

## COMPILATION OF WRITTEN RECOMMENDATIONS

*(Covering Working Sessions 8-11)*

*This compilation contains recommendations submitted to the HDIM Documentation Centre in accordance with the established procedure. The compilation is organized by Working Sessions and by what was submitted by Delegations / International Organizations / NGOs to participating States and, separately, to OSCE Institutions / Field Missions or other International Organizations. Recommendations are compiled in original language. This compilation contains recommendations from all documents received at the HDIM Documentation Centre by the end of Working Session 11; documents received after this time will be included later in the Consolidated Summary.*

**Friday, 27 September 2013**

### **WORKING SESSION 8: Freedom of assembly and association**

Recommendations to participating States

**Center for Civil Liberties, Ukraine**

Рекомендации органам власти Украины:

- Урегулировать вопрос правовой неопределенности, приняв специальное законодательство о свободе мирных собраний в соответствии с положениями Пакта и практики Комитета ООН по правам человека.
- Официально признать Указ Президиума ВС СССР N 9306 - XI от 28.07.88 "О порядке организации и проведения собраний , митингов , уличных шествий и демонстраций в СССР" недействительным в Украине и исключить его применение органами государственной власти и местного самоуправления.
- Безотлагательно внести в Кодекс об административном судопроизводстве Украины изменения для обеспечения права на эффективное апелляционное обжалование судебных решений по делам по искам об ограничении права на мирные собрания.
- Урегулировать вопрос о привлечении к охране порядка во время мирных собраний сотрудников органов внутренних дел без форменной одежды, а также обязать сотрудников органов внутренних дел на форменной одежде носить нагрудный знак (жетон) с указанными именем, фамилией и личным номером на законодательном уровне.
- Безотлагательно внести изменения в Устав патрульно - постовой службы милиции Украины для приведения его в соответствие с Конституцией Украины и определенной Законом Украины " О милиции " компетенции Министерства внутренних дел Украины .
- Отменить все решения органов местного самоуправления , регламентирующие порядок организации и проведения мирных собраний.
- Предоставить официальное разъяснение законодательства по одиночным протестам.

**Public Group of Initiative Volunteers "Akcent"**

Рекомендации Правительству Республики Таджикистан

- Исключить территориальное ограничение деятельности общественных объединений;

- Исключить требование об указании в Уставе «действительного местонахождения управляющего органа организации»-достаточно информационной справки, которую предоставляют НПО ежегодно до 1 апреля в регистрирующий орган, в которой и указывается данная информация;
- Осуществлять государственную регистрацию общественных объединений в уведомительном порядке;
- Конкретизировать причины различных санкций в отношении общественных объединений, особенно в случаях приостановления и требований о ликвидации организации;
- Принять отдельный закон, регламентирующий порядок проведения проверок в общественных объединениях с конкретным указанием сроков, причин и оснований для таких проверок, а также полномочий государственных органов в ходе этих проверок;
- Исключить из Закона РТ «Об общественных объединениях» запрет на регистрацию ранее ликвидированного общественного объединения;
- Имплементировать в законодательство страны и иные международные стандарты в области свободы ассоциаций.

### **No Borders – Ukraine**

- The Coalition is asking member states to continue monitoring of Ukraine obligations under human rights acts and democracy principals in order to ensure that the state is protecting the right to peaceful assemble for all groups and takes measures to ensure safety of its participants.

### **The Values Foundation**

We respectfully ask;

- That OSCE member States are urged to consider that national legislation should provide for individuals and groups to be free to exercise the freedom of non-association and not suffer discrimination as a result of this.

### **International Partnership for Human Rights (IPHR)**

*To the governments of Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Turkmenistan and Uzbekistan in view of the concerns raised in our statement:*

- Ensure that any legislation affecting NGOs does not place unnecessary, disproportionate or discriminatory restrictions on the right to freedom of association and related fundamental rights. Reject draft legislation that does not meet these requirements and repeal or revise problematic legislation in force in accordance with the recommendations made by international human rights bodies and experts.
- Protect and uphold the right of NGOs, including those based in exile, to carry out their activities without intimidation, harassment and undue interference; and refrain from imposing excessive controls and unreasonably heavy reporting requirements on NGOs that are not justified and necessary for reasons of transparency and accountability, put NGOs – or some categories of

NGOs – in a discriminatory position compared to other groups, and have the effect of seriously obstructing the work of NGOs.

- Respect the right of human rights groups to solicit, receive and utilize resources for their work, in accordance with the UN Declaration on Human Rights Defenders, as well as the resolution on protecting human rights defenders (A/HRC/22/L.13) that was adopted by the UN Human Rights Council in March 2013.
- Abolish regulations that establish burdensome, inhibitory and discriminatory requirements and procedures for NGOs to access and use funding, in particular foreign grants, and/or that prohibit or criminalize human rights activities undertaken on the basis of such funds.
- Put an end to government policies and rhetoric that stigmatize and discredit independent human rights NGOs and other NGOs that scrutinize and criticize the actions of authorities, in particular NGOs that receive grants from abroad; acknowledge publicly the legitimate and important role that human rights groups play in the promotion and protection of human rights; and take concrete steps, in accordance with guidelines and recommendations adopted by international human rights mechanisms, to create and maintain an enabling environment for human rights NGOs.
- Rescind any bans or penalties currently in place for unregistered NGO activity and ensure that NGOs may obtain registration in a simple, transparent, expeditious and fair procedure that does not grant discretion to authorities or allow for refusing or depriving NGOs of registration on arbitrary grounds. Promptly reconsider cases where NGOs have been denied or deprived of registration, or their applications have been left pending, under procedures that do not meet these requirements.
- Ensure that any sanctions imposed on NGOs for failures to observe legal requirements are proportionate to the violations committed and that the drastic measures of suspending or liquidating an NGO may only be ordered by court in exceptional circumstances, on the basis of compelling evidence of serious misconduct and as a last resort after an NGO has been warned and granted opportunities to rectify the violation. Immediately revise any decision where an NGO has been closed down in retaliation for its human rights work.

***To other OSCE participating States, in particular the EU member states:***

*In accordance with the basic principle that issues relating to human dimension commitments are matters of direct and legitimate concern to all OSCE participating States:*

- Raise concerns about legislation and policies negatively affecting human rights NGOs in a prominent and consistent way in bilateral and multilateral contacts with the governments of the countries mentioned in our statement.
- Use available arenas and avenues to insist that these governments take effective measures to address existing concerns in accordance with the recommendations listed above.
- Support ODIHR and other international human rights bodies in the implementation of their mandate of providing expertise and practical assistance to governments in ensuring compliance with international human rights standards in the area of NGO operations.

