



# **BERLIN DECLARATION**

**OF THE  
OSCE PARLIAMENTARY ASSEMBLY  
AND  
RESOLUTIONS ADOPTED  
DURING THE ELEVENTH ANNUAL SESSION**

**BERLIN, 10 JULY 2002**

## **PREAMBLE**

We, Parliamentarians of the OSCE participating States, have met in annual session in Berlin on 6-10 July 2002 as the Parliamentary dimension of the OSCE to assess developments and challenges relating to security and cooperation in Europe, in particular confronting terrorism, and we offer the following views to the OSCE Ministers.

We wish every success to the next OSCE Ministerial Council Meeting in Estoril in December and bring to its attention the following declaration and recommendations.

### **CONFRONTING TERRORISM: GLOBAL CHALLENGE IN THE 21ST CENTURY**

#### **CHAPTER 1**

#### **POLITICAL AFFAIRS AND SECURITY**

The OSCE Parliamentary Assembly

1. Resolutely condemns all acts of terrorism, whatever their motivation or origin, and underscore our solidarity in the struggle against terrorism;
2. Stresses the need for the international community to look into the profound causes often underlying terrorist acts, these being the political, economic and social inequalities prevailing in the world;
3. Expresses its sympathy with the American people and all those who have been victims of terrorism;
4. Recognizes that international terrorism poses a threat to international peace and stability in the OSCE area;
5. Supports the decisions of the OSCE Ministerial Council and the Plan of Action, adopted at the OSCE 9<sup>th</sup> Ministerial Council in Bucharest on 4 December 2001 and the decisions of the Bishkek International Conference on Enhancing Stability in Central Asia on 14 December 2001;
6. Reaffirms the primacy of the principles of the United Nations Charter, the Helsinki Final Act and the Charter of Paris;
7. Recalls that each State has the right to choose its own security arrangements to protect its own citizens and its territory, whilst not disregarding the security concerns of other States in accordance with the UN Charter;
8. Underlines that combating terrorism is a mission of all individual countries and that terrorism should be effectively countered through the concerted efforts and actions of the international community as a whole;

9. Considers that the fight against terrorism must be carried out in compliance with international law, including human rights law, international humanitarian law, and refugee law;
10. Recalls that the Platform for Cooperative Security adopted at the Istanbul Summit in 1999 provides the framework for broader cooperation among the European security organizations, which have to assess their role in the fight against terrorism;
11. Acknowledges the role in combating international terrorism of other international organizations such as the United Nations, the European Union, the Council of Europe, NATO and the Commonwealth of Independent States;
12. Calls on the OSCE participating States to ratify and implement in their national laws as soon as possible all the United Nations conventions and protocols related to terrorism;
13. Acknowledges the responsibilities of the OSCE in the field of counter-terrorism measures, such as police training and border monitoring, and calls for such responsibilities to be reinforced;
14. Is convinced of the importance of retaining arms control and restrictions as an integral part of a far-sighted security policy;
15. Calls on OSCE participating States to implement the Code of Conduct on Politico-Military Aspects of Security and the Document on Small Arms and Light Weapons (SALW);
16. Is aware that political instability, religious and ethnic extremism or conflicts and territories uncontrolled by authorities provide favourable grounds for organized crime, terrorist activities and for the most flagrant violations of human rights;
17. Emphasizes that the promotion of the rule of law, respect for human rights and a high level of political participation are essential prerequisites for the efficiency of the fight against terrorism;
18. Calls on participating States not to export arms and dual-use goods to those countries that refuse to ratify or implement the UN conventions against terrorism;
19. Calls on participating States to review and strengthen their national legislation relating to the export of dual-use goods;
20. Invites OSCE participating States to contribute to the search for a peaceful, fair and balanced settlement of the various unresolved conflicts constituting one of the major sources of world terrorism;

21. Calls on participating States also to cooperate with one another in measures to oppose the movement of terrorists, including border controls and the strengthening of the primacy of law, which at the same time should not hinder freer contacts among peoples in accordance with the recognized norms and standards embodied in, *inter alia*, the Helsinki Final Act;
22. Calls on OSCE Institutions to organize workshops with the aim of supporting and to improve the efforts of OSCE participating States in the fight against terrorism;
23. Calls on OSCE participating States to provide on an individual basis the appropriate countries with information, experience and knowledge to support them in the fight against terrorism;
24. Calls on the Permanent Council to arrange meetings on a regular basis with officials of OSCE participating States and OSCE experts with the aim of exchanging information on how best to improve cooperation so as to intensify the fight against terrorism;
25. Stresses the need for the OSCE Parliamentary Assembly to be kept regularly informed of the counter-terrorist activities carried out by the OSCE, and to attend specialized meetings and seminars organized by the different OSCE Institutions in this respect;
26. Calls on the Chairman-in-Office to come forward with a proposal for an OSCE Trust Fund to facilitate and promote activities aimed against terrorism;
27. Calls on OSCE participating States to prevent the movement of individual terrorists or terrorist groups by means of effective border controls and measures for ensuring the security of identity papers and travel documents, and preventing their counterfeiting, forgery and fraudulent use;
28. Calls on the Chairman-in-Office to keep in close contact with the United Nations and with other international organizations such as the European Union, NATO, the Council of Europe and the Commonwealth of Independent States so as to harmonize and coordinate international efforts against terrorism;
29. Proposes to strengthen international contacts in the joint fight against terrorism, to organize a joint conference on terrorism between parliamentarians of the Organization of Islamic Countries (OIC) and parliamentarians of the OSCE Parliamentary Assembly;
30. Emphasizes the necessity to improve cooperation, intensify the dialogue and information exchange among national parliaments of the OSCE participating States on the legislative measures and actions undertaken to combat terrorism;

