

COMPILATION OF WRITTEN RECOMMENDATIONS
(Covering Working Sessions 4-5)

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

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

Tuesday, 04 October 2006

WORKING SESSION 4 – Tolerance and non-discrimination I, including:

Recommendations to participating States:

Equality of opportunity for women and men

United States of America:

- Several OSCE States, including Armenia, Turkmenistan, Uzbekistan, Belarus and Russia, do not even have specific laws against sexual harassment and should act to correct this legal gap in protection at the work place.

Business Women Association of Kazakhstan

В целях эффективной реализации гендерной политики в стране в соответствии с обязательствами в рамках ратификации конвенции CEDAW и Планом ОБСЕ по продвижению гендерного равенства необходимо осуществить следующие шаги:

- разработать механизм по контролю, проведению мониторинга и оценки прогресса в выполнении «Стратегии гендерного равенства в Республике Казахстан»;
- рассмотреть полномочия Национальной Комиссии по делам семьи и гендерной политике при Президенте Казахстана, которая имеет, к сожалению, только консультативно-совещательные функции, на Министерство по делам равенства, как, например, в Норвегии. Наделить бюджетом и на практике обеспечить систематическую и последовательную интеграцию гендерной проекции во всех её действиях, стратегиях и решениях, в соответствии с Планом ОБСЕ по продвижению гендерного равенства.

Roma National Congress:

Since woman issue is not politically accepted, it is necessary to undertake activities that are more intensive by using most of the internationally adopted documents that can help in more effective lobbying for achievement of positive results.

- The OSCE ODIHR member countries should include Roma activists, intellectuals that are presented equally by both genders (males and females).
In the process the development of the following issues:
 - Initiation of effective instruments for involvement of Roma woman in woman programs as well as in the institutions that treat the woman issue
 - Implementation of adopted documents and regulations with international character on a national and local level in all countries that signed various conventions, resolutions, etc.
 - Building of intra-political Roma platforms for Roma women that will aim at political influence over the politics of the European countries.
 - Initiation of more intensive communication and discussion in ERTF.

“Impreuna” Agency for Community Development

In order to improve the condition of Romani woman from Romania, we recommend:

- The introduction and the promotion of the gender perspective in Roma segment, part of the strategy of every institution, both governmental and non – governmental; creation of a department – Roma Minorities – within the National Agency for Equality of Chances between Women and Men and of a department – Equality of Chances between Women and Men – within the National Agency for Roma.
- Performance of comprehensive studies concerning the condition of Romani women from Romania.
- Initiation of several programs aimed for the equality of chances in Roma communities.
- Promotion of the participation of Romani women in public and political life, where Romani women should take part equally with men to consultative mechanisms or of another nature aimed to increase the access in all the aspects to political and public life.
- The systematical inclusion of Romani woman in the process of development of the national strategies, at each development level of policies, within their implementation and assessment, by close consulting and equal representation in important positions compared to men.

- Payment of special attention to Romani women in developing their abilities and opportunities, in order to promote them as active participants, (intellectual) models for the communities from which they come.
 - Creation of an Active Network (Work Group) of Romani Women from Romania; enticing young women from the Roma communities to this network – creation of some intellectual models in the communities from which they come.
8. The permanent collaboration between Romani women and the movement of the women of the majority from Romania.

Gender-Center

We recommend [that]:

- Adjusting the national legislation according to the Law regarding assurance of Equal Opportunities for Women and Men
- Elaboration and implementation of Gender Mainstreaming Strategy
- Strengthening Institutional Mechanisms by assurance financial and human resources
- Introducing affirmative actions (to institute some quota in order to ensure a balanced representation of women and men at all levels of decision making processes)
- Adoption appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women

Implementation of the OSCE Action Plan for the Promotion of Gender Equality

Amalipe Center for Interethnic Dialogue

[Therefore,] our main recommendations are:

- Mainstream Roma issues within the priorities of the Operational Programs
- Incorporate indicators for monitoring activities aimed at overcoming the backward situation of Romani women within both Roma related activities and within the gender section of the Operational programs.

Role of women in conflict prevention and crisis management

Norway

- Norway would like to support Dr. Hernes proposal at the ASRC, to integrate the security perspectives of Resolution 1325 more explicitly into the OSCE Strategy to Address Threats to Security and Stability in the Twenty-first Century.

Switzerland:

- Switzerland calls on the OSCE participating States to develop National Action Plans to implement United Nations Security Council resolution 1325 on women, peace and security, thereby advancing a step further the implementation of the requirements of the resolution on women, peace and security.
- Switzerland recommends to create within the OSCE framework a regional alliance “1325” that should give the participating States the opportunity to share know-how and experiences in the development of national action plans and in the implementation of the resolution. It could also help to implement more effectively the decision of the Ministerial Council 14/05 in the participating States.