- Continue to offer solidarity and support to human rights NGOs working in the countries covered by this statement in the face of the obstacles and impediments they face in their invaluable efforts to improve respect for human rights, including through cooperation with international human rights mechanisms.
- Take appropriate measures to facilitate and support the work of exiled human rights groups based in your countries and thoroughly investigate incidents of harassment targeting these.

### **Norwegian Helsinki Committee**

- We strongly recommend other OSCE participating States not to enact this kind of legislation. We were glad to see the statement by President Atambaev of Kyrgyzstan recently, that he is opposed to the idea of a similar law in the Kyrgyz Republic, as suggested by some Parliamentarians.

### **Center for Legal Initiatives**

For the government:

- To improve the current legislation according to the good international practice by demonstrating good political will in order to provide freedom of joining;
- To expand public discussion, consultations and dialogues with NGOs;
- To improve confidence atmosphere and cooperation between NGOs and government institutions.

To simplify NGO registration process:

- To make registration process speedy, cheap and simple;
- To define time limits for registration (for example 3 days);
- To determine time limit for the state to review applications;
- To apply simplified notification method of the changes in the formation documents.

In order to make access to financial resources easy, to simplify the existing financial, tax regulations/rules according to good experiences and international law;

- To simplify grant receiving rules;
- To simplify donations and membership fee gathering procedures;
- Re-design tax and fiscal policies of government.

To incite good management and international practice in the control and regulation over NGO activity;

- To specify control and monitoring rules over NGO activity;
- To re-define report demands according to the activity volume of NGOs in order simplify reporting procedures;
- To improve proactive and stimulative regulations by liquidating high penalties;
- To respect realization of the fundamental freedoms of free assembly, speech in NGO activity;

### **Kazakh Community Association**

- Чтобы БДИПЧ призвал Казахстан оставить в покое людей работающих на рынках, базарах и барахолках, что бы не поджигали рабочие места, потому что эти люди зарабатывают на жизнь и кормят свои семьи благодаря работе на этих барахолках. Торговцам и другим работникам базаров и барахолок порекомендовать – отстаивать свои рабочие места и не бояться властей Казахстана.
- Призвать власти Казахстана отпустить на свободу и не преследовать всех молодых людей задержанных после концерта Кайрата Нуртаса. Эти молодые люди только пришли на концерт своего кумира.
- Призвать власти Казахстана прислушаться к бастующим гражданам Казахстана.

### **European Union (EU)**

In order to address some of the challenges, we recommend the following to all participating States.

- All participating States should follow the valuable guidelines on Freedom of Peaceful Assembly produced by ODIHR and the Venice Commission.
- Ensure that any restrictions on assemblies are prescribed by law and consistent with international standards.
- Recognise that assemblies facilitate the expression of diverse, unpopular or minority opinions. This is important for the development of tolerant and pluralistic societies and should never be used as a reason to impose restrictions.
- Fully implement existing OSCE commitments pertaining to freedom of peaceful assembly.

### **Buergerbewegung PAX EUROPA, Austria**

Therefore BPE Austria recommends:

- more and stronger protection by the law enforcement authorities
- banning violent ANTIFA groups from events
- consequent and strong punishments for left wing extremist groups who are trying to suppress different opinions and to limit basic rights
- OSCE monitoring especially for the upcoming elections to the European Parliament

### **International Civil Liberties Alliance (ICLA)**

- ICLA reminds Germany of its commitment to facilitate and protect public rallies, and to refrain from imposing bureaucratic restrictions on them.

### **Public Union "Kyrgyz Indigo"**

I ask CA states to:

- Allow for registration of all NGOs that meet the administrative criteria for registration and allow those de-registered to appeal the decision and demonstrate that they have met the relevant criteria and be re-registered.

- Allow the free operation of organizations providing SRH services, including LGBT individuals, and encourage the spread of information around safe sex and prevention practices.
- Apply comprehensive human-rights approach to policies, laws and programmes;
- Reaffirm that cultural, traditional and religious values can NOT justify any forms of violence and discrimination against LGBTI

### **Alliance Defending Freedom**

- My recommendation to OSCE Participating States is that any state system regarding the registration and recognition of religious communities is operated fairly and in a non-discriminatory manner, and that the requirements placed on religious communities are not excessively burdensome or simply unattainable.
- The issue of recognition and registration has undoubtedly risen in prominence in recent years as many states have introduced laws that have actually increased restrictions on religious communities, rather than reduced them.
- The forthcoming guidelines to be produced by ODIHR in conjunction with the Venice Commission are therefore very welcome indeed and we look forward to their publication.
- There are two areas in particular where the registration of religious communities is problematic: (1) the process of registration and (2) the requirements of registration.
- For example, in some states the process is incredibly long and can take over a decade from beginning to end. In other countries the process of registration can be highly arbitrary and in some countries there is no domestic remedy against a decision not to grant higher tier registration.
- Regarding the requirements of registration – some participating states require extremely large numbers of members, others require the religious community to have been in existence for a very long period of time, up to 100 years in some cases, and some countries allow for a very intrusive investigation into the content and teaching of the particular group seeking registration.
- While it is accepted that the different Participating States must be fully entitled to adopt different methods of facilitating the activity of religious communities, and a one size fits all approach is not appropriate, the emphasis must surely always be on finding ways to better facilitate the activities of religious communities, rather than on ways to restrict it.

### **Youth Information Service of Kazakhstan**

- В контексте поднятой проблемы властям Казахстана необходимо обратить особое внимание на практический аспект реализации свободы объединения, который, также как и нормы законодательства, должен соответствовать международным стандартам и обязательствам Казахстана по свободе объединения.

### **Human Rights House Foundation**

- The Human Rights House Foundation calls upon the Authorities of the Republic of Azerbaijan and of the Russian Federation to repeal restrictive legislation affecting the freedom of association, to ensure that freedom of association standards are properly implemented and to not prevent civil society organizations from obtaining funds, be it from national, international or foreign sources.
- OSCE participating States should not seek to legitimize restrictive or repressive practices on freedom of association and peaceful assembly, rather aspire to good practices that are in full compliance with international human rights law and the OSCE/ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly.

### **Buergerbewegung Pax Europa**

- BPE reminds the United Kingdom of its commitments to facilitate public assemblies.
- BPE calls upon the United Kingdom to effectively prosecute those who attack public rallies.

### **ACT! For Canada – Education**

- We recommend that Canada, as a participating state of the OSCE, continues to stand firmly with its commitments to upholding freedom of assembly and association.