31. Proposes that some participating States in the next meeting of the OSCE Parliamentary Assembly present on a voluntary basis their efforts and activities deployed in the fight against international terrorism, in particular to ratify and implement the United Nations conventions concluded for that purpose;
32. Stresses the growing danger presented by terrorist groups whose aim it is to obtain nuclear, biological and chemical materials;
33. Urges participating States to actively protect these facilities and stocks and where necessary to eliminate these facilities and stocks (including conventional ammunition);
34. Expresses support for the negotiations conducted within the United Nations for a Comprehensive Convention on Fighting International Terrorism and for an International Convention on Fighting Nuclear Terrorism;
35. Calls upon participating States to ratify arms control agreements at the earliest possible time, along with ratification of international human rights conventions;
36. Calls for intensification on a national level of the measures to combat illegal trafficking in all its manifestations and to combat financing of terrorism;
37. Recommends that the OSCE participating States support security in the region by continuing to consider conflict prevention to be the main guideline for the Organization's activity;
38. Emphasizes that the OSCE Member States should:
  - find and bring to trial those who bear personal responsibility for the crimes committed, in order to prevent whole nations being regarded as guilty thus undermining efforts to create peace and stability in the region;
  - endeavour to seek justice, not as an instrument for retaliation, but as an instrument for reconciliation;
  - work in a manner that does not counteract the underlying intention, which is to achieve peaceful development in the Balkans. Peace in the Balkans is crucial for peace and stability throughout Europe;
39. Welcomes initiatives to create an OSCE Charter on Terrorism aimed at establishing a joint approach and strategy in combating terrorism;
40. Urges the 2002 Ministerial Council to consider practical means of promoting cooperation among the participating States in combating corruption and international crime, including through the convening of a meeting of other relevant Ministers as envisioned in the 1990 Charter of Paris;
41. Is aware that organized crime, illicit traffic in drugs and arms, and trafficking in human beings affect the security, economy and social structure of all participating States.

## CHAPTER II

### ECONOMIC AFFAIRS, SCIENCE, TECHNOLOGY AND ENVIRONMENT

42. Emphasizing that terrorist acts are a threat to international and regional peace, security and stability and that terrorism (the term taken to include not only violent groups but also any organization or association whatsoever that supports or defends them) whatever its motivation or origin, has no justification;
43. Noting that nationality or religion does not equate as such to terrorism;
44. Emphasizing that terrorism is often linked to political, economic and social problems and that the effects of globalization can increase broad dissatisfaction, which can lead to terrorism;
45. Noting that the fight against acts of terrorism must be in full compliance with international law and human rights;
46. Emphasizing that in the fight against international terrorism, the aspect of its financial resources is of key importance;
47. Noting the need to reinforce and develop bilateral and multilateral cooperation within the OSCE, with the United Nations and with other international and regional organizations, in order to combat terrorism in all its forms and manifestations;
48. Emphasizing that the OSCE, as a regional arrangement under Chapter VIII of the Charter of the United Nations, should be determined to contribute to the fulfilment of international obligations as enshrined, *inter alia*, in United Nations Security Council resolution 1373 (2001);
49. Acknowledging the various Road Maps presented by OSCE institutions to implement the Plan of Action;

The OSCE Parliamentary Assembly,

50. Calls for agreement on and the adoption of a comprehensive United Nations convention on international terrorism and of an international convention on combating the use of weapons of mass destruction, for example, in acts of nuclear terrorism;
51. Asks participating States to address poverty as one of the main factors fostering social and political unrest which are at the basis of terrorism;

