

COMPILATION OF WRITTEN RECOMMENDATIONS

(Covering Working Sessions 10-11 and 12-13)

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

Please note that the deadline for submitting Recommendations to the HDIM Documentation Centre is Thursday, 04 October 2007.

Monday, 01 October 2007

WORKING SESSION 10 & 11: Gender aspects of security

Prevention of violence against women

Recommendations to Participating States:

Kurdish Human Rights Project:

Legislative Reforms and Recommendations on Women's Safety

- KHRP [...] urges the Turkish government to thus amend the Penal Code to more fully protect women from the vicious attacks they continue to suffer in the name of 'honour'.
- KHRP further urges the Turkish government to fully investigate purported suicides by young women, as some evidence indicates that the criminalisation of certain 'honour killings' has lead families to pressure their daughters to kill themselves for breaking 'honour' codes. The Turkish government must continue to be vigilant in confronting this denigrating, oppressive practice wherever and however it occurs.
- We [therefore] urge the Turkish government to mandate a woman's consent before any 'genital examination' be conducted on her.
- KHRP also urges the Turkish government to amend Article 10 of its Civil Code so that it applies retroactively, enabling all women to recover the true value of jointly-held assets in divorce proceedings.
- In addition, we recommend that the state of Turkey train all members of the Judiciary on its obligation to regard men and women equally under the law with the goal of reversing the Fatma and Mehmet A. decision, among others that weaken or devalue women's rights.
- The Turkish government should also amend the Political Parties and Election Acts to include a minimum 30 per cent quota for women's political participation.

Support for Displaced Women and Victims of Domestic Violence

- KHRP further urges the state of Turkey to build more shelters for women and children who seek to escape from situations of domestic abuse or violence. The government should follow the proportion recommended to the European Parliament and construct one shelter per 10,000 women.
- The Turkish Armed Forces and Police should receive training on domestic violence so that they know what to look for and how to intervene in situations of violence against women and children.
- KHRP also recommends that the Turkish government make serious efforts to educate women as education will help empower them to escape from abusive situations and prevent them from depending totally on male family members or husbands for support.
- KHRP urges the Turkish government to continue to speak out against violence against women, condemn 'honour killings', and create supportive environments where women can go to talk about domestic violence or abuse they are suffering.

Recommendations to the OSCE:

The Georgian Center for Psychosocial and Medical Rehabilitation of Torture Victims:

We propose to the OSCE the following recommendations

To urge the Georgian Government

- To take all the necessary measures to fully and effectively implement the law on domestic violence;
- to allocate financial resources for the opening of shelters and rehabilitation centers by 2008;
- To support initiatives of the Non-Governmental Sector directed at providing services to victims of gender violence, preventive activities and awareness rising;
- To take all the necessary measures to fulfill its obligations (under international law) to provide access to justice and enable victims of torture to obtain full redress and rehabilitation.

Kurdish Human Rights Project:

- KHRP recommends that the OSCE take measures to encourage the state of Turkey to honour these promises for all women found within its borders.

In particular KHRP urges the OSCE to:

- monitor the safety of women throughout Turkey by liaising with human rights defenders, national women's groups, NGOs and IGOs by remaining informed as to 'honour killings', suspicious suicides and their investigations occurring in Turkey;

- recall the agreement made by all participating States in the Sofia Document of 2004 to make use of OSCE fora to review the implementation of these commitments and send an observation mission to different parts of Turkey to review the status of women;
- use its good offices with the United Nations and European Union to exert pressure on the state of Turkey to actualise the reforms it promised in 2006, including positive discrimination in government appointments, public education programmes, domestic violence hotlines, the construction of new shelters and the persistent prosecution of perpetrators of all forms of violence against women;
- monitor the seriousness with which the Turkish government investigates suicides of young females and 'honour killings' by sending trial observation mission to observe the prosecution of these types of cases.