### **Buergerbewegung PAX EUROPA**

- BPE Austria empfiehlt deshalb Deutschland, Wahlkampfveranstaltungen mehr und stärker zu schützen und die ANTIFA und andere linksextreme Gruppen von derartigen Veranstaltungen auszuschließen. Linksextremistische Gruppen, die versuchen, abweichende Meinungen zu unterdrücken und Grundrechte einzuschränken müssen hart und konsequent bestraft werden.
- Die Bürgerbewegung Pax Europa Austria möchte Deutschland noch einmal an seine Verpflichtung erinnern, öffentliche Veranstaltungen zu ermöglichen und zu schützen. Deshalb empfiehlt BPE Austria dringend, ODIHR Beobachter zu entsenden, um unabhängig vor Ort die Situation beurteilen zu können.

### *Recommendations to the OSCE*

#### **Public Group of Initiative Volunteers "Akcent"**

##### Рекомендации ОБСЕ

- От политики дипломатически завуалированных рекомендаций странам развивающихся демократий, которые на практике иногда их не выполняют, перейти к жестким требованиям выполнения стандартов прав человека;
- Разработать международный механизм защиты прав человека для стран региона ОБСЕ, что дало бы возможность обжалования решений национальных судов. Это особенно важно для стран азиатского континента, поскольку, если в Европе действует Европейский суд по правам человека, то для нашего региона подобных органов нет, что и

далее будет приводить к безнаказанности в принятии неправомерных решений;

- Пересмотреть вопрос финансирования государственных программ в тех странах, где свобода ассоциаций в частности и права человека в целом, остаются под угрозой.

### **Center for Civil Liberties, Ukraine**

Рекомендации структурам ОБСЕ:

- На данный момент в парламенте зарегистрированы законопроекты, которые регулируют свободу мирных собраний. В связи с этим мы призываем структуры ОБСЕ способствовать тому, чтоб принятые законы соответствовали стандартам ОБСЕ по свободе мирных собраний, в частности, Руководящим принципам.
- Структурам ОБСЕ способствовать работе таких гражданских механизмов, как общественный мониторинг свободы мирных собраний. Выработать общую практику мониторинга свободы мирных собраний общественными активистами, представителями гражданских организаций и БДИПЧ, чтобы совместно решать выявленные системные проблемы как на уровне законодательства, так и практики.

### **No Borders – Ukraine**

- The Coalition also urges the OSCE institutions as well as the member states to recommend Ukraine to adopt effective legislation concerning fulfillment of peaceful assembly right according to the general principles developed by ODIHR.
- We also encourage the OSCE and ODIHR in particular to do all best to empower Ukraine's and other eastern European countries civil society and marginalized groups in particular in order to achieve more results in local lobbying of effective securing the right to assemble peacefully.

### **International Civil Liberties Alliance (ICLA)**

- ICLA urges ODIHR to send monitors to rallies at risk, also West of Vienna, in order to independently assess the situation on the ground.

### **International Association of Independent Democrats Against Authoritarian Regimes**

Рекомендации для ОБСЕ и БДИПЧ

- Мы просим на всех возможных уровнях обсудить вышеназванные пункты и предложит странам участникам ( названы) реально имплементировать их в жизнь государства.

### **Buergerbewegung Pax Europa**

- Finally, BPE calls upon ODIHR to send observers to assess the situation on the ground in the United Kingdom.



## **Russian Federation**

- В этой связи предлагаем БДИПЧ провести анализ того, насколько эффективно используется свобода собраний в защите прав национальных меньшинств, а также в обеспечении социальных и экономических прав на пространстве ОБСЕ и провести мероприятие по обмену наилучшим опытом.

## **Center for Security Policy**

- CSP RECOMMENDS THAT ODIHR ensures that the treatment of the expression of basic rights not lose sight of their basic meaning by expressing them in commonly understood language using commonly defined terms. This includes the right to peaceably assemble.

**Friday, 27 September 2013**

## **WORKING SESSION 9: Freedom of assembly and association**

**(cont.)**

### *Recommendations to participating States*

#### **Western Thrace Minority University Graduates Association**

Therefore we call upon the Greek State

- To respect and implement its duties emanating from the international instruments in which the freedom of association is safeguarded,
- To recognize and implement the ECtHR decisions

#### **Federation of Western Thrace Turks in Europe**

In light of the information above, we urge Greek authorities to;

- implement, without any further delay, the decisions of the European Court in the cases Turkish Association of Xanthi and Others v. Greece, Bekir Ousta and Others v. Greece & Emin and Others v. Greece;
- reaffirm the commitment of the Greek authorities to implementing fully and completely the judgments of ECtHR and amend the Code of Civil Procedures in such a way that it allows the implementation of the European Court decisions in matters related to freedom of association;
- allow the registration of associations under the names of the choice of their founding members whether they contain the name of an ethnic group or the word “minority”;
- immediately ratify the Council of Europe’s Framework Convention for the Protection of National Minorities.

#### **Freedom House**

- Freedom House calls on the government of Turkey to uphold its OSCE commitments to freedom of assembly and association, and to avoid using the Gezi Park protests as a pretext for persecution of civil society and political groups. The consequences of such an approach will be further polarization, tension, and conflict within Turkish society.

- We call on the participating States of the OSCE to monitor the adherence to these commitments and to encourage reforms to better uphold these important rights and commitments.

### **International Civil Liberties Alliance (ICLA)**

Recommandation à la France :

- Notre recommandation serait que la France laisse la défense de l’Islam aux pays de l’Organisation de la Coopération Islamique et conserve la neutralité qui est précisée dans sa Constitution.

### Recommendations to the OSCE

#### **Russian Federation**

- Полагаем, что ОБСЕ и ее институтам нужно обеспечить широкий тематический охват применительно к рассмотрению вопросов свободы ассоциаций. Больше внимания уделять роли свободы ассоциаций в защите прав детей, нацменьшинств, таких уязвимых категорий, как инвалиды, пенсионеры, безработные.
- В этой связи предлагаем БДИПЧ провести анализ того, насколько эффективно используется свобода ассоциаций в защите прав национальных меньшинств, а также в обеспечении социальных и экономических прав на пространстве ОБСЕ и провести мероприятие по обмену наилучшим опытом.

**Monday, 30 September 2013**

## **WORKING SESSION 10: Humanitarian issues and other commitments I**

### Recommendations to participating States

#### **Netherlands Helsinki Committee**

- GRETA urges the competent authorities to ensure that the offence of human trafficking is incorporated in a consistent manner in all criminal codes applicable on the territory of Bosnia and Herzegovina.