52. Invites participating States to take all possible measures to reduce the gap between the richest and the poorest countries, both in the OSCE area and worldwide;
53. Emphasizes the great importance of depriving terrorism of support by society and the necessity of effective efforts to eliminate the socio-economic factors of such support – poverty, unemployment, illiteracy, racial, ethnic, religious and other discrimination – by means of guaranteeing stable development of all regions, paying special attention to the social aspects of the processes of globalization;
54. Emphasizes that each individual must have the opportunity to express his/her opinion freely in his/her own country and must have equitable access to political decision-making and to social and economic means;
55. Recognizes that, as agreed in the 4<sup>th</sup> Preparatory Committee of the World Summit for Sustainable Development in Bali, sustainable development is a prerequisite for concerted action against international terrorism;
56. Urges that social and environmental protection measures should accompany economic transformation processes and that the promotion of democracy, the rule of law and the effective implementation of human rights are absolutely necessary to prevent terrorism;
57. Acknowledges the progress made in the debate on cooperation for the sustainable use of resources, in particular the protection of quality water resources, in the context of the OSCE at the 10<sup>th</sup> OSCE Economic Forum, and notes the importance of proceeding with this debate as a contribution to preventing conflicts among water users and to combating terrorism;
58. Suggests that the OSCE includes the private sector and civil society in its activities in the economic and environmental dimension and contributes to efforts like the United Nations Global Compact, which aim to promote human rights and social justice;
59. Calls upon the OSCE to cooperate with international financial institutions such as the Bretton Woods Institutions, the EBRD and others in order to link their work to security aspects and the fight against terrorism;
60. Urges participating States and the Bretton Woods institutions to address poverty as one of the main factors fostering social and political unrest which are at the basis of terrorism, and substantially to increase the level of their overseas development aid, with a view to achieving the UN target of 0.7% of GDP;

61. Calls upon participating States to complete expeditiously all requested assessments of their own regimes and to implement the new international standards in the field of suppression of the financing of terrorism contained in the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999, UN Security Council resolution 1373 and the Special Recommendations of the Financial Action Task Force (FATF);
62. Emphasizes that the struggle against financing terrorism and the methods for freezing the assets of terrorist organizations have to be supplemented by consistent efforts to fight organized crime, illegal trade in drugs and arms, trafficking in human beings, money laundering, taking hostages and other crimes that are a main source of financing terrorist activities;
63. Acknowledges the need to assist countries, which lack technical know-how and resources in this respect, to comply with these new standards;
64. Calls upon the OSCE to inform participating States about the instruments and technology required to suppress money laundering and financing of terrorism;
65. Acknowledges that banking secrecy must not be an obstacle to law enforcement authorities in terms of identifying, freezing and seizing assets;
66. Emphasizes that the fight against the abuse of the financial sector by terrorists must not be limited to the banking sector, but must be extended to the whole formal and informal financial sector;
67. Calls upon participating States to share relevant and reliable data without delay among financial intelligence units and law enforcement authorities;
68. Emphasizes that high standards in know-your-customers rules are crucial to detect suspicious accounts and transactions and to assist law enforcement agencies world-wide with valuable information to track down international terrorism and financial crime;

### **CHAPTER III**

#### **DEMOCRACY, HUMAN RIGHTS AND HUMANITARIAN QUESTIONS**

69. Recognizing that international and domestic terrorism and efforts to combat such terrorism pose important challenges to the defence and consolidation of democracy, rule of law and the promotion of human rights in the OSCE area and globally;
70. Encouraged by the unity and determination of the OSCE participating States and other democracies in the global fight to combat terrorism;

71. Welcoming the appointment of the Personal Representative of the Chairman-in-Office for Preventing and Combating Terrorism, Mr. Jan Troebjorg of Denmark, and confirming the Parliamentary Assembly's support for his work;
72. Invites the Personal Representative for Terrorism in the next plenary meeting of the OSCE Parliamentary Assembly to present a report on the progress that has been made within the OSCE in the fight against terrorism;
73. Convinced that in the long run an effective way to prevent, combat and uproot terrorism is to develop and strengthen democratic states and institutions, safeguard the rule of law and promote and defend human rights, be they civil and political or social, economic and cultural;
74. Taking note of the UN Security Council Resolution 1373 calling upon States to take decisive measures to combat terrorism and report on the steps taken to implement the Resolution;
75. Underlining the mandate contained in UN Security Council Resolution 1325 to ensure the equal participation and full involvement of women in all efforts for the maintenance and promotion of peace and security;
76. Understanding that parliamentarians, as legislators and representatives of the people, have special responsibilities in the national and international fight against terrorism;

#### The OSCE Parliamentary Assembly

77. Reiterates the principles and suggestions included in the Declaration passed by the Standing Committee of the OSCE PA in Sintra, Portugal on 9 October 2001;
78. Urges all participating States, Governments and Parliaments to work towards developing a definition in their national legislation of terrorism that primarily focuses on attacks that threaten the lives of innocent noncombatants and particularly civilians, for political ideological or religious purposes, which definition would enable law enforcement authorities to prevent acts of terror, investigate them, and bring the perpetrators to justice;
79. Strongly condemns state terrorism in all its forms, inflicted upon civilians and used in the name of combating terrorism to serve national military, strategic and political expediencies;
80. Calls upon all participating States, Governments and Parliaments to ensure that in armed conflict and also in fighting terrorism they uphold and respect all international principles of humanitarian law, including the Geneva Conventions and their additional protocols;

