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## **DRAFT RESOLUTION**

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

### ***Implementing OSCE Commitments: The Role of Parliaments***

**RAPPORTEUR**  
**Mr. Kyriakos Hadjiyianni**  
**Cyprus**

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

**Rapporteur: Mr. Kyriakos Hadjiyianni (Cyprus)**

1. Alarmed by the continued deterioration of the human rights situation in the OSCE area in the past year, and recalling the OSCE participating States' commitments to the values enshrined in the Helsinki Final Act,
2. Noting with concern that parliaments have not been sufficiently proactive in safeguarding the oversight of the commitments assumed by the Helsinki Final Act, and regretting that between several parliaments no form of co-operation and dialogue exists,
3. Alarmed that ongoing conflicts within the OSCE area and in adjacent highly volatile regions, e.g. the Eastern Mediterranean region, lead to further destabilization and thus exacerbate the danger for further deterioration of human rights protection,
4. Expressing serious concern over the repeated denial of access to international and regional human rights mechanisms to conflict zones and occupied territories,
5. Deploring the fact that in the context of a state of emergency, some OSCE countries are not upholding democratic standards and are disregarding their commitments to human rights and the rule of law,
6. Dismayed that refugees and migrants suffer grave abuses of their rights, particularly child migrants, instead of enjoying special protection by states as a vulnerable population,
7. Outraged by the persistence of human trafficking worldwide, a form of modern slavery, which particularly targets women and children,
8. Alarmed by the increasing threat that drug trafficking poses to societies, particularly youth,
9. Noting with concern the continued occurrence of extrajudicial killings and forced disappearances, as well as the high number of killings within the OSCE region resulting from excessive use of force, including deadly force, by law enforcement officers,
10. Noting with regret that in some OSCE participating States Roma children, children with disabilities, migrant and refugee children, and economically disadvantaged children are deprived of access to mainstream education,
11. Convinced that children and youth must be considered as a strategic long-term priority for OSCE advocacy activities in order to ensure continued awareness of, as well as respect for, the Helsinki Final Act and OSCE commitments,
12. Deeply concerned by the growing tide of populism which is negatively impacting the level of human rights in OSCE participating States, and reaffirming the need for the OSCE and its Parliamentary Assembly to work together in order to counter this negative trend,

13. Noting with deep concern the high number of acts of intolerance and violence motivated by religious hatred in the OSCE region, including acts of vandalism against and desecration of places of worship, cemeteries, religious monuments and artefacts, and underscoring the need for the OSCE to implement a long-term strategy to combat intolerance and uphold stable and democratic societies where freedom of thought, conscience, religion and belief are protected,
14. Noting that modern technologies enable misinformation to be promoted and spread to an unprecedented degree, and concerned that the purposeful use of such ‘fake news’ is already being operationalized to confuse citizens, with serious consequences for democratic systems and for human rights protection,
15. Concerned by the proliferation of unprofessional election monitoring, often promoted by host governments, which undermines public trust in election observation overall,

The OSCE Parliamentary Assembly:

16. Stresses that international humanitarian and human rights law must be upheld during armed conflicts and are applicable in their entirety in areas under military occupation, including the right of safe return of refugees and internally displaced persons to their hometowns;
17. Calls for investigations into the serious human rights violations of people in conflict zones and occupied territories such as in the South Caucasus, Ukraine including in Crimea, and Cyprus, in particular those related to internally displaced persons, enclaved persons and missing persons, and calls for the restoration of freedom of movement, freedom of expression, and property and educational rights particularly for children in conflict areas;
18. Affirms the importance of OSCE participating States holding each other to account to the commitments undertaken within the OSCE, particularly in the human dimension, which are to the benefit of all OSCE citizens;
19. Calls upon countries applying the death penalty to declare an immediate moratorium on executions and to develop legislative initiatives leading to the abolition of the death penalty for all crimes, and notes with concern public consideration of its reintroduction in participating States where it has been abolished;
20. Affirms that governments should strengthen monitoring activities aimed at promoting adherence to commitments related to the rule of law and human rights to ensure a democratic order within OSCE participating States, based on impartial and independent judiciaries, freedom of expression, freedom of assembly and association, freedom of religion, democratic institutions and inclusive societies;
21. Reaffirms the crucial role of national Parliaments in overseeing the implementation by governments of policies related to gender equality;
22. Recalls the participating States’ commitments to fully respect and preserve the rule of law and to guarantee the protection of human rights and fundamental freedoms, and

stresses the particular relevance of attention to such commitments when confronted with serious security concerns;