- GRETA urges the authorities of Bosnia and Herzegovina to ensure, in close co-operation with the authorities of the entities and the Brcko District, that anti-trafficking legislation and policies are coherent and are effectively implemented and assessed. Particular attention should be paid to preventing and combating trafficking within Bosnia and Herzegovina. The responsible authorities should also pursue regular exchanges of information concerning all aspects of THB and aim for a greater co-ordination of their activities.
- GRETA considers that the authorities should ensure that meetings of coordinating bodies (especially the State Group) take place regularly, and should increase the effectiveness of participation of all public bodies involved in the implementation of anti-trafficking measures at the state and entity levels. GRETA encourages the National Coordinator to intensify efforts for greater co-ordination of activities with the Regional Monitoring Teams.
- Further, GRETA considers that the authorities of Bosnia and Herzegovina, the two entities and the Brcko District should effectively involve NGOs working in the anti-trafficking field in the discussion and elaboration of anti-trafficking policies and promote their participation in the work of the anti-trafficking public bodies.
- GRETA considers that the authorities at the state, entity and cantonal level in Bosnia and Herzegovina should increase their efforts, including through funding, to provide regular training on THB-related issues to all relevant professionals. Training programmes should be designed in a manner providing practical knowledge and skills for the identification of victims of trafficking, the assistance and protection of victims, and the prosecution of traffickers (see also paragraphs 92, 106, 115 and 159).
- GRETA considers that the authorities of Bosnia and Herzegovina should conduct and support research on trafficking-related issues as an important source of information for future policy measures. Areas where research is particularly needed to shed more light on the extent and nature of the problem of trafficking include child trafficking, internal trafficking, and trafficking in groups particularly vulnerable to trafficking.
- GRETA also considers that when collecting statistical information from all main actors, the authorities of Bosnia and Herzegovina should take all the necessary measures **to respect the right of data subjects to personal data protection**, including when NGOs working with victims of trafficking are asked to provide information for the official database.

- GRETA considers that the authorities of Bosnia and Herzegovina should enhance international co-operation in the investigation and prosecution of human trafficking cases, as well as the assistance of victims of THB.
- GRETA considers that the authorities, be it at state or other levels, should launch a comprehensive campaign for the general public as well as targeted initiatives for groups vulnerable to THB, in order to raise their awareness of the risks of human trafficking.
- GRETA considers that future action in the area of awareness rising should be designed in the light of the assessment of previous measures and be focused on the needs identified. Prevention within the Roma community should be strengthened through specific campaigns, using the materials readily understood in these communities. The authorities of Bosnia and Herzegovina should also increase their efforts to raise awareness of THB among the general public, with special attention to children and young people.
- GRETA considers that the authorities of Bosnia and Herzegovina should take further measures to discourage demand for services of victims of trafficking, including through raising awareness among the general public. In this context, GRETA considers that the state-level offence of the use of services of a victim of human trafficking should be incorporated into the criminal codes of the entities and the Brcko District.
- GRETA stresses that absence of registration of children is often one of the aspects making this group particularly vulnerable to human trafficking and urges the authorities of Bosnia and Herzegovina to strengthen their efforts to ensure the registration at birth of all children.
- In view of the number of children living in great poverty and at risk of human trafficking, GRETA urges the competent authorities to ensure that drop-in centers for children need to be provided with sufficient resources to stay open and provide adequate assistance.
- Given that forced marriages of children leading to exploitation have been on the increase in the country (see paragraph 11), and considering that Roma children are a particularly vulnerable group, GRETA urges the competent authorities to take all necessary measures to ensure that they have effective access to education as a measures for preventing human trafficking.
- GRETA therefore considers that the authorities of Bosnia and Herzegovina should make further efforts to:
  - detect and prevent THB through border control measures;
  - ensure that training on THB and the identification of victims is provided for frontline Border Police staff, immigration officers as well as diplomatic and consular staff, on a regular basis. Such training should underscore the difference between human trafficking and the smuggling of migrants;
  - introduce a checklist to identify THB-related risks during the visa application system.
- GRETA urges the authorities of Bosnia and Herzegovina to:
  - disconnect the formal identification of victims of human trafficking from the initiation of criminal proceedings;
  - establish a multi-agency involvement in victim identification by introducing a national referral mechanism which defines the roles and procedures of all frontline staff who may come into contact with victims of trafficking;

- provide specialized training on the identification of victims of THB to all frontline staff who may come into contact with possible victims (including law enforcement officials, staff of social welfare centers, staff of child drop-in centers, labor inspectors, medical staff and NGOs);
- ensure that law enforcement officials, social workers, labor inspectors and other relevant actors adopt a more proactive approach and increase their outreach work to identify possible victims of trafficking, regardless of the possibility of initiating criminal cases;
- avoid unnecessary repetition of interviews with victims of trafficking;
- improve the identification of child victims of trafficking, subjected to force begging and other forms of exploitation targeting children.
- GRETA urges the responsible authorities in Bosnia and Herzegovina to take further measures to provide victims and possible victims of THB with adequate assistance and protection, and in particular to:
  - ensure that all assistance measures provided for in law are guaranteed in practice; when assistance is delegated to NGOs as service providers, the state has an obligation to provide adequate financing and ensure the quality of the services delivered by the NGOs;
  - ensure that social welfare centers and other public bodies involved in the provision of assistance to victims have the necessary human and financial resources to ensure their unhindered and effective functioning;
  - facilitate the reintegration of victims of trafficking into society and avoid re-trafficking by providing vocational training and access to the labor market for victims who are lawfully resident in the country;
  - improve the system for providing assistance to child victims of trafficking, both in terms of accommodation and as regards medium and long-term support programmes tailored to the needs of the children;
  - provide specialized training to all persons responsible for the provision of assistance to victims of trafficking.
- GRETA urges the authorities of Bosnia and Herzegovina to review the regulations in order to ensure that the recovery and reflection period provided for in Article 13 of the Convention is specifically defined in law.
- Further, GRETA urges the authorities to ensure that trafficked persons are systematically informed of the possibility to use this recovery and reflection period and are effectively granted such a period.
- GRETA considers that the authorities of Bosnia and Herzegovina should ensure that victims of trafficking can fully benefit from the right to obtain a renewable residence permit in compliance with Article 14 of the Convention, including those who were identified but whose case did not lead to any criminal prosecution.
- GRETA urges the authorities of Bosnia and Herzegovina to:
  - review the existing legislation on compensation with a view to ensuring that victims of human trafficking have an effective possibility to obtain compensation from the perpetrators, including by providing effective access to legal aid and information in this respect;
  - set up a state compensation scheme, such as a compensation fund, accessible to victims of trafficking in order to resolve the current difficulties for them to receive compensation from the perpetrators.
- GRETA considers that the authorities of Bosnia and Herzegovina should take further steps to ensure that the return of victims of trafficking is conducted

with due regard for the rights, safety and dignity of the person and the status of legal proceedings; this includes protection from retaliation and re-trafficking.