81. Emphasizes the importance of working for full gender equality, strengthening the role of women in PA delegations, as well as fighting violence and sexual harassment against women, and actively seeking to involve women in peace building, conflict resolution endeavours, and fighting terrorism;
82. Urges the national parliaments of the participating States to ensure a balanced representation of women and men in their parliamentary delegations;
83. Rejects any attempt by governments or political leaders to use the fight against terrorism as a pretext to suppress human rights and civil liberties and neglect OSCE commitments, or to use this fight for any unrelated political aims such as oppression of political opposition or restriction on freedom of expression;
84. Stresses that measures to combat terrorism must be consistent with the requirements of democracy, the rule of law and the respect for human rights and fundamental freedoms. They must be directed exclusively at the perpetrators of terrorist acts and their accomplices and not against any national, ethnic or religious community as such;
85. Stresses the inadmissibility of any double standards, stereotypes or selectivity on political grounds in interpreting acts and manifestations of terrorism in various regions of the world;
86. Calls on authorities in all participating States to take effective action to protect members of religious or other minorities, including ethnic minorities and gays and lesbians, against hate crimes;
87. Calls upon participating States to foster the dialogue among civilizations and peaceful relations between religions and to facilitate dialogue with religious organizations;
88. Urges the OSCE to promote religious tolerance within and among States through education and training of state officials;
89. Invites States to incorporate in formal education, from childhood, programmes of education in respect for diversity and differences making for tolerance and a shared life;
90. Urges schools and other community bodies to promote education of young people in the importance of cross cultural dialogue and opposing racism and any other forms of intolerance, and promotion of respect for diversity;
91. Encourages participating States to contribute to international efforts to resolve long standing injustices in the Middle East, including full respect for the rights of Palestinians and Kurdish minorities, and for the right of all States in the region to live in peace and security;
92. Calls for the promotion of peaceful settlement of disputes and for the durable solution of problems related to forcible displacement;

93. Urges all participating States to ratify the statute for the International Criminal Court, and to seek broadening of its scope to include terrorist crimes;
94. Recalls that an effective fight against terrorism must include measures against organized crime and illicit drug trafficking, which calls for the gradual harmonization of investigation and judicial proceedings;
95. Underlines the role of OSCE missions in helping to address socio-economic and environmental issues in the context of preventing terrorism, and calls upon OSCE missions to continue their valuable work to build democratic institutions, and strengthen human rights, the rule of law, and respect for minority rights;
96. Emphasizes that to combat the root causes of terrorism, each individual must have the opportunity to express her/his opinion freely and to have equitable access to political decision-making and to social and economic support;
97. Supports the OSCE Chairmanship in the efforts to develop and increase the OSCE's capacity to participate and effectively contribute to international efforts to combat terrorism, and pledges to work more closely with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) as well;
98. Calls upon participating States to make all possible efforts to contribute to the international fight against terrorism, in a manner fully in accord with international human rights obligations, to create or strengthen Parliamentary human rights oversight committees, and to seek to strengthen cooperation in this area with other international parliamentary associations.

## **RESOLUTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND THEIR DESTRUCTION**

1. Noting that anti-personnel mines are particularly inhuman arms, killing or maiming civilian populations without discrimination, and that these arms most frequently remain active during peacetime,
2. Bearing in mind that the tactical and strategic relevance of these arms is extremely doubtful,
3. Bearing in mind that only the total prohibition of these arms is effective,
4. Bearing in mind that the Convention signed in Ottawa on 3 December 1997 establishes the principle of a total prohibition of the use, development, production, stockpiling and transfer of anti-personnel mines,
5. Bearing in mind that this Convention calls on States Parties to destroy their stockpiled anti-personnel mines within four years of the entry into force of the Convention and to remove all anti-personnel mines known or suspected to be emplaced within ten years,
6. Bearing in mind that this Convention includes a limited number of exceptions to the principle of total prohibition, namely the retention of a minimum number of mines for the development of mine detection, mine clearance or mine destruction techniques and for training in these techniques, and authorization to transfer mines for destruction,
7. Bearing in mind that this Convention also includes a verification mechanism, in particular the appointing and sending of fact-finding missions,
8. Bearing in mind that this Convention includes provisions strengthening cooperation and international assistance in mine clearance,
9. Noting that 142 States have signed this Convention and that 123 States have ratified it,
10. Noting that within the OSCE 14 of the 55 participating States have not signed this Convention and that five States have not ratified it,
11. Desirous to ensure the effective prohibition of anti-personnel mines as soon as possible and to encourage States to increase their assistance in mine clearance operations,

The OSCE Parliamentary Assembly

12. Calls on participating States that have not yet done so to accede to the Ottawa Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and their destruction;
13. Invites participating States that have not yet done so to take the national implementation measures called for in the Convention;
14. Encourages participating States to intensify their assistance in clearing territories where anti-personnel mines are still emplaced and their support in assisting victims;
15. Further encourages participating States to cooperate as required with the competent non-governmental organizations.

