [English, 19 pages]</p> <p>128. 6th Activity Report of the Advisory Committee on the Framework Convention for the Protection of National Minorities, Working Session 5: Tolerance and non-discrimination I. [English, 23 pages; French, 23 pages]</p> <p>129. Commentary on the effective participation of persons belonging to national minorities, Working Session 5: Tolerance and non-discrimination I. [English, 42 pages; French, 45 pages]</p> <p>130. Factsheet on migration, Working Session 5: Tolerance and non-discrimination I. [English, 4 pages]</p>
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	<p>131. Council of Europe activities in the field of protection of national minorities, Working Session 5: Tolerance and non-discrimination I. [English, 26 pages]</p> <p>236. 'Roma and Travellers issues at the Council of Europe', Working Session 6: Tolerance and non-discrimination I. [English, 13 pages]</p> <p>187. Factsheet on Gender equality, Working Session 7: Tolerance and non-discrimination II. [English, 2 pages]</p> <p>188. Factsheet on Gender mainstreaming, Working Session 7: Tolerance and non-discrimination II. [English, 2 pages]</p> <p>445. Factsheet of the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence, Working Session 7: Tolerance and non-discrimination II. [English, 2 pages]</p> <p>254. Written contribution on 'Non-discrimination as guaranteed by the European Social Charter', Working Session 10: Tolerance and non-discrimination II (continued). [English, 6 pages]</p> <p>255. Written contribution on combating intolerance and discrimination, Working Session 10: Tolerance and non-discrimination II (continued). [English, 5 pages]</p> <p>292. Written contribution on 'Migrant workers rights as guaranteed by the European Social Charter', Working Session 11: Humanitarian issues and other commitments. [English, 11 pages]</p> <p>443. Information on Council of Europe Convention on Action against Trafficking in Human Beings, Working Session 14: Focus on identification, assistance an access to justice for the victims of trafficking. [English, 2 pages]</p> <p>444. Factsheet on Council of Europe Action against Trafficking in Human Beings, Working Session 14: Focus on identification, assistance an access to justice for the victims of trafficking. [English, 2 pages]</p> <p>459. Report on non-criminal remedies for crime victims, Working Session 14: Focus on identification, assistance an access to justice for the victims of trafficking. [English, 3 pages]</p> <p>484. Written contribution on the Council of Europe activities in favour of democratic participation, Working Session 17: Democratic institutions. [English, 6 pages]</p> <p>485. Written contribution on Election Observation by the Parliamentary Assembly of the Council of Europe, Working Session 17: Democratic institutions. [English, 4 pages]</p>
UNDP	<p>470. Introductory statement by Ms. Katy Thompson on Access to Justice: Compensation for Trafficked Persons, Working Session 15: Focus on identification, assistance an access to justice for the victims of trafficking (continued). [English, 5 pages]</p>
UNHCR	<p>296. Written contribution on 'Refugees and Displaced Persons', Working Session 11: Humanitarian issues and other commitments. [English, 4 pages]</p>

Non-Governmental Organizations

"EZGULIK" Human Rights Society of Uzbekistan (HRSU)	<p>103. Statement on tortures and the death penalty, Working Session 4: Rule of Law II. [Russian, 2 pages]</p>
'Clean World' Women Social Union	<p>433. Statement by Ms. Mehriban Zeynalova, Working Session 14: Focus on identification, assistance an access to justice for the victims of trafficking. [Russian, 2 pages]</p>
Administrative Centre of Jehovah's	<p>364. Statement on 'Campaign of persecution against Jehova Witnesses', Working Session 12: Freedom of religion or belief. [English, 2 pages; Russian, 2 pages]</p>

Witnesses in Russia	
AGORA Interregional Human Rights Association	273. Contribution on 'Extremism existing and politically engaged', Working Session 10: Tolerance and non-discrimination II (continued). [Russian, 3 pages]