- GRETA urges the authorities of Bosnia and Herzegovina to take legislative or other measures, such as issuing guidance to investigating and prosecuting authorities at state and entity level, allowing for the possibility of not imposing penalties on victims of THB for their involvement in unlawful activities to the extent that they were compelled to do so.
- GRETA urges the authorities of Bosnia and Herzegovina to:
  - identify gaps in the investigation procedure and the presentation of cases in court, inter alia, with a view to ensuring that crimes related to THB are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions;
  - take measures to ensure that crimes related to THB are investigated and prosecuted promptly and effectively, in order to avoid undue delays in criminal proceedings;
  - strengthen their efforts to proactively investigate THB offences, with a special emphasis on cases involving trafficking for the purpose of labor exploitation and trafficking of children
- Further, GRETA considers that the knowledge and awareness of judges, prosecutors, investigators and lawyers about THB needs to be improved, including as regards specific elements of the offence, the rights of victims and access to compensation. Future training programmes should be designed with a view to improving the knowledge and skills of relevant professionals which enable them to effectively assist and protect victims of trafficking, and to ensure traffickers receive adequate convictions. During the training, particular attention should be paid to overcoming entrenched negative attitudes and prejudices vis-à-vis victims of trafficking.
- GRETA urges the authorities of Bosnia and Herzegovina to take legislative and practical measures to ensure the effective protection of victims of THB, especially children, during the investigation and to prevent their intimidation during and after court proceedings.
- A multi-disciplinary approach, involving all relevant actors across all policy areas including the private sector, needs to be further developed.
- Identification of victims needs to be improved, especially of children victims of trafficking.
- Practical measures should be taken in order to improve co-operation and communication between the police at local level and NGOs, especially as regards the identification of victims of THB.
- Concerning the identification problem concerning the labour exploitation, the labour inspectors are not actively involved in the process as an important institutional element for overseeing the labour practices, which causes the lack of identification of labour exploitation.
- Administrative management of cases, and different register of in-take offices in police, prosecution offices and courts, makes it difficult to follow the case prosecution and court proceedings. Namely, the statistics of reported THB cases is so low that challenges the existence of the established mechanisms for combating THB (institutional ineffectiveness and inefficiency). Especially the cases of THB for labour exploitation are almost invisible for the systems, which presents a barrier for testing the efficiency of institutional structures and further improvements.

- Training sessions for State Attorneys would be beneficial in prosecuting cases of labour exploitation.
- Regional cooperation with neighboring countries and interdisciplinary cooperation to identify victims of human trafficking should be stepped up.
- In order to establish an effective guarantee of the right to compensation and redress for the victims of THB according to international and European commitment of the Western Balkan countries, the specialized compensation system should be established within the legal framework and monitoring institutions.
- It would be useful to introduce a periodic independent evaluation of the National Plan as a tool for assessing the impact of the activities and for planning future policies and measures to combat THB.
- Adopt a new Strategy and National Action Plan for combating trafficking in human beings
- Establish the institute of the National Rapporteur on human trafficking
- Plan and allocate a budgetary line in the budget of the Republic of Serbia for the protection of victims, the prosecution of perpetrators and the prevention of human trafficking.
- Article 388 of the Criminal Code of Serbia should explicitly provide that the consent of a trafficking victim to exploitation, actual or intended, shall be of no relevance where any of the means specified in this Article has been used.
- Article 388 of the Criminal Code of Serbia should explicitly include “non-punishment” clause.
- Amend the Criminal Procedure Act so that it envisages that trafficking victims may claim for compensation only in criminal proceedings in which way the need for civil suit will be eliminated.
- Article 389 of the Criminal Code of Serbia should provide protection to all underage persons, in accordance with the standards set out in the UN Convention on the Rights of the Child, which defines a child as any person younger than 18 years of age.
- The incrimination of Article 388 should include the following elements: abduction and fraud should be established as means of committing the offence; the fact that the offence of human trafficking has been committed by a state official performing official duties, or when the victim’s life has been exposed to danger deliberately or by gross negligence during the committing of the offence should be envisaged as aggravating circumstances; the offences committed in an extremely brutal or degrading manner should be criminalized, so that the offence might be considered as “endangering the life”, and the demand set forth by the CoE Convention regarding the definition of endangering the victim’s life deliberately or by negligence might be met.
- Improve and formalize cooperation between NGOs and police;
- Standardize the operation of the professionals involved by adopting protocols;
- Provide for the obligation of the court to act on the victim's request for asset rights and compensation;
- Continuously monitor judicial practice and the implementation of existing legislation; coupled with regular independent reporting on problems observed in practice to the competent authorities;
- (Additionally) train the judiciary staff and encourage a proactive approach of the Prosecutors’ Office;

- Establish a Compensation Fund.
- Define indicators for the identification of children and adult victims in all phases of human trafficking and design new methods that would facilitate self-identification of (potential) victims.
- Adopt a document on minimum standards in the provision of assistance to trafficking victims in all phases of assistance provision and on procedures for the operation of relevant actors that would be based on the principles of respect for victim's will, her/his best interest and non-discrimination. Based on those standards and procedures, all anti-trafficking actors should sign a memorandum of understanding.
- Ensure that NGOs with a history of providing victim care in Serbia are included and integrated in the system of direct victim care, in order to ensure effective care and reintegration assistance.
- Develop and establish special programs for child trafficking victims that will include continual care, from identification to reintegration phase and that would be based on UNICEF Guidelines for Protection of the Rights of Children Victims Trafficking In South-Eastern Europe and empower professionals to apply these measures and new legislation in the field of the rights of the child.
- Systematically solve the problem of urgent care for children victims of trafficking, including the training of foster families and the identification of trainings and work on the sensitization of employees at child-care institutions, and develop specialized reintegration programs for children.
- Define the term "victim" in the Criminal Procedure Code;
- Persistently enforce legal possibilities and court and other proceedings in order to prevent revictimization of trafficking victims.
- Introduce provisions on victims' right not to cooperate with law enforcement as well as on reflection period.
- Specify the duration of reflection period, i.e. the period necessary for the first stabilization of the victim after she/he has survived a traumatic experience, and apply it persistently.
- Design a procedure for regulating personal documents for domestic nationals in cases when they do not have permanent residence, with full respect of privacy and protection of victim's identity.
- Within the Criminal Procedure Code provide for the possibility that the identity of victim in particularly difficult and dangerous circumstances for the victim remains secret throughout the criminal proceedings, with prospective limitation of the potential evidence of their statement.
- Amend the existing Law on the Protection Program for Persons Participating in the Criminal Proceedings, adopt appropriate measures aimed at protecting the integrity of trafficking victims and train members of the Witness Protection Unit for work with trafficking victims.
- Provide for the obligatory video and audio recording of the testimony of victim and interrogating the victim via a video link or conference call.
- Ensure that trafficking victims are not jailed or punished for crimes committed as a direct result of their trafficking.
- Victims of trafficking shall, without delay, be provided with legal counsel, and in accordance with the role of victim in the proceedings, a legal representative for, among other things, compensation claims.