## **RESOLUTION ON THE IMPACT OF TERRORISM ON WOMEN**

1. Recalling the commitments of the OSCE Parliamentary Assembly, as stated in the 2002 Sintra Declaration, the St. Petersburg Declaration, the Resolution of the 1999 Annual Session on the Trafficking of Women and Children as well as the Plan of Action for Combating Terrorism of the Bucharest Ministerial Council;
2. Appreciating the role of the United Nations in increasing the representation of women in the decision-making process, in particular, Security Council Resolution 1325 (2000) on “Women in Peace and Security”, the outcome of the Special Session of the General Assembly of the United Nations “Women 2000” and previous conferences, and the Convention on the Elimination of All Forms of Discrimination Against Women of 1979;
3. Expressing concern that women who are the only majority that often bears the status of a minority also account for the majority of those adversely affected by terrorism and are increasingly targeted directly through murder, rape and injury;
4. Recognizing that women are particularly susceptible to social marginalization, poverty and general suffering engendered by violent conflicts;
5. Underlining the important role of women in conflict prevention, resolution and peace building;
6. Emphasizing the importance of women’s full involvement and equal participation in all efforts to maintain and promote peace, security and the rule of law;
7. Stressing that peaceful democracies can only truly function when gender equality is also recognized, emphasized and exercised,

### The OSCE Parliamentary Assembly

8. Appeals to the OSCE and to the participating States asking them, in their action towards an enabling social and political environment to combat terrorism and to promote peaceful resolution of conflicts, to pay particular attention to the protection of women and the promotion of their rights;
9. Urges the participating States to take action in order to develop an enabling social and political environment to ensure an increased representation of women in the OSCE on all levels and to forward more competent female candidates for contracted and seconded positions;

10. Recommends that a sufficient number of experts be provided in all levels of the OSCE, including the Secretariat, Institutions and Field Missions, to deal with gender issues;
11. Asks the National Parliaments of the participating States, when selecting Members of their Delegations to the Parliamentary Assembly, to secure a proper gender balance in the Assembly's membership;
12. Calls upon the Governments of the participating States to revise the Bucharest Plan of Action for Combating Terrorism by including provisions relating to the impact of terrorism on women, and by recognizing the need for increased participation of women in the process of conflict prevention and conflict resolution;
13. Suggests that the same Governments promote awareness of the effects of terrorism on women and of the need to make effective arrangements to overcome these effects, with the ultimate objective of promoting and maintaining peace, security and the rule of law.

## RESOLUTION ON BELARUS

1. Expressing concern about the development of democracy, respect for human rights and the rule of law in Belarus;
2. Is aware of the considerable efforts of the Assembly's Working Group on Belarus since 1998 to assist in the development of democracy in Belarus and the extraordinary high-level attention paid to developments in the Republic of Belarus;
3. Noting severe restrictions imposed by the regime on the freedoms of speech, the press, peaceful assembly and association;
4. Concerned about the status of civil liberties, ongoing harassment of independent media, mistreatment of members of the opposition and detainees, and religious minorities;
5. Recalling that the OSCE concluded that the October 2000 parliamentary elections and September 2001 presidential elections failed to meet OSCE commitments for democratic elections;
6. Dismayed that the Government of Belarus ignored the recommendations of the OSCE on what conditions would need to be established in order to provide for free and fair elections, *inter alia*, transparency in the election process, including OSCE/ODIHR recommended changes in the elections law, an end to human rights abuses and the climate of fear, a functioning independent media and the strengthening of the functions of the parliament;
7. Disturbed about allegations that senior Belarusian officials apparently colluded in the murders of prominent opposition figures;
8. Troubled by allegations that Belarus has supplied lethal military equipment to terrorists and countries that harbour terrorists;
9. Convinced that the OSCE participating States have an interest in an independent and sovereign Belarus and its integration into a democratic Europe;
10. Emphasizing the vital role that the OSCE Advisory and Monitoring Group (AMG) has played in encouraging democratic development, respect for human rights and the rule of law Belarus;

## The OSCE Parliamentary Assembly

11. Calls upon the Government of Belarus to live up to its OSCE obligations and commitments;
12. Urges the Belarusian authorities to cease harassment of independent media, NGOs and human rights activists, to end politically-motivated arrests and detentions, and mount a full and transparent investigation into the death or disappearance of opposition leaders;
13. Further urges the Government of Belarus to end its self-imposed isolation through the holding of free and fair parliamentary and presidential elections in a manner consistent with longstanding OSCE commitments;
14. Strongly urges the Government of Belarus to cooperate with the OSCE and its institutions, including the AMG, in facilitating compliance with OSCE commitments;
15. Calls upon the Belarusian authorities to issue visas without delay to AMG diplomats appointed by the OSCE.