23. Recalls that restrictions on human rights as a result of a state of emergency are exceptional, and are legally justifiable only if their remit and duration are proportionate and appropriate;
24. Regrets the protraction of the state of emergency in Turkey, and calls for the full restoration of the Constitutional order and the rule of law;
25. Expresses its solidarity with parliamentarians who are detained or imprisoned, and declares its willingness to observe their conditions of detention or imprisonment, including through site visits;
26. Stresses the importance of participating States fully respecting the rights of lawyers, notably lawyers specializing in the protection of human rights, to engage in their professional activities with full independence, without any interference or restrictions;
27. Reaffirms the critical importance and fundamental value of NGO participation in all dimensions of OSCE activities;
28. Emphasizes that the role of Parliaments is essential in overseeing and scrutinizing the effective implementation of OSCE commitments by governments;

The OSCE Parliamentary Assembly calls the attention of OSCE governments to the following:

29. Calls on the Foreign Ministers of the OSCE, at the 2018 Ministerial Council, to collectively recommit to upholding all human dimension commitments agreed within the CSCE and OSCE processes;
30. Calls upon participating States which, in violation of international law, have occupied areas of other States, turning them into ghost towns, to immediately restore the human rights of the lawful inhabitants forcibly expelled from these areas;
31. Calls on participating States to accept international observers in the areas under their military occupation for the purpose of monitoring the human rights situation in these areas;
32. Calls on OSCE governments, where applicable, to immediately cease the harassment, imprisonment and mistreatment of parliamentarians, judges, political opponents, human rights defenders, lawyers, journalists, academics and other members of civil society and to restore their rights;
33. Stresses the importance of European co-operation with third countries on migration management, and calls upon all participating States to protect the rights of migrants and refugees, especially their freedom from arbitrary detention, and to actively work on the integration of refugees and protect their right to family reunification, with particular consideration for unaccompanied minors;

34. Expects all OSCE participating States to fully implement and uphold their international commitment to refrain from forced returns of refugees and asylum seekers to countries where they could face torture or inhuman treatment, and furthermore emphasizes that the principle of *non-refoulement* is a principle of customary international law which applies also to states that are not parties to the 1951 Refugee Convention;
35. Encourages OSCE participating States to act together in order to fight and dismantle organized criminal networks that exploit migrants and other categories of human beings, to work to prevent the misuse of the internet as a trafficking facilitator, and to treat migrants engaged in prostitution as likely victims of trafficking, while prosecuting illegal purchasers of commercial sex;
36. Urges OSCE participating States to take all necessary measures, including within their migration policies, to make sure that the slave trade, reportedly carried out from Libya, is eradicated;
37. Exhorts OSCE participating States to adopt and implement stricter legislation to combat human trafficking, which places greater focus on prevention, including through curbing the demand for and purchase of services involving trafficked persons;
38. Stresses the urgent need for States to enhance efforts against drug trafficking, with greater emphasis on prevention and awareness-raising among youth of the extensive and multiple threats which drugs entail, and stresses at the same time the urgent need for States to adopt appropriate legislation and adequate policies to ensure the effective protection of victims of drug addiction, as a vulnerable societal group, and to respect their fundamental human rights pertaining to life and bodily integrity, access to information, assistance, treatment and rehabilitation;
39. Urges OSCE participating States to eradicate forced and child marriages, including by adapting domestic legislation where necessary;
40. Calls on OSCE governments to ensure an inclusive approach to education to ensure that vulnerable and disadvantaged children are not deprived of access to quality mainstream education;
41. Calls upon OSCE participating States to integrate education about human rights into primary and secondary school curricula, based on the Universal Declaration of Human Rights, under the oversight of national Parliaments, in the interests of long-term understanding and implementation of human rights commitments by OSCE participating States;
42. Encourages OSCE participating States to enhance efforts to combat intolerance and discrimination through further strengthening relevant policies, building on the work carried out by the OSCE in this field, and upon the recommendations contained in the OSCE PA's Resolution entitled "A Call for OSCE Action to Address Violence and Discrimination" (Tbilisi Declaration, 2016);
43. Stresses the pressing need to improve regulation of the internet, while ensuring full respect of human rights, particularly freedom of expression;