- Consistently apply the recently adopted Special Protocol on Actions of the Judicial Authorities to Protect Victims of Trafficking.
- Introduce procedures for mandatory collection of information on safety and reintegration possibilities in the country of origin, i.e. introduce procedures based on which feedback information would be received on assistance provided after victim's return to the country of origin.
- Establish a system of free and qualified legal aid for victims of trafficking.
- Develop and implement state-run programs of long-term reintegration for trafficking victims, adjust them to existing reintegration programs and make them available in all mixed/combined cases.
- Design and implement policies aimed at reducing poverty and social exclusion, and consequently at reducing vulnerability to human trafficking among the unemployed women, Roma women, unregistered and undocumented women, women with disabilities, women – refugees and IDPs who are exposed to multiple discrimination.
- Start with the implementation of the recommendations of the CEDAW Committee to the Republic of Serbia, in particular:
  - Provide training and retraining to unemployed women, including marginalized groups of women, credit to women entrepreneurs and to those who wish to set up their own business and social security benefits for unpaid family helpers.
  - Prevent systemic indirect discrimination against women in the area of employment.
  - Work intensively on the elimination of all forms of violence against women and children, in particular family violence.
  - Design and implement anti-trafficking activities through a human rights-based and gender-based approach.
- Aim prevention activities at groups of children at risk and at factors that lead to trafficking and exploitation of children, through information-sharing, peer education, economic empowerment, registration of children, education, improvement of basic living conditions of vulnerable groups, as well as through the improvement of decision-making skills and capacities of children and adolescents.
- Include Roma community and Roma non-governmental organizations in all mechanisms of operation aiming at suppressing and preventing trafficking in people.
- Work systemically on child trafficking prevention, preferably through formal education system, intensify efforts to raise awareness of both parents and children about the problem of human trafficking; work on the awareness raising and capacity building of persons who work with children, first and foremost in the area of human trafficking prevention.
- Examine a correlation between human trafficking and sex work and initiate a public debate about sex work that would include all relevant actors.
- Within trainings on the problem of human trafficking for police officers, pay special attention to differentiating between human trafficking and similar offenses, as practice so far shows that, due to lack of experience and insufficient education, as well as due to the lack of evidence, the police and the prosecutor's offices sometimes raise charges for other offenses, but not for human trafficking.

- Design programs for prevention and assistance to the victims of labor exploitation.
- In the field of labor and employment, sign bilateral, i.e. multilateral agreements on employment between Serbia and other countries aimed at human trafficking prevention.
- Trafficking in human beings for the purpose of labor exploitation must be recognized as a problem which results from the situation on the labor market and which does not affect only one industry. In that respect, it is necessary to build and promote such labor market in which labor legislation will be persistently enforced with small share of unregistered labor.
- Establish permanent and proactive cooperation of experts and the media and joint work in the best interest and aimed at protection of integrity of trafficking victims, as well as aimed at informing the public for the purpose of human trafficking prevention.
- Conduct participative analyses and surveys aimed at timely identification of trends, recruitment methods and causes of human trafficking.
- Conduct the analysis of effects and quality of prevention activities carried out to date, as well as the analysis and research of causes and hot spots for human trafficking in the Republic of Serbia, alongside with defining target groups and their needs, for the purpose of designing as effective as possible prevention programs.
- Create a political climate in which it would be possible to implement measures for strengthening an independent civil society.
- Design the indicators for monitoring the implementation of projects in the field of human trafficking by the state and mechanisms for the monitoring and evaluation of effects and cost efficiency of these projects.

#### **Netherlands Helsinki Committee**

- Madam moderator, delegates, our recommendations follow directly from this analysis; they are detailed in the Declaration. As I said the laws are in place to ensure the protection of the rights of trafficking victims; international good practice shows the way for their implementation. We call on the governments of Serbia, Macedonia, Bosnia-Herzegovina and Croatia to honour their international commitments and prioritize proper protection of trafficking victims in their national policies.

#### **Independent Human Rights Organization of Uzbekistan**

##### **«НОПЧУ» РЕКОМЕНДУЕТ:**

- ПРОВЕСТИ РЕАЛЬНЫЕ ЭКОНОМИЧЕСКИЕ РЕФОРМЫ, которые привели бы к созданию реальных рабочих мест и достойного заработка;
- принять срочные меры для предотвращения торговли людьми, защиты жертв такой торговли и судебного преследования причастных к ней лиц;
- совершенствовать процедуру получения «выездных виз» (разрешительного стикера для выезда за рубеж) оформление документов для внешней трудовой миграции;
- координировать действия по борьбе с торговлей людьми с другими государствами;

- подписать договора со странами, где работают граждане Узбекистана, и таким образом защитить права трудовых мигрантов;
- устранить социальные, экономические, культурные, политические и другие факторы, которые делают людей уязвимыми к торговле людьми, такие как нищета, безработица, неравенство, а также обстановка терпимости к насилию в отношении женщин, молодежи и детей;
- расширить масштабы проведения информационно-разъяснительных кампаний, ориентированных на лиц, которые могут стать жертвами торговли людьми, а также на широкую общественность, с помощью просветительской деятельности и эффективного привлечения средств массовой информации, неправительственных организаций, частного сектора и лидеров местных сообществ;
- принять меры по повышению способности сотрудников правоохранительных, миграционных и образовательных органов и социальных, трудовых и других соответствующих служб предупреждать торговлю людьми.
- принять все необходимые меры к тому, чтобы выявленные жертвы торговли людьми не подвергались преследованию и наказанию;
- принять меры для того, чтобы жертвы торговли людьми могли получать компенсацию за причиненный им ущерб, в соответствии с положениями Конвенции и Протокола о торговле людьми.