## **RESOLUTION ON MOLDOVA**

1. Recalling the resolutions on Moldova adopted at the Ninth Annual Session in Bucharest in 2000 and at the Tenth Annual Session in Paris in 2001;
2. Regretting the lack of progress so far in solving the questions concerning the status of the Transdniestrian region;
3. Welcoming the agreement to resume the negotiation process on expert level on the status of Transdniestria and the joint mediatory efforts of the OSCE, Russian Federation and Ukraine in this matter;
4. Welcoming also the destruction of the CFE Treaty-Limited Equipment, completed by the end of 2001;
5. Expressing concern over the lack of progress in the implementation of the withdrawal of the Russian ammunition from the Transdniestrian region which is due to be completed by the end of 2002;
6. Taking note of the tension between the ruling party and the opposition in Chisinau;
7. Being alarmed at the smuggling and trafficking in drugs, arms and human beings;
8. Recognizing that lack of constructive dialogue on the status of the Transdniestrian region hampers the economic development of the country, and also the strengthening and consolidation of democracy and the rule of law in the Republic of Moldova;

### The OSCE Parliamentary Assembly

9. Appeals to all parties concerned to embark on a constructive dialogue on all the grave issues effecting the future of the Republic of Moldova;
10. Urges the Government and Parliament of Moldova on one hand and the Transdniestrian leadership on the other, to resume their contact and dialogue, including regular meetings between the Moldovan Parliament and the Transdniestrian Supreme Soviet, and to show political will in this dialogue in order to define the mutually acceptable arrangements leading to a comprehensive settlement to the status of Transdniestria within the internationally recognized borders of the Republic of Moldova;

11. Encourages the OSCE, the Russian Federation and Ukraine to continue their efforts to help and mediate in order to bring about results in such a dialogue;
12. Ensures that the support and assistance of the OSCE Parliamentary Assembly remains available to assist in such efforts, in particular, concerning the dialogue between the Moldovan Parliament and the Transdniestrian Supreme Soviet;
13. Appeals also to the Government of Moldova and to the leadership of the Autonomous Region of Gagauzia to negotiate in good faith in order to solve all their disputes, respecting the present status of Gagauzia and to harmonize all national legislation to take that status into account;
14. Emphasizes the urgency of fighting criminality, such as smuggling and trafficking in drugs, arms and, in particular, trafficking in human beings by, *inter alia*, developing and strengthening border controls and by fighting corruption;
15. Asks all authorities in the entire territory of the Republic of Moldova, and also in other countries, including the immediate neighbours Ukraine and Romania, to cooperate in the fight against such criminal activities and to insure that their own authorities, or organizations or individuals acting in their territory, are not involved in such criminality;
16. Encourages the Russian Federation to continue its efforts to ensure that, duly assisted by the Republic of Moldova and the OSCE, it fulfils in time its commitment included in the OSCE Istanbul Summit Declaration of 1999;
17. Urges the Transdniestrian leadership to cooperate with the Russian Federation and the OSCE in this matter, including allowing to the OSCE unlimited access to the ammunition storages in Colbasna;
18. Urges also the ruling party and the opposition to fully respect and implement their agreement, reached with the help of the Council of Europe, in order to guarantee the normal functioning of all state institutions and the development and consolidation of democracy and the rule of law in accordance with European standards.
19. Reiterates its appeal to the Transdniestrian leadership to release those members of “the Ilascu Group”, who still remain imprisoned in Transdniestria, as an act of reconciliation and an expression of good will;

## **RESOLUTION ON SOUTHEAST EUROPE**

1. Recalling the horrific events which began a decade ago with the demise of the former Yugoslavia, in particular the ethnic cleansing campaigns in which millions were displaced, hundreds of thousands killed and tens of thousands raped or tortured;
2. Welcoming the progress achieved in recent years that has improved the prospects for peace, stability, democracy and prosperity in Southeast Europe;
3. Expressing support for critical reform efforts underway in the region to strengthen democratic institutions, encourage economic development, build civil institutions, and promote the rule of law;
4. Recognizing that while there has been progress in some areas, a number of outstanding challenges remain, including the need to combat corruption and organized crime, promote respect for ethnic minorities, and encourage judicial reform;
5. Viewing the international community's presence in the region, including the OSCE, as vital until peace, stability, democracy and prosperity are strengthened;
6. Urging countries in the region to assume greater responsibility for the provision and protection of human rights, democratic standards, and respect for the rule of law;
7. Recognizing that further progress can also be achieved through the continued efforts of non-governmental organizations and ordinary citizens exercising their rights and freedoms, including the right to participate in elections;
8. Calling for region-wide cooperation, through the Stability Pact, the Southeastern Europe Cooperative Initiative and other regional bases for cooperation, with a view toward the integration of all countries of the region into European structures; and
9. Noting with concern the presence in the region of individuals and organizations linked to terrorism and its financing,