AKDER-Women's Rights Organization Against Discrimination	180. Report on 'The General Condition of Women in Turkey and the Effects of the Headscarf Ban to Gender Index', Working Session 7: Tolerance and non-discrimination II. [English, 43 pages]
Almaty Confederation of NGOs 'Ariptes'	238. Statement by Prof. A. Akhmetova, on gender equality, Working Session 7: Tolerance and non-discrimination II. [Russian, 3 pages] 305. Statement by Prof. Laila Akhmatova, Working Session 9: Education and awareness raising in the promotion of human rights (continuation). [Russian, 3 pages] 360. Statement by Prof. L. Ahmatova, Working Session 11: Humanitarian issues and other commitments. [Russian, 2 pages] 495. Statement by Ms. L. Achmatova on democratic institutions, Working Session 17: Democratic institutions. [Russian, 3 pages]
Amalipe Center for Interethnic Dialogue and Tolerance	160. Newsletter - 'New Challenges before Roma Educational Integration', Working Session 6: Tolerance and non-discrimination I. [English, 6 pages] 161. Newsletter - Roma and the Structural Funds in Bulgaria, Working Session 6: Tolerance and non-discrimination I. [English, 8 pages] 162. Statement by Mr. D. Kolev, on the National Council for Cooperation on Ethnic and Demographic Issues in Bulgaria, Working Session 6: Tolerance and non-discrimination I. [English, 9 pages] 163. Statement on Institutional framework for Roma integration policy, Working Session 6: Tolerance and non-discrimination I. [English, 2 pages] 174. Statement on Framework Program for Equal Integration of Roma in Bulgaria, Working Session 6: Tolerance and non-discrimination I. [English, 2 pages]
American Civil Liberties Union Foundation	34. Statement on the right to fair trial - Guantanamo Military Commissions, Working Session 1: Rule of Law I. [English, 4 pages] 104. Statement on the capital punishment in the United States, Working Session 4: Rule of Law II. [English, 3 pages]
Amnesty International	222. Statement on fundamental freedoms, Working Session 3: Fundamental Freedoms II. [English, 6 pages] 223. Joint statement by Amnesty International (AI) and Penal Reform International (PRI), Working Session 4: Rule of Law II. [English, 3 pages; Russian, 3 pages] 224. Statement on 'Protection of human rights and fighting terrorism', Working Session 4: Rule of Law II. [English, 3 pages] 228. Statement on discrimination of Roma, Working Session 6: Tolerance and non-discrimination I. [English, 4 pages]
Association of Advocates of Uzbekistan; Tashkent City Branch	239. Contribution on 'The reform of the Bar in the Republic of Uzbekistan', Working Session 1: Rule of Law I. [Russian, 8 pages]
Associazione "Dossetti: i Valori" Observatory for Religious Tolerance and	286. Statement of Dr. Mattia F. Ferrero, Working Session 10: Tolerance and non-discrimination II (continued). [English, 3 pages] 287. Recommendations, Working Session 10: Tolerance and non-discrimination II (continued). [English, 2 pages] 353. Statement of Dr. Mattia F. Ferrero, Working Session 12: Freedom of

Freedom	religion or belief. [English, 2 pages]
Baltic Chechen Society	50. Written contribution on terrorism in Chechnya, Working Session 2: Fundamental freedoms I. [Russian, 3 pages]
C.O.C. - Cultuur en Ontspannings Centrum	268. Contribution on 'Combating hate crimes targeted at Lesbian, Gay, Bisexual and Transgender (LGBT) people in the OSCE region: an emerging need for action', Working Session 10: Tolerance and non-discrimination II (continued). [English, 3 pages]
CEJI	213. Contribution on 'Religious Diversity and Education and Awareness Raising in the Promotion of Human Rights', Working Session 8: Education and awareness raising in the promotion of human rights. [English, 4 pages]
Center for Peace, Legal Advice and Psychosocial Assistance	120. Intervention on minority returns and housing programs implementation in Croatia, Working Session 5: Tolerance and non-discrimination I. [English, 3 pages]
