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DRAFT RESOLUTION

**FOR THE GENERAL COMMITTEE ON DEMOCRACY,
HUMAN RIGHTS AND HUMANITARIAN QUESTIONS**

***“RULE OF LAW: COMBATING TRANSNATIONAL
CRIME AND CORRUPTION”***

**Rapporteur
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Oslo, 6 to 10 July 2010

RESOLUTION FOR THE GENERAL COMMITTEE ON DEMOCRACY, HUMAN RIGHTS AND HUMANITARIAN QUESTIONS

Rapporteur: Mr. Matteo Mecacci (Italy)

1. Considering that corruption and organized crime have an adverse impact on all three security dimensions of the OSCE, including human security, in so far as these phenomena are harmful to democracy, the rule of law and human rights,
2. Recognizing that transnational organized crime now presents one of the biggest threats to human security, representing an obstacle to the economic, political and cultural development of society and a multifaceted phenomenon that is present in various activities, including trafficking in human beings,
3. Taking into account the close connection that exists between high levels of corruption and lack of respect for civil and political liberties within States, as indicated in the studies produced by Transparency International and the World Bank Institute,
4. Observing that these studies indicate that various OSCE countries are simultaneously experiencing the highest levels of corruption and the lowest levels of respect for democracy and the rule of law, while only a few OSCE countries have low levels of corruption and high levels of respect for the rule of law and for democracy,
5. Recognizing that, according to these studies, the highest levels of corruption, as perceived by citizens, are to be found in political parties (68 per cent), the civil service (63 per cent), parliament (60 per cent) and the judiciary (49 per cent), making it necessary to combat corruption in politics and institutions through the monitoring not only of election campaigns, but also of the civil service and the judiciary,
6. Recalling the Assembly's Kyiv Declaration, which emphasizes that it is important for the authorities to act in a transparent manner, and affirming that the capacity of States to combat corruption and organized crime is reduced when there is no respect for the rule of law and the principle of separation of powers,
7. Reaffirming that measures to combat cyber crime must be carried out with full respect for fundamental human rights, including the right to freedom of expression on the Internet, and must not be used as an excuse for censoring freedom of expression or prohibiting the dissemination of legitimate criticisms of government actions,
8. Deeply concerned at the fact that some OSCE States, in combating terrorism, organized crime and extremism, have violated some fundamental human rights, such as the right to a fair trial, the right to a defence, the right to freedom of association and the right to participate in elections,
9. Welcoming the entry into force of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in particular Article 3 (a) thereof, which includes in the definition of trafficking in human beings the exploitation of prostitution or

other forms of sexual exploitation, forced labour, slavery or practices similar to slavery, servitude and the removal of organs,

10. Considering that trafficking for the purpose of sexual exploitation is certainly the most widespread form of trafficking in human beings and that, according to some estimates, 20 per cent of the victims of such trafficking are minors; recognizing the importance of establishing international observatories to monitor the phenomenon of prostitution and slavery and assist in reintegrating the victims into society,

11. Concerned at the new and alarming organized crime activity of trafficking in human organs, and taking note of the worrying phenomenon of production and dissemination of child pornography harmful to children,

12. Reaffirming that measures to combat trafficking in human beings must be carried out with respect for the human rights of migrants, that they should not be criminalized for having chosen an irregular means of leaving or returning to their country, whether because of economic necessity or in order to escape political, ethnic or religious persecution, and that therefore they are seeking international protection as a result of war, famine and disasters in humanitarian terms,

13. Noting the importance of international election monitoring by the OSCE and other international organizations, which in some cases has been shown to be a key factor in strengthening democratic institutions and combating political and institutional corruption,

14. Observing that the practice of international monitoring by OSCE bodies could prove very useful if it were extended on a permanent basis to the judicial and executive branches and to the media, in order to monitor the condition of democracy and the rule of law,

The Parliamentary Assembly of the OSCE:

15. Requests all OSCE participating States to fulfil all of the commitments undertaken within the OSCE in order to ensure that measures to counter corruption and organized crime in their various forms are carried out with full respect for democratic principles and the rule of law, and reaffirms the central role that the OSCE can play in this area, considering that its mission centres on the interdependence of security, development and respect for human rights;

16. Recommends that OSCE States enact legislation with regard to trafficking in human beings, attaching the greatest importance to the protection of victims, guaranteeing that migrants are not criminalized for being victims of clandestine immigration and that they are not refused asylum if they are in need of international protection, and that in any case they are not sent to origin or transit countries where their safety may be at risk;

17. Urges OSCE participating States to strengthen co-operation among themselves and between them and non-governmental organizations in combating institutional and political corruption;

18. Requests participating States to strengthen the capacity of OSCE bodies to monitor respect for the rule of law and democracy, whether during election campaigns or on a

permanent basis, extending it, if necessary, to the judicial and executive branches and to the media;

19. Requests participating States to guarantee the professionalism of the security and police forces and of the prosecutorial organs, and, to that end, to provide these organs with all necessary support, including of a financial nature, in combating organized crime;

20. Requests participating States to respect all of the legal and political obligations that they assumed in connection with ratification of all the international conventions against corruption, organized crime, trafficking in human beings and cybercrime, and urges those countries that have not yet done so to ratify the relevant conventions;

21. Urges OSCE participating States to enact legislation – or to amend their legislation – with regard to countering cybercrime so as to ensure that freedom of expression and communication over the Internet are not diminished or limited in order to combat criminal activity;

22. Urges OSCE participating States to enact legislation – or to amend their legislation – with regard to countering terrorism and extremism in order to the guarantee the right of accused persons to a fair trial and a defence, ruling out the death penalty for these offences and ensuring that persons accused of extremism and terrorism are not used to demonize political opponents or to incite violence for political purposes.