The OSCE Parliamentary Assembly

10. Welcomes the positive developments of the last year, including the cessation of open and wide-scale conflict in the former Yugoslav Republic of Macedonia with the adoption of the Ohrid Framework Agreement of August 2001 and its gradual implementation; the proper conduct of the elections in Kosovo in November 2001 and subsequent formation of a provisional government; the dialogue and agreement of March 2002 between the republics of Serbia and Montenegro regarding the future of their relations; the release or transfer of all

Kosovar Albanians imprisoned in Serbia; and the apprehension, transfer or surrender of several individuals indicted for war crimes, crimes against humanity and genocide by the International Criminal Tribunal for the former Yugoslavia (ICTY);

11. Calls upon all parties in the former Yugoslav Republic of Macedonia to be committed to free and fair elections later this year, to thwart militants from instigating additional violent incidents, to respect the country's territorial integrity, and to implement in good faith the agreements reached between them;
12. Condemns continuing acts by Albanian extremists in Kosovo which deny members of other ethnic communities a secure environment in which to live and move about freely, including the destruction of Serbian Orthodox Churches and other places of worship in Kosovo;
13. Deplores the divisive situation and parallel structures in the Kosovo city of Mitrovica and calls upon all parties unconditionally to respect United Nations authority in all of Kosovo;
14. Expresses outrage over the continued enslavement and trafficking of women and children in the sex trade in the region, and the reports of the involvement of personnel of the international presence who encourage this trade as clientele and even participate in trafficking;
15. Urges all countries in the region to make greater efforts to both enact and enforce laws punishing those responsible for enslaving women and children in the sex trade, as well as to protect and assist those victimized in this trade;
16. Calls for intensified cooperation in resolving the thousands of cases of missing persons which still exist from the periods of conflict;
17. Supports the right of all displaced persons and refugees to return to their pre-conflict homes if they choose to do so, and calls upon government officials at all levels to work with the international community in creating greater opportunities for this to happen now by facilitating the provision of documentation, greater security and equal opportunity for economic and social reintegration;
18. Emphasizes the need for all governments to cooperate fully and unreservedly with the International Criminal Tribunal for the former Yugoslavia, including through: the immediate arrest of all persons who have been indicted by the Tribunal but remain at large in the territory they control; the granting of direct access by Tribunal prosecutors to requested documents and archives and any officials where necessary for the investigation and prosecution of crimes under the Tribunal's jurisdiction;
19. Commends the overwhelming majority of international personnel in the region whose dedicated work has strengthened peace and stability in the region and increased respect for human rights and the rule of law;

20. Calls upon the international community to remain actively engaged in the region while encouraging governments, particularly in Bosnia and Herzegovina and in Kosovo, to undertake greater responsibility for public affairs and administration;
21. Encourages the OSCE Mission in Kosovo to urge the United Nations Mission in Kosovo to develop a strategic plan for the implementation of the objectives outlined in the benchmarks paper so that progress may be monitored;
22. Welcomes the benchmarks paper released by the United Nations Mission in Kosovo in April 2002, which calls for action to strengthen democratic institutions, promote the rule of law and encourage freedom of movement and refugee returns, among other things, with the goal of full compliance with and implementation of United Nations resolution 1244 and the Constitutional Framework for Provisional Self-Government;
23. Encourages greater use of the mechanisms provided through regional cooperation, particularly the Stability Pact and the Southeast Europe Cooperative Initiative, to achieve further progress, particularly in economic development and combating corruption and crime, in the next year;
24. Urges the Stability Pact to make clear its plan for action on Quick Start Infrastructure Projects, which were proposed at the first Regional Funding Conference in March 2000, recognizing that progress has been slow in many cases and there is speculation about the future of some of the commitments made in 2000;
25. Requests the Stability Pact to report on the state of the Quick Start Infrastructure Projects, which were proposed at the first Regional Funding Conference in March 2000, and asks that all donors strongly reaffirm their commitments to Stability Pact projects to promote democracy and human rights, economic development and security;
26. Recognizes that organized crime, corruption and trafficking significantly undermine efforts to promote democracy and the rule of law in Southeast Europe and serve as a considerable threat to stability in countries in the region;
27. Calls upon the OSCE to play a leading role in the fight against organized crime, corruption and trafficking in human beings, narcotics and arms that plague countries in Southeast Europe;
28. Supports the intensification of efforts to integrate countries of the region into other European structures; and
29. Expresses its support for work to combat terrorist threats in the region, including the closing of organizations linked with terrorism and its financing as well as the arrest of individuals involved in this activity.