Center for Women's Studies	426. Address by Ms Oncel Polili, Working Session 11: Humanitarian issues and other commitments. [English, 3 pages] 458. Address on Victims of trafficking: Women in night clubs, Working Session 15: Focus on identification, assistance and access to justice for the victims of trafficking (continued). [English, 3 pages]
Centre for Legal Assistance to Migrants	468. Introductory statement by Mr. A. Aliyev, Working Session 15: Focus on identification, assistance and access to justice for the victims of trafficking (continued). [Russian, 4 pages]
Church of Scientology International	329. FECRIS: A Source of Religious Discrimination in the OSCE in Contravention of the Right to Religious Freedom under the Helsinki Accords, Working Session 12: Freedom of religion or belief. [English, 5 pages]
Church of Scientology; Human Rights Office	418. Statement on Religious Role in Human Rights Education, Working Session 9: Education and awareness raising in the promotion of human rights (continuation). [English, 1 page] 356. Statement on freedom of religion, Working Session 13: Freedom of religion or belief (continued). [English, 4 pages]
Civic Campaign "For Freedom"	503. Written contribution on Elections in Belarus, Working Session 17: Democratic institutions. [Russian, 3 pages]
Civil Society Institute, Georgia	12. Statement on Civil Society Institute's involvement in law making process, Working Session 1: Rule of Law I. [English, 2 pages]
Civitas - Bosnia and Herzegovina	207. Statement on 'Implementation of Democracy and Human Rights Education in Bosnia and Herzegovina', Working Session 8: Education and awareness raising in the promotion of human rights. [English, 2 pages]
Cojep International	271. Contribution on tolerance and non-discrimination, Working Session 10: Tolerance and non-discrimination II (continued). [English, 1 page] 314. Contribution on humanitarian issues and migrants, Working Session 11: Humanitarian issues and other commitments. [French, 1 page] 318. Contribution on migrants, Working Session 11: Humanitarian issues and other commitments. [French, 1 page] 319. Contribution - 'The rise of anti-minorities platforms in Europe', Working Session 11: Humanitarian issues and other commitments. [English, 12 pages; French, 12 pages]
Congress of National Minorities of Ukraine	354. Statement on 'Christian ethics course in Ukrainian schools', Working Session 12: Freedom of religion or belief. [English, 1 page]
Constantinopolitan	92. Contribution on national minorities, Working Session 5: Tolerance and

Society	<p>non-discrimination I. [English, 4 pages]</p> <p>106.Recommendations to the Turkish State to respect human rights of the Greek minority, Working Session 5: Tolerance and non-discrimination I. [English, 2 pages]</p>
Coordination des Associations et Particuliers pour la Liberte de Conscience	<p>326.Statement on 'Religious Discrimination in France', Working Session 12: Freedom of religion or belief. [English, 5 pages]</p> <p>327.Contribution on religious discrimination in France, Working Session 12: Freedom of religion or belief. [French, 5 pages]</p>
Culture, Arts and Sport Association "Garcek", Pristine	<p>114.Statement on the Turkish Community of Kosovo, Working Session 5: Tolerance and non-discrimination I. [English, 4 pages]</p>
Danish Turkish Islamic Foundation	<p>260.Statement on 'Islamophobia in Denmark', Working Session 10: Tolerance and non-discrimination II (continued). [English, 4 pages]</p>
Deutsch-Kaukasische Gesellschaft E.V	<p>288.Statement of freedom of the Media, Working Session 2: Fundamental freedoms I. [German, 1 page]</p> <p>289.Statement by Ms. Thema Folter, Working Session 4: Rule of Law II. [German, 2 pages]</p>
Education for Peace Institute of the Balkans - Sarajevo	<p>241.Written contribution - 'Education for Peace in Bosnia and Herzegovina, Side Event: Education in Post -Conflict Societies. [English, 5 pages]</p>
