

RECALLING THE SPIRIT OF HELSINKI



HELSINKI 5-9 JULY 2015

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**DRAFT RESOLUTION**

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

***Recalling the Spirit of Helsinki***

**RAPPORTEUR  
Ms. Gordana Comic  
Serbia**

**HELSINKI, 5 – 9 JULY 2015**

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

**Rapporteur: Ms. Gordana Comic (Serbia)**

1. Recognizing the important role that the Helsinki Final Act and the CSCE process played in bringing the Cold War to an end,
2. Recalling that the Decalogue of Principles of the Helsinki Final Act has played an important role in stabilizing relations in the OSCE area for decades,
3. Noting that the seventh of these Principles rests at the heart of the OSCE's success, as all participating States recognized that the human rights of all people in all OSCE countries are the legitimate concern of each and every OSCE participating State,
4. Affirming the right of and responsibility for OSCE participating States to speak out when abuses take place in other OSCE participating States, including in cases of politically motivated imprisonment, imposition of the death penalty, discriminatory treatment, including that of migrants and refugees, and actions against journalists and human rights defenders,
5. Welcoming the work of OSCE Institutions in monitoring and calling attention to breaches of human rights, particularly in the fields of freedom of expression, minorities' rights, and democratic rights,
6. Expressing its appreciation to the High Commissioner on National Minorities, the Office for Democratic Institutions and Human Rights (ODIHR), and the Representative on Freedom of the Media for their continued monitoring of States' implementation of commitments,
7. Reiterating the positive contribution that independent election observation by both domestic and international observers can make to democratic processes in all countries,
8. Convinced that the current decision-making structures within the OSCE are inadequate for addressing serious human rights concerns and advancing human rights norms, as these are best addressed through open and transparent processes,
9. Noting that the OSCE's annual Human Dimension Implementation Meeting, portrayed as the primary forum for discussing human rights issues, does not provide sufficient and timely monitoring or review of human rights in the OSCE region,
10. Concerned about the lack of agreement within the OSCE Ministerial Council in recent years on virtually any decisions related to human rights and humanitarian questions,
11. Concerned that participating States have been diluting the mandates of OSCE field missions to effectively monitor and report on human rights-related issues,

12. Recognizing that criminal terrorists and other non-state actors can pose significant security and human rights threats, and that neither existing criminal legislation nor the traditional laws of war may be adequate for addressing such challenges,

The OSCE Parliamentary Assembly:

13. Calls upon the OSCE Ministerial Council to adopt a decision clearly recognizing that the human rights of all OSCE populations are the legitimate concern of all OSCE participating States, and that effective implementation of these rights requires transparency through ongoing monitoring and public reporting;

14. Calls upon the OSCE's decision-making structures to once again put individuals' rights at the core of their mandates, and to this end reiterates its call for the Permanent Council to organize fortnightly meetings to examine issues having to do with human rights, with these meetings to be conducted in a manner that is open to the public and the media and with the participation of civil society representatives, and to undertake in this way the continuous monitoring of the implementation of OSCE human dimension commitments;

15. Expresses concern about efforts in several OSCE participating States to impose increasing and unnecessary restrictions on the work of civil society groups;

16. Condemns the continued persecution and imprisonment on politically motivated charges of journalists and human rights defenders in several OSCE participating States, and expresses its concern at the continued misuse of tax and administrative legislation to justify these acts;

17. Expresses concern at the abuse of pre-trial detention mechanisms, particularly in such politically sensitive cases, and calls upon OSCE participating States to only accept pre-trial detention in exceptional cases and when public security is at stake or when a suspect presents a genuine flight risk;

18. Expresses further concern at the disappearance of and lack of information regarding numerous critics of governments within the OSCE area, and calls upon governments to provide any and all information on the whereabouts of these individuals to the families of these persons and to the international community;

19. Calls upon the Office for Democratic Institutions and Human Rights and the Representative on Freedom of the Media to continue to speak out publicly when rights are abused, including in cases of politically motivated imprisonment, imposition of the death penalty, discriminatory treatment, including that of migrants and refugees, and actions against journalists and human rights defenders;

20. Reiterates its call for OSCE field missions to be given robust and multi-year mandates that include monitoring and reporting on human rights and humanitarian concerns;

21. Supports the continued leadership by OSCE parliamentarians of OSCE election observation activities, as the independence that parliamentarians bring to this endeavour, supported by the technical abilities of the ODIHR, provides unmatched credibility;
22. Supports the conflict prevention work conducted by the High Commissioner on National Minorities, whose expertise on inter-ethnic relations also serves an important function in supporting minorities' rights;
23. Calls upon the OSCE Ministerial Council to specifically recognize the inherent rights of lesbian, gay, bisexual and transgender (LGBT) people as a natural continuation of the human rights enshrined in the Universal Declaration of Human Rights, the Helsinki Final Act, and other CSCE and OSCE documents since that time;
24. Further calls upon OSCE participating States to rescind all anti-LGBT legislation, including the criminalization of providing information on LGBT issues;
25. Stresses that participating States must provide equal protections of fundamental rights to all residents, regardless of citizenship, as a clear recognition that the OSCE stands for human rights, rather than just citizens' rights;
26. Applauds the significant efforts of States neighbouring crisis situations to care for refugees, and calls upon participating States across the OSCE area to increase their efforts to care for people fleeing their homes out of fear of persecution and personal safety;
27. Deplores the continued fighting by separatist forces in Ukraine, whose illegal actions have led to thousands of deaths and have had an enormous negative impact on the humanitarian situation;
28. Condemns the continued occupation by the Russian Federation of the Crimean peninsula, and the resulting abuses of minorities' rights, particularly those of Crimean Tatars, and attempts to silence human rights defenders and independent media;
29. Calls for the recognition of the special and troubling human rights situation of persons living in occupied territories, and stresses that occupying powers must recognize and live up to their particular responsibilities in this regard;
30. Calls for the immediate release of Nadiya Savchenko, a Member of Parliament in Ukraine, from detention in the Russian Federation, on humanitarian grounds;
31. Deplores the persistence of cases of torture and other gross mistreatment within the OSCE area, and urges all OSCE participating States to guarantee independent monitoring of detention facilities in order to work towards the complete eradication of torture in the OSCE area;

32. Considers the death penalty to be an inhuman and degrading punishment, an act of torture unacceptable to states respecting human rights, and calls on retentionist states to impose an immediate moratorium on executions;
33. Encourages participating States to consider adapting their legislation to deal with criminal terrorists and other similar non-state actors to ensure that basic human rights, including the right to a fair trial within a reasonable time, are fully respected;
34. Calls upon the United States government, working with other OSCE countries, to step up efforts to close the detention facility at Guantanamo, and to reconsider the application of traditional laws of war in the fight against terrorism in view of the amorphous and open-ended character of this fight.

**GENERAL COMMITTEE ON  
DEMOCRACY, HUMAN RIGHTS AND HUMANITARIAN QUESTIONS  
PROPOSED AMENDMENT to the DRAFT RESOLUTION**

on

***Recalling the Spirit of Helsinki***

*[Set out text of Amendment here:]*

**Principal Sponsor:**

Mr/Mrs	Family Name in Capital Letters	Country	Signature

**Co-sponsored by:**

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