United Nations Security Council resolution 1325(2000):

Recommendations to Participating States:

Freedom House:

- We urge the participants of the 2007 OSCE/ODIHR Human Dimension Implementation Meeting to display support to the Burmese nonviolent struggle against a repressive military dictatorship.
- We call upon the OSCE Participating and Partner States to demand objective, thorough, and unhindered media reporting in Burma, and press the Burmese government to grant unrestricted access both domestically and internationally to uncensored media sources.
- We call upon the OSCE Participating States to demand and show political, economic and diplomatic support to the unrestrained exercise of freedom of peaceful assembly and help begin the process immediately that leads to free and fair elections in Burma.

WORKING SESSION 12: Humanitarian issues and other commitments:

Trafficking in human beings:

Recommendations to Participating States:

Romani CRISS:

Recommendations to the Romanian Government and to the other concerned OSCE participating States:

- to design and adopt appropriate positive actions aiming to facilitate the access of Roma workers to the bilateral agreements and to other channels which allow for labor migration, regular migrant work, vocational and occupational training of migrant workers, exchange

of students, etc; urgent actions in this direction should be reported during the OSCE Human Dimension events in 2008;

- to enforce carefully and with restraint the legal tools which States have when implementing measures(including repatriation) towards persons from particular ethnic groups who are illegally on the territory of another participating State.

Recommendations concerning the bilateral relations between governmental and local authorities of Romania and Italy, in the framework of the OSCE and the EU cooperation:

- to consider supporting, even joining, the NGOs initiative to ally themselves in a civic *Group for Peaceful Ethnic Affirmation/GPAE* of Roma Europe-wide, a reply and alternative to the dangerous initiative recently announced in Italy to form an Armed Group for the Ethnic Cleansing of Roma , in Italian: *Gruppo Armato for Pullizia Etnica/GAPE*.
- to set up an international *Observatory* (provisional naming) with the main task to document the migration-related trends and positive actions of Roma, non-Roma or joint organizations from Italy and Romania; the main tasks of such possible resource are elaborated in the full text of the Statement

Recommendation to other International Organizations and Roma-related initiatives,

- The *Council of Europe's European Roma and Travelers Forum* may organize a debate on Roma-migration related issues as part of its forthcoming Plenary Assembly, in 2007; a preparatory meeting could be convened in Romania, in October-November 2007;
- The EU *European Commission and the Economic and Social Committee* should thoroughly tackle the issues of Roma economic migration in their on-going work and Reports on the access of minorities to the employment opportunities and on the inclusion of Roma in the EU member countries.
- As a follow up of the suggestions of Mr. *Romanio Prodi*, the Prime-Ministry of Italy, in his Roma-related statement on 12 August, following the death by arson of four children of Romanian Roma migrants,we suggest that the Italian and Romanian top political authorities to jointly launch an initiative for including a discussion of the Roma –related affairs during the EU Summit, in December 2007.
- The international initiative for a *Decade of Roma Inclusion, 2005-2015*, and the Budapest-based *Roma Education Fund/REF* should launch a Europe-wide program for the appropriate schooling and vocational training of the Roma children and youth belonging to families and communities involved in long-term international mobility and economic migration.
- The forthcoming REF seminar on Education of Roma children to be held in Venetia, 15-16 October, could provide a good opportunity to launch such an initiative, tacking into account the acuteness of the current debates in Italy and in Romania in connection to the Roma-related migration and search for school and economic opportunities.

Recommendations to the OSCE:

European Union:

- We encourage the Special Representative to continue in giving impetus to the activities of the Alliance against Trafficking in Persons, in close co-operation and co-ordination with the ODIHR and other OSCE institutions and relevant structures.
- Acknowledging the significant contribution of the OSCE in raising the visibility of trafficking in human beings for labour exploitation and welcoming the ODIHR discussion paper on standards and new developments, distributed last August, we encourage OSCE structures and Institutions to continue engaging with participating States in order to promote the implementation of relevant OSCE commitments and to share best practices on preventive, protective and prosecutorial measures related to labour trafficking.
- Given the importance of having sound knowledge of the complexity and scope of the phenomenon, we encourage the Special Representative and the other OSCE structures and Institutions to follow up the recent Conference “Assistance to Trafficked Persons: We Can Do Better”, by promoting evidence-based research on trafficking in human beings and rigorous evaluation of the impact of anti-trafficking interventions.
- Being aware that an effective prosecution of traffickers is crucial both to prevent the crime and to assist and protect the victims, we call on participating States to enhance international judicial co-operation and develop bilateral cooperation in this field. We also call on OSCE structures and Institutions to enhance their efforts to give visibility to shortcomings in judicial co-operation in the OSCE region.
- We once again invite OSCE field missions to intensify their efforts against trafficking in human beings, in close co-ordination with the OSCE Institutions and with relevant local NGOs and taking advantage of any synergy with programmes developed by other international actors on the ground.

Holy See:

Recommends the following actions on the part of the OSCE and the ODIHR:

- To commit more focused energy and effort to addressing the root causes of trafficking in persons, including poverty, underdevelopment, corruption, the breakdown of the family, and addiction.
- To recognize in concrete terms that trafficking in persons is fuelled not simply by economics, but by a certain misconception of the human person which views people as objects to be used and commodities to be bought and sold, rather than persons to be valued and respected by virtue of their very existence.
- To examine seriously and concretely the undeniable linkage between the “sex industry” and trafficking in persons, including all forms of pornography; and to be willing to

challenge even the legal provisions that allow for the persistent objectification of men, women and children in this regard. No serious strategy at combating the scourge of human trafficking can neglect this linkage. The OSCE and the ODIHR must be committed to such an honest assessment.

Romani CRISS:

Recommendations to the OSCE Institutions.

- The OSCE current and forthcoming Chairs-in-Office, Spain and Finland, may consider organizing a special OSCE event in 2008 on Roma and Sinti migration –related issues; in organizing such an OSCE meeting the two participating States may disseminate their rich experience in
 - creatively addressing the Romani affairs of their own countries, as well as in
 - dealing with large mass of Romanian economic migrants (in case of Spain) or with trends of Eastern European Roma asylum seekers and mi-grants (in case of Finland)
- if decided, such a special OSCE meeting on Roma and Sinti related affairs may be designed and implemented as a continuation of the series of implementation meetings of national and international policies for the Roma and Sinti, such as the ones in Warsaw, October 2005 and in Bucuresti, May 2006, organized in the cooperation of the OSCE with the Council of Europe, the EU Agency for Fundamental Rights, the major relevant NGOs, etc.
- as part of this OSCE Meeting could be discussed the situation of the Roma , Ask-halie, Egyptian war refugees and IDPs from Kosovo; and the prospects of the readmission of the long term refugees from Serbia/Kosovo in the context of the forthcoming political developments of the region , 2007-2008;
- The OSCE ODIHR may further build on its Contact Point for Roma and Sinti Issues/CPRSI, on the OSCE Roma and Sinti related documents and on its relevant migration-related documents & Position Papers; among others, the OSCE ODIHR CPRSI may commission an in-depth study of the OSCE-wide migration trends of the Roma and Sinti groups, with the aim to grasp the effects on Roma and Sinti populations of the newly political contexts generated by current comprehensive processes- such as the extension of the European Union, the Stabilization of the Western Balkans- which deeply affect the countries where the majority of the world's Roma and Sinti population lives.
- The OSCE ODIHR CPRSI should launch an interactive, electronic forum of debates on Roma and Sinti affairs, in particular on Roma migration –related issues; we propose that the present Statement to be posted on the ODIHR CPRSI web-site as a first action towards launching the suggested CPRSI e-link of Roma and Sinti debates.

Tuesday, 03 October 2007

WORKING SESSION 13: Rule of law III:

Independence of the judiciary:

Recommendations to Participating States:

International Helsinki Federation for Human Rights and Armenian Helsinki Committee:

- Call on the Armenian authorities to adopt further constructive reforms to improve the independence and functioning of the judicial system and ensure respect for fundamental rights in the administration of justice.