44. Calls on participating States to strengthen national legislation to enable professional and independent journalism in the interests of counteracting misinformation and ‘fake news’ particularly related to public policy, and to make full use of the support and expertise of OSCE offices, including the Representative on Freedom of the Media;
45. Underlines the importance of calling on the owners of major news outlets to take appropriate oversight measures at their own initiative and in co-operation with States and the international community, so as to counteract misinformation and “fake news”;
46. Calls on all participating States to welcome NGO participation in OSCE events, and to reject all efforts to restrict participation in OSCE human dimension events so long as these groups have relevant experience in the human dimension and do not resort to or condone violence or terrorism;
47. Calls on OSCE participating States to engage in necessary reforms in order to eliminate practices of discriminatory and excessively violent policing;
48. Urges all participating States, with the support of their national Parliaments, and in consultation with NGOs, to engage in a structural reform of their penitentiary systems to demilitarize and democratize penitentiary services, establish functioning monitoring systems, and increase prisoners’ access to the outside world, on the basis of legislative changes, including the modification of punishment policies and remedies systems;
49. Urges participating States to guarantee full access for domestic and international monitors to review prison conditions;
50. Calls on participating States to take decisive action towards the implementation of the provisions and principles included in current, as well as previous relevant OSCE PA resolutions;

The OSCE Parliamentary Assembly calls the attention of OSCE national parliaments to the following:

51. Emphasizes the importance of codes of conduct for members of parliament and national parliaments as a tool to counteract defamatory, racist, xenophobic, nationalistic or belligerent rhetoric, to foster peaceful coexistence, tolerance and social cohesion, and considers that promoting a common code of conduct also at the level of the OSCE PA would be a meaningful step in this direction;
52. Requests national parliaments and OSCE participating States to refrain from participating in election observation processes that are not based on well-organized and transparent processes with a systematic methodology, and to publicly affirm that OSCE-led Election Observation Missions take precedence over bilateral arrangements;
53. Encourages national parliaments to request legislative review of draft legislation by the OSCE Office for Democratic Institutions and Human Rights to ensure compliance with OSCE commitments;

The OSCE Parliamentary Assembly calls the attention of OSCE structures to the following:

54. Calls on the OSCE to actively engage in the Western Balkans to face the growing polarization of tensions and the rise of aggressive nationalist and revisionist forces;
55. Encourages the OSCE to develop guidance for participating States on improving regulation of the internet in a comprehensive and human-centered way that can help to address Information and Communication Technologies challenges;
56. Encourages the OSCE Representative on Freedom of the Media to continue to provide guidelines and support on addressing fake news and propaganda;
57. Calls on the OSCE/ODIHR to expand its monitoring activities and to draw attention to cases in which parliamentarians, human rights lawyers, human rights defenders, journalists and other members of civil society are harassed, detained or imprisoned;
58. Considers as relevant an OSCE PA visit in response to the reported slave trade in Libya;
59. Considers the development of dialogue between the OSCE PA General Committee on Democracy, Human Rights and Humanitarian Questions and competent human rights committees of national parliaments useful for the purpose of information and examination of cases of human rights abuses.

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

**PROPOSED AMENDMENT to the DRAFT RESOLUTION**

**on**

***IMPLEMENTING OSCE COMMITMENTS:  
THE ROLE OF PARLIAMENTS***

*[Set out text of Amendment here:]*

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