Embargoed!	<p>276.Statement on intolerance and discrimination, Working Session 10: Tolerance and non-discrimination II (continued). [English, 4 pages]</p>
European Association of Jehovah's Christian Witnesses	<p>363.Statement on 'Religious concerns in Azerbaijan', Working Session 12: Freedom of religion or belief. [English, 2 pages]</p> <p>383.Contribution - 'Emerging pattern of attempt to the rights of religious freedom in Moldova', Working Session 13: Freedom of religion or belief (continued). [English, 1 page]</p>
European Federation of Centres of Research and Information on Sectarianism	<p>281.Written contribution on cults and sects, Working Session 10: Tolerance and non-discrimination II (continued). [English, 3 pages]</p> <p>343.Contribution on freedom of religion and belief, Working Session 12: Freedom of religion or belief. [English, 2 pages]</p>
European Humanist Federation	<p>456.Recommendation, Opening Plenary Session. [English, 1 page]</p> <p>435.Intervention, Working Session 10: Tolerance and non-discrimination II (continued). [English, 2 pages]</p> <p>358.Statement on freedom of religion or belief, Working Session 12: Freedom of religion or belief. [English, 2 pages]</p> <p>437.Intervention by Mr. David Pollock, Working Session 12: Freedom of religion or belief. [English, 2 pages]</p> <p>466.Information on humanism and secularism, Working Session 13: Freedom of religion or belief (continued). [English, 2 pages]</p> <p>497.Speech by Mr. D. Pollock - Religion in the public square, Side Event: Freedom of Religion or Belief: Views at Odds. [English, 12 pages]</p> <p>486.Written contribution - Views at Odds on Democracy, Working Session 17: Democratic institutions. [English, 2 pages]</p>
European Jewish Congress	<p>250.Statement on Antisemitism, Working Session 10: Tolerance and non-discrimination II (continued). [English, 2 pages]</p>
European Network Against Racism	<p>267.Introductory statement by Mr Jean-Pierre Gauci, Working Session 10: Tolerance and non-discrimination II (continued). [English, 11 pages]</p>
European Raelian	<p>256.Contribution on intolerance, Working Session 10: Tolerance and non-</p>

Movement	<p>discrimination II (continued). [English, 3 pages]</p> <p>277. Statement on religious discrimination, Working Session 10: Tolerance and non-discrimination II (continued). [French, 9 pages]</p> <p>334. Contribution on discrimination, Working Session 12: Freedom of religion or belief. [French, 2 pages]</p> <p>339. Contribution, Working Session 12: Freedom of religion or belief. [French, 3 pages]</p>
European Roma and Travelers Forum	<p>169. Statement on implementation of the OSCE Action Plan on Roma and Sinti, Working Session 6: Tolerance and non-discrimination I. [English, 2 pages]</p>
European Roma Rights Centre (ERRC)	<p>173. Statement on Roma integration, Working Session 6: Tolerance and non-discrimination I. [English, 2 pages]</p> <p>199. Statement on the situation of the Romani women, Working Session 7: Tolerance and non-discrimination II. [English, 2 pages]</p>
Falun Gong Followers' Foundation	<p>272. Written contribution on 'Chinese refugees in Ukraine', Working Session 10: Tolerance and non-discrimination II (continued). [English, 2 pages]</p> <p>420. Contribution on Chinese refugees in Ukraine, Working Session 11: Humanitarian issues and other commitments. [English, 2 pages]</p> <p>417. Statement on Religious Freedom Violations Regarding Falun Gong In Ukraine, Working Session 12: Freedom of religion or belief. [English, 2 pages]</p>
Federal Advisory Council on Foreigners, Germany	<p>261. Statement by Memet Kilic, Working Session 10: Tolerance and non-discrimination II (continued). [German, 2 pages]</p> <p>262. Statement on hate crimes against migrants, Working Session 10: Tolerance and non-discrimination II (continued). [English, 2 pages]</p>
Federation of Western Thracians in Europe	<p>119. Statement on the Turkish minority in Greece and their education, Working Session 5: Tolerance and non-discrimination I. [English, 3 pages]</p>
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