In particular, we recommend that the Armenian authorities:

- Ensure adequate implementation of the recent changes to the constitution limiting the influence of the executive on the appointment and dismissal of judges as well as other legislation regulating the separation of powers between the judicial and executive branches of government;
- Review and develop the education and training of judges so as to make sure that they are equipped to efficiently perform their duties within the framework of the current legal system and with due respect for rights protected by the constitution and international human rights law;
- Improve the position of legal counsel during the pre-trial period and ensure that allegations of torture and ill-treatment that arise during court hearings are adequately investigated;
- Raise salaries and improve social guarantees (such as pensions) of judges in order to improve their standing and combat corrupt practices;
- Develop existing schemes for provision of ex-officio legal services with a view to improving their availability and quality.

Legal Education Society:

Для обеспечения независимой судебной системы необходимо выполнение следующих условий:

- Поддержка и в дальнейшем программ по мониторингам судебных процессов. Так же должна вестись работа по контролю над последующим полным выполнением вынесенных ими рекомендаций органами судебной системы. Сотрудничество и координация организаций как национальных НПО, так и международных, поддерживающих подобные проекты содействовали бы усилению эффективности этой работы.
- Поддержка программ направленных на обеспечение квалифицированного обучения, подготовки и выбора судей, обучение адвокатов, правозащитников

инструментам по защите в международных судах, в частности в Европейском Суде по правам человека;

- Законодательство, регулирующее организацию и деятельность судебной власти, должны быть приведены в соответствие с требованиями демократического, правового государства и требованиями международных норм. Должны быть усилены гарантии, предотвращающие вмешательство органов исполнительной власти в деятельность судебной власти, соблюдение условий неприкосновенности судей, предоставление судьям гарантий против необоснованного смещения с должности, а также приемлемых условий работы;
- Должен быть усовершенствован порядок выбора судей, назначения их на должность, выборы должны проходить на основе прозрачных процедур, этой работой под контролем общественности должна заниматься не организация, действующая при Президенте (Судебно-Правовой Совет), а самоуправляемая организация.
- Должно быть усилено материально-техническое обеспечение судей, других работников судов, их материальная, организационная зависимость от исполнительных структур должна быть устранена.

Recommendations to the OSCE:

Republican Bureau of Human Rights and Rule of Law:

- Мы призываем ОБСЕ проявить больше заинтересованности, проводимым в странах-членах ОБСЕ судебно-правовым реформам, активно вовлекать авторитетных экспертов в проводимые реформы.
- Как было отмечено ранее в Дополнительном совещании по поддержке и продвижению прав человека в июле 2007 года в Вене, необходимо уделить пристальное внимание мониторингу законодательства на предмет наличия специального законодательства о независимых судебных экспертизах.
- Привлечение институтов гражданского общества к проводимым судебным реформам.

Right to a fair trial:

Recommendations to Participating States:

International Youth Human Rights Movement:

- We urge the delegates at the upcoming Madrid Ministerial Council to insist upon that the Russian Federation ratifies protocol 14 to the European Convention on Human Rights.
- We call upon the OSCE participating states to provide effective means of redress against human rights violations at the national level and pay specific attention to repetitive cases.

Recommendations to the OSCE:

International Youth Human Rights Movement:

- We call upon ODIHR to work closely with Committee of Ministers of Council of Europe on monitoring the execution of the decisions of the European Court of Human Rights, and to issue recommendations to participating states on applying ECtHR decisions on systematic and institutional level to reform or develop existing practice in the countries.
- We request the ODIHR to actively engage in monitoring and collecting information on procedural violations during court processes in participating states paying special attention not only to guarantees of fair trial in criminal persecutions but also in cases of misdemeanor charges. We demand that particular attention is also given to the possibility to physically access the court and be present during the public court hearings.
- We recommend to the ODIHR to work towards comprehensive guidelines for member states on the right to a fair and public trial, including trials on administrative charges.
- We demand from the ODIHR to develop guidelines for legislation, which, while not infringing the independence of the judiciary, would provide for the accountability of judges for procedural violations that have been committed and ensure proper compensation for victims of such violations.