### **Netherlands Helsinki Committee**

#### **CALL UPON OUR GOVERNMENTS TO**

Investigation and prosecution of trafficking and exploitation

- I Criminalise, duly investigate and adequately punish all forms of trafficking, forced labour and services, servitude and slavery-like practices, and expand current protections for trafficked persons to victims of all the above mentioned practices;
- II Ensure that all people are equally protected against trafficking and exploitation without discrimination, including both nationals and migrants, men and women, sex workers and minority groups;
- III Develop pro-active means of investigation without to rely upon the cooperation and testimony of the victims, by using a combination of intelligence, human and technical surveillance, undercover deployments (when authorised under the law) and standard investigation techniques. Pro-active investigations increase the successful prosecution of the offenders and acknowledge the real difficulties confronting victims who may not be able or willing to testify against their exploiters;
- IV Ensure that all actors responsible for investigating and prosecuting trafficking and exploitation are trained regularly and effectively, are equipped with the skills and knowledge necessary to accurately identify victims and secure their rights, and understand the human rights dimensions of trafficking and related practices;

Securing victims' rights

- V Implement measures to ensure that victims of trafficking and exploitation from the first contact with the authorities on have access to free and qualified

legal counsel and legal representation, including for the purpose of claiming compensation;

- VI Ensure that, in partnership with CSOs, proper assistance is available, accessible and adequately resourced, independent of the victim's ability or willingness to cooperate in the prosecution, and including, where needed, the granting and/or renewal of a residence permit;
- VII Ensure that assistance is focused on supporting victims to rebuild their lives and their reintegration in society, is tailored to the age, gender and needs of the victim, is provided on a consensual and confidential basis by specialized service providers, and is in line with internationally defined standards.
- VIII Ensure that foreign and national victims are equally entitled to a reflection period. The duration of the reflection period should be sufficient to achieve its purpose, which is to facilitate victims' recovery and ability to make an informed decision about cooperation with the authorities.
- IX Ensure that foreign victims have effective access to a temporary residence permit for the duration of criminal and other legal procedures, including for claiming compensation, and that during this period they have access to assistance and protection on an equal footing with domestic victims.

Non-punishment principle

- X Ensure that the obligation not to prosecute and/or punish victims of trafficking and exploitation for criminal or administrative offences that are caused or directly linked to their having been trafficked or exploited, is effectively implemented in the criminal justice system and practice;
- XI Ensure that once a reasonable grounds indication has been reached that a suspect is a victim of trafficking or exploitation, the victim is treated as a victim and witness of serious crimes, and any prosecution against them for a crime caused or directly linked to their having been a victim of trafficking or exploitation is discontinued as soon as possible;
- Criminal investigation and trial
- XII Take the necessary measures to protect victims against unlawful interference with their privacy and safety and protect victims and their families, where necessary, from intimidation and retaliation from the side of the suspects before, during and after criminal proceedings;
- XIII Ensure adequate training of law enforcement and judicial officials and, where applicable, adopt the necessary measures to guarantee that victims of trafficking and exploitation receive specific and respectful treatment aimed at preventing their secondary victimization, including avoiding
  - Inappropriate and contemptuous treatment by police, prosecution and court during investigation, prosecution and trial
  - Unnecessary questions about the victims private and/or sexual life or history
  - Unnecessary repetition of interviews during investigation, prosecution and trial
  - Direct confrontation, such as visual contact between the victim and defendants while giving evidence (e.g. by the use of audio-visual means)
  - Giving of evidence in open court;

Access to Compensation

- XIV Ensure that there is not only a legislative, but also a practical possibility for victims of trafficking and exploitation to effectively obtain compensation for material and immaterial damages. Existing provisions to this aim shall be fully applied and accessible, and procedures shall be as short as possible while limiting victims' exposure to secondary victimization. The responsibility to recover awarded claims should lie with the State authorities instead of the victim;
  - XV Ensure that the police inform victims about the available possibilities to claim compensation and record, together with the statement of the victim, relevant information about the material and immaterial damages the victim suffered;
  - XVI Ensure that victims have access to existing schemes of compensation for victims of violent crimes of intent, and, where necessary, adapt legislation to provide for payment of compensation by the State where such compensation cannot be obtained from the trafficker or exploiter, e.g. through the establishment of a Victim Fund for victims of serious crimes;
  - XVII Take the necessary measures to ensure that
    - the competent authorities are entitled to seize and confiscate instrumentalities and proceedings from trafficking offenses
    - the revenue gained from the confiscation of instrumentalities and proceedings from trafficking and exploitation is used for victim compensation;
  - XVIII Take the necessary measures to ensure that the existing compensation procedures and rules are comprehensible, speedy, and do not jeopardize the effectiveness of the right to compensation.
- Protection of Privacy and Safety
- XIX Take the necessary measures to ensure that access to assistance is not conditional on victims' sharing personal data with the authorities and that victim assistance providers are not forced to share data about their beneficiaries with state authorities, including the police;
  - XX Ensure that victims' personal data are collected from victims only for specified, explicit and legitimate purposes and in the framework of the tasks of the competent authority and are processed only for the same purpose for which the data was collected. Processing of this data has to be lawful, adequate, relevant and not excessive in relation to the purpose for which it was collected, and should take into account that data on a victims engagement in prostitution are to be qualified as "sensitive data", subject to a stricter regime;
  - XXI Take the necessary steps to ensure that, where applicable, victims' freely given and informed consent is necessary for the collection and other ways of processing of their personal data, that they have access to the data kept about them, and that victims' personal data is deleted or made anonymous when no longer required for the purpose for which it was collected;
  - XXII Raise awareness with all relevant parties on the need to protect victims' confidentiality and privacy and the attached risks of misuse of data;
  - XXIII Ensure that victims of trafficking and exploitation have access to privacy and safety protection measures, including witness protection programs. These measures shall be readily accessible, implemented on the basis of an individual risk assessment, and shall not infringe upon victims' freedom, particularly their freedom of movement;

- XXIV Take the necessary legislative and other measures to ensure that foreign victims of trafficking and exploitation are not returned to their country and are entitled to apply for residence on humanitarian grounds, when there are reasonable grounds to believe that return would jeopardize their safety or that of their family, or would expose them to the risk of re-trafficking, persecution or social exclusion. Return should always be preceded by an individual multi-stakeholder risk assessment, which should involve consultation with CSOs;  
Non-detention
- XXV Ensure that (presumed) victims of trafficking and exploitation are not held in immigration detention centres, other forms of custody, or shelters under conditions akin to detention. This violates their right to freedom of movement and puts them in a situation in which their being deprived of their freedom by traffickers is only replaced by deprivation of their freedom by the State;
- XXVI Ensure that child victims are not placed in closed facilities, unless it can be demonstrated that this is in their best interest and there is no reasonable alternative for protection, it is for the shortest possible period of time and subject to periodic review;
- XXVII Ensure that staff in immigration and other detention centres are adequately trained and qualified to identify victims of trafficking and exploitation in order to prevent them being detained;  
Corruption
- XXVIII Ensure that any anti-trafficking policies address all forms of corruption and its causes, and include both preventive and repressive strategies;
- XXIX Take concrete steps to address public sector involvement or complicity in the trafficking and the exploitation of human beings and to rigorously punish any official involved or complicit in such practices, including a ban from exercising a public duty.