International Helsinki Federation for Human Rights:

To the government of **Uzbekistan**:

- Publicly recognize its obligation to respect the right of its citizens to “contribute actively, individually or in association with others, to the promotion and protection of human rights and fundamental freedoms” and to refrain from imposing any restrictions on human rights activity that are not consistent with international law;
- Immediately release all civil society activists who have been detained because of legitimate human rights work or criticism of official policies and ensure that no one is prosecuted, imprisoned or forcefully confined in a psychiatric institution merely for exercising her right to freedom of expression and other fundamental freedoms;
- Put an end to all forms of surveillance and restrictions on the freedom of movement of human rights defenders and others involved in efforts to promote government compliance with international human rights standards and ensure that all reported cases of attacks against human rights defenders are investigated in a prompt, thorough and objective manner and that those guilty of such attacks are brought to justice.

Prevention of violence against women

United States of America:

- Unfortunately, once again this year, we must point out that, while some countries may prosecute domestic violence under other laws, several states, including Albania, Armenia, Azerbaijan, Kazakhstan, Lithuania, Moldova, Russia, and Uzbekistan, do not explicitly define domestic violence as a crime. We urge these governments to make it a priority to strengthen related laws and we ask that ODIHR work with these States to assist where necessary.
- [Finally,] we again urge the governments of Georgia and Kyrgyzstan to take immediate action to eliminate the practice of abductions and forced marriages of young women.

Council of Europe

- To denounce domestic violence as a **human rights violation** which is not acceptable in democracies committed to the fundamental values of the Council of Europe;
- To encourage the fight against domestic violence against women in the 46 members states of the Council of Europe;
- To encourage national parliaments to become actively involved in combating domestic violence through the implementation of the pan-European campaign in 2007.

Amnesty International:

Amnesty International calls on Participating States to:

- State officials and political leaders at every level, national, district and local, should publicly condemn domestic violence. They should acknowledge that domestic violence is a human rights violation, and therefore a public concern, not a private matter. Officials may not invoke customs, traditions or religion to evade their responsibility to eliminate violence against women.
- Widespread public campaign should be launched in schools, citizen's forum and workplaces to denounce domestic violence, to remove the stigma from women targeted for violence, and to encourage survivors to seek redress.
- To ensure that all forms of domestic violence are treated in law and practices as criminal offences, that acts of domestic violence are investigated, prosecuted and

punished in accordance with the gravity of the crime, and that victims receive appropriate reparations.

- Fund and implement compulsory training to programmes for officials – including police, lawyers, judges, forensic and medical personnel, social workers, immigration officials and teachers – in how to identify cases of domestic violence, how to ensure the safety of survivors and how to collect, safeguard, consider and present evidence.
- Fund and establish temporary shelters or other places for women, without compromising their privacy, personal autonomy and freedom of movement.
- Ensure that all relevant government departments collect and publish data and statistics on domestic violence, that they share data, and that the data is used by policy-makers in devising effective policies and programmes to address domestic violence.
- Ensure that women suffering violence have access to information about their rights and the services and support they are entitled to.

Gender-center

We recommend Government and Parliament that:

- Urgent adoption of the Draft Law on Prevention and Combating Violence in Family;
- Development of program on prevention of Domestic violence;
- Development of services of victims' assistance and abusers rehabilitation;
- Elaboration of data base on domestic violence.

Recommendations to the OSCE:

Equality of opportunity for women and men

United States of America:

- We [also] welcome that the OSCE's Policy against Sexual Harassment and Discrimination has been revised. In this regard, the role of senior management is crucial. Senior management must be trained and held accountable for the implementation of directives such as the policy against harassment.

Norway:

There are still too few women in decision making positions in the OSCE. Beside the apparent need for participating States to put forward female candidates, more could be done to make the OSCE more attractive as a working place for women:

- The Secretariat, Institutions and Missions should increase the awareness on gender sensitive issues in their introduction programmes and training.
- OSCE staff regulations should be reviewed in order to create a more family friendly and gender sensitive working environment.

Role of women in conflict prevention and crisis management

International Helsinki Federation for Human Rights:

To the **OSCE**:

- In bilateral and multilateral contacts with the Uzbek government, emphasize the important role of independent human rights defenders and other civil society activists in the democratic development of any country and bring up for discussion reported cases of harassment and abuse against Uzbek human rights defenders;
- Support the work of civil society groups in Uzbekistan in financial and other ways and take concrete measures, where appropriate, to protect persecuted Uzbek human rights defenders, e.g. by providing for temporary resettlement in emergency cases;
- Encourage the Uzbek government to cooperate with the UN special procedures (in particular the Special Rapporteur on torture and the Special Representative of the Secretary General on the situation of human rights defenders) and extend to them an invitation to visit the country.

Prevention of violence against women

United States of America:

- We ask that ODIHR look into ways that the OSCE could assist Georgia in implementing this new law, such as training social workers to monitor cases and establishing shelters.

Gender-center

We address to OSCE the following proposals:

- to press the Parliament to adopt the Draft Law on Prevention and Combating Violence in Family;
- to support the programs in order to combat domestic violence and provide redress and rehabilitation to victims,
- to support the programs addressed to law enforcement bodies to work with perpetrators,
- to support the efforts of civil society in combating DV through joint initiatives on awareness-raising and education,
- to monitor and evaluate the Government measures in order to prevent and combat Domestic Violence.

WORKING SESSION 5 – Humanitarian issues and other commitments, including:

Recommendations to participating States:

Migrant workers, the integration of legal migrants

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.

Council of Europe:

Migrant workers, the integration of legal migrants:

- To promote diversity in multi-cultural and ethnically diverse societies and respecting individual human rights
- To pursue a holistic approach that places emphasis on the interaction between migrants and host societies, and directing policies at society as a whole
- To promote equality of opportunity and equal access to rights and services.

Refugees and displaced persons

Canada

- We would encourage the Kyrgyz Republic to maintain this approach, which is in keeping with international human rights and refugee law.
- Also, we call upon the Uzbek Government to accept the UNHCR request that international observers be granted humanitarian access to ensure that the basic human rights of the deportees from Kyrgyzstan are respected.
- We strongly encourage the Kyrgyz Republic, Uzbekistan and all participating States to continue to cooperate and maintain an open dialogue with the UNHCR on issues related to refugees and asylum seekers.

United States of America:

- [Meanwhile,] the United States urges the Government of Uzbekistan to end its practice of pressuring other governments to forcibly return Uzbek refugees and asylum seekers, as well as to stop pressuring families of refugees; to guarantee humane treatment of voluntary returnees; and to allow access to these individuals by the international community.

In the Balkans, the 2005 Sarajevo Ministerial Declaration on Refugee Return and Integration was notable, as the governments of Bosnia and Herzegovina, Croatia and Serbia committed to solve the remaining population displacement by the end of 2006 through facilitating returns or local integration of refugees and IDPs.

- We call upon the three governments to intensify their efforts to meet their end-year goal and ensure displaced persons and refugees can find durable solutions for resettlement.
- In particular, we urge the Government of Georgia to continue its important work of finalizing its national strategy for displaced persons and to ensure the return of the Meshketian Turks.
- We hope the governments of Armenia and Azerbaijan will continue addressing the most critical needs, including housing and medical care, of refugees and IDPs in their respective national development plans.
- We urge all OSCE countries that do not already, to treat the protection needs of vulnerable migrants, refugees and displaced persons as priorities, and for those that do, to continue to uphold their international protection obligations.

Amnesty International:

- Amnesty International calls on all Participating States to honour their commitments under international law and refugee standards to provide asylum-seekers with access to a fair, independent and transparent asylum procedure, and not to return any person to a country or territory where they may face serious human rights violations or place barriers in the way of international protection for those who need it.
- Amnesty International calls on all Participating States to uphold their obligations under international law to protect the best interest of the child and not to detain unaccompanied minors in detention centres.
- Amnesty International urges the authorities to ensure that asylum-seekers are only detained when absolutely necessary in compliance with international standards, and that asylum-seekers and irregular migrants are not detained in cruel, inhuman or degrading conditions.
- Amnesty International urges all Participating States, who have not yet done so, to sign and ratify Protocol 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, enshrining the principle of non-discrimination.
- Amnesty International calls on the EU to ensure that respect for human rights is a precondition of any cooperation with countries of transit or origin, and that both short- and long-term strategies on irregular migration are grounded in respect for the basic rights of migrants

Helsinki Committee for Human Rights of the Republic of Macedonia

The internally displaced people belonging to all communities in Macedonia have also initiated process through courts for indemnification of the lost in their lives; sadly, 5 years on, some of these proceedings have not commenced and the majority of them have not been concluded.

- We would like to urge and we would like to believe that this particular portion of the population shall be adequately treated and taken care of by the new government.
- We would like to also urge the OSCE, EU and the UN agencies to provide support to the government to resolve this particular problem.

Roma National Congress:

Effective government enforcement is insufficient in some areas, and societal and cultural discrimination based on gender, race, religion, social class, and disability exists Concrete Plan and Strategy for the Roma refugee and IDP's community should be adopted and implemented as well, developing the following issues:

- Implementation of adopted documents and regulations with international character on a national and local level, because although various conventions, resolutions and agreements are signed, they must be reviewed in practice
- Effective monitoring of human rights issues should be realized and accomplished by the international community, and Roma NGO's, in order to detect violations and mistreatments towards the Roma community.
- Political participation and representation of Roma in decision making bodies and to establish other equality bodies for minorities on Kosovo
- Civil registration and lack of personal documentation among the Roma community must be solved due to the proper statistic database for census or elections on Kosovo, and the fact that personal documentation is condition for performing other civil rights.
- Special programmes for return and reintegration of Roma, Ashkali and Egyptians (RAE) on Kosovo, based upon free will and real opportunity to integrate in the society.
- To assist to IDP's and returnees to repossess their real estate and personal property on Kosovo as pre-condition for normal living or to secure for them normal living standards and housing if needed in other possible areas.

Recommendations to the OSCE:

Migrant workers, the integration of legal migrants

Turkey:

In closing, I would like to recommend to the participating States and the OSCE the following:

- OSCE and its institutions should focus more on the human dimension of migration and integration. Protection and promotion of the rights of migrants should be one of the priorities.