### Recommendations to the OSCE

#### **Russian Federation**

- В этой связи призываем ОБСЕ и ее институты уделять пристальное внимание решению вопросов борьбы со всеми формами торговли людьми, включая проведение специального мероприятия по обмену наилучшими практиками в этой сфере. Поддерживаем предложение украинского председательства о разработке проекта решения СМВД ОБСЕ в Киеве по борьбе с торговлей людьми. Надеемся, что в нем будут отражены все аспекты этой темы, включая торговлю органами и тканями человека.

#### **Soteria International**

- Soteria International recommends OSCE/ODIHR and the OSCE participating states to develop the judiciary formulations regarding human trafficking so that voluntary work cannot be included under it. This refers especially to religious forms of voluntary work as these groups are more likely to be targeted by false accusations.

- Soteria International recommends Romania to thoroughly investigate the consequences of their present formulations of human trafficking and the trial against yogis practicing „karma yoga”.

**Monday, 30 September 2013**

## **WORKING SESSION 11: Democratic institutions**

### Recommendations to participating States

#### **Norwegian Helsinki Committee**

The Norwegian Helsinki Committee urges key OSCE institutions to continue to monitor developments and be a constant reminder that one cannot get away with measures that weakens democratic rule just by claiming to be democratic;

We also urge Hungarian authorities to learn from the well intended criticism of European institutions and governments in order strengthen respect of democratic principles in the country. They should restore a culture of political talks and consultations with the opposition and with civil society.

#### **Fund for Development of Parliamentarism in Kazakhstan**

Рекомендации экспертов, представителей политических партий и НПО по совершенствованию деятельности политических партий Республики Казахстан

По совершенствованию законодательства о политических партиях:

- Минимизировать ограничения и упростить процедуры создания и регистрации политических партий.
- Привести основания и процедуру роспуска и запрещения политических партий в соответствие с международными стандартами, в т.ч. отменить временное приостановление деятельности политических партий, ликвидацию партии за неучастие в выборах и пр.
- Законодательно закрепить равное отношение государственных органов к политическим партиям.
- Обеспечить равный доступ политических партий к средствам массовой информации, принадлежащим государству, в т.ч. в период между избирательными кампаниями.

По совершенствованию выборного законодательства:

- Наделить партии, участвующие в выборах, правом иметь своих представителей во всех избирательных комиссиях. Наделить все партии правом иметь своих представителей во всех избирательных комиссиях с совещательным голосом.
- Снизить порог прохождения партий в Мажилис Парламента Республики Казахстан.
- Снять запрет на партийные блоки.
- Ввести систему открытых списков.
- Отменить императивный мандат, т.е. возможность отзыва депутата после выхода/исключения из партии.
- Отменить возможность отстранения политических партий от участия в выборах любым органом, кроме суда.

По совершенствованию порядка финансирования политических партий:

- Снизить барьер финансирования политических партий, сделав его ниже порога прохождения в Мажилис Парламента Республики Казахстан.

- Запретить юридическим лицам финансировать политические партии.
- Повысить прозрачность финансирования партий при одновременных гарантиях от преследования за поддержку оппозиционных партий.

По совершенствованию уставов политических партий:

- Регламентировать уставами партий тайное голосование при выборах руководящих органов и формировании списков кандидатов в депутаты.
- Регламентировать уставами участие регионов в формировании списка кандидатов.
- Обеспечить в нормативных документах политических партий равные условия для женщин.

### **Russian Federation**

- Предлагаем ОБСЕ, а также ЕС провести анализ законодательства Латвии и Эстонии, касающегося правового статуса детей «неграждан», родившихся после распада СССР.
- Призываем ЕС привести в соответствие количество европарламентариев от Латвии и Эстонии в соответствии с числом граждан этой страны, либо решить вопрос об избрании «негражданами» своих представителей в Европарламент в рамках имеющихся страновых квот.

### Recommendations to the OSCE

#### **Center for Civil Liberties, Ukraine**

- The coalition of civil society organizations "For Honest Referendum" addresses to Ukraine as the chair of OSCE to stress from the international tribune the problems regarding fulfillment of OSCE's obligations in the human dimension sphere which appeared along with adopting the Law "On All-Ukrainian Referendum".
- The Law "On All-Ukrainian Referendum" was adopted with rude violations of constitutional and parliamentary procedures in November 2012. The authorities violated the procedure in order to implement undemocratic and unconstitutional law in the legal frame of Ukraine. Regardless its' puton appearance of democratism, it disables actual expression of will and creates all conditions for usurpation of the right to define and change the constitutional order in Ukraine by the authorities. Therefore, this legislative act allows copying the "successful" experience of totalitarian regimes.
- The Venice Commission stresses the danger this Law causes for constitutional stability and legitimacy in Ukraine. Pro-European course of Ukraine's integration process brings obligations to change unconstitutional and undemocratic dispositions of the Law "On All-Ukrainian Referendum", especially considering the possibility of signing associated partnership agreement with the EU this autumn. We also would like to point out that this Law is mentioned in the Association meeting agenda.
- The Coalition in its statements to the President, parliamentarians, Ombudsman, the Constitutional Assembly of Ukraine, has repeatedly claimed that the above Law contradicts the Constitution and is needed to be estimated by the Constitutional court of Ukraine. The fact that the Law's dispositions have to be revised was publicly articulated both by the ruling party representatives (Prime-Minister M. Azarov) and by oppositionists (J. Tymoshenko mentioned this law as one of the most dangerous in her recent



interview). Nevertheless, the authorities keep being inactive and the Law keeps working!

- Considering all stated above, we urge the Ukrainian chairmanship of OSCE to amend the Law according to the Ukrainian Constitution and EC standards in the sphere of referendums with no postponing.

### **Russian Federation**

- Предлагаем институтам ОБСЕ провести тематический семинар, посвященный вопросам гражданства, а также мероприятие по обмену опытом развития диалога между государством и НПО, представляющими интересы нацменьшинств.

### **The international association of independent democrats against authoritarian regimes**

- Мы просим ОБСЕ (БДИПЧ) обратить внимание властей Туркменистана, Узбекистана, Азербайджана, Беларуси, Казахстана на реализацию права граждан на самом нижнем уровне, если они не могут дать такие права гражданам на национальном уровне.
- Разработать и предложить руководства на русском языке для эффективного решения социальных проблем на местном уровне, через местные выборные органы.