## **RESOLUTION ON COMBATING TRAFFICKING IN HUMAN BEINGS, ESPECIALLY WOMAN AND CHILDREN**

1. Aware of the urgent need for OSCE Member States to undertake measures to eliminate all forms of discrimination against women, and to end violence against women as well as sexual exploitation and all forms of trafficking in human beings and to promote the adoption of strengthening of legislation to hold accountable persons responsible for these acts and the protection of victims,
2. Alarmed that human trafficking has become the fastest growing facet of organised crime,
3. Deploring that trafficking in human beings, especially women and children, continues to expand throughout the OSCE region notwithstanding national, regional and international efforts to combat the phenomenon,
4. Noting that the problem of trafficking in human beings is multidimensional in nature – affecting the security, economic and human dimensions of the Helsinki process – and is of relevance throughout the OSCE region,
5. Underlining that trafficking in human beings is a law-enforcement issue and a human rights concern but is first and foremost a violation of human rights,
6. Reminding that parliamentarians in several international organizations like the Inter-Parliamentary Union, the Council of Europe, the Nordic Council and the OSCE, have condemned trafficking as a violation of human rights,
7. Recalling that the 1991 Moscow Document, the 1999 Charter for European Security, the OSCE Ministerial Council Decision of November 2000 and the OSCE Ministerial Council Decision of December 2001 commit OSCE participating States to seek to end all forms of trafficking in human beings including through appropriate legislation and other measures,
8. Aware that the root causes of human trafficking, such as poverty, unemployment, inequality, patriarchal structures, discrimination, racism, violence and the demand for cheap labour and commercial sexual services have to be addressed,
9. Underlining that combating human trafficking concerns society in its entirety and not just the individuals involved,
10. Alarmed by the existence and prevalence of sex tourism aimed, in particular, at the sexual exploitation of children,
11. Requiring that countries of destination for persons trafficked into sexual exploitation acknowledge their incontestable responsibility to address the demand for commercial sexual services,

12. Deeply disturbed that nationals of OSCE participating States have been implicated in the trafficking of women and girls, and in soliciting the sexual services of trafficked persons, in Bosnia and Herzegovina and Kosovo while serving as part of the international presence in those areas,
13. Aware of the need of a legal framework, improved implementation of legislation, enhanced and improved international cooperation and coordination, and well trained professionals in the field,
14. Regarding the SECI Regional Center for Combating Transborder Crime and the Trafficking in Persons Task Forces established under the Southeastern European Cooperative Initiative's (SECI) auspices as a useful model for cross-border cooperation in law enforcement against trafficking in persons,
15. Emphasizing the need to develop victim assistance and protection mechanisms both in countries of origin and of destination. Government authorities should consider granting of temporary and/or permanent residence permits to victims of trafficking,
16. Welcoming the commitment expressed by OSCE participating States at the Conference on Combating Trafficking in Human Beings, held in Berlin in October 2001, to enhance their efforts to combat human trafficking,
17. Commending the ODIHR Anti-Trafficking Project Fund as a new mechanism to support and fund anti-trafficking initiatives in the field,
18. Commending the global television campaign launched by the United Nations Office for Drug Control and Crime Prevention (ODCCP) to increase education and awareness about trafficking,
19. Welcomes the proposal of the incoming OSCE Chair-in-Office to address the economic impact of trafficking in human beings, small arms, and illegal drugs at the OSCE Economic Forum in 2003,
20. Calls on OSCE participating States to ratify relevant international documents including the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children,
21. Requests that OSCE participating States take unequivocal responsibility for the problem of human trafficking and take appropriate counter-measures including adoption and implementation of appropriate legislation guaranteeing effective criminal prosecution,
22. Calls on OSCE participating States to ensure that their laws contain the requisite jurisdiction to prosecute acts of trafficking in human beings when those acts are committed abroad by their nationals,
23. Calls on OSCE participating States to ensure that their laws contain the requisite jurisdiction to prosecute their nationals who travel abroad for the purpose of engaging in sexual acts with children,

24. Demands that account has to be taken of the special situation of trafficked children and their specific rights and needs,
25. Urges OSCE participating States and the EU to help ensure that funding is available on a regular basis for priority anti-trafficking initiatives carried out by the ODIHR and OSCE field operations,
26. Urges the OSCE, working with the international community and regional initiatives such as SECI and the Stability Pact, to prioritize the problems of organized crime, corruption and trafficking in human beings, narcotics and arms that plague countries in Southeast Europe, and as a matter of urgency to increase coordination amongst themselves in order to more effectively fight these destabilizing realities,
27. Encourages the OSCE participating States in Southeastern Europe to utilize fully the capability of the SECI Regional Center for Combating Transborder Crime in Bucharest, Romania, including by appointing without undue delay liaison officers from their police and customs services to serve at the SECI Center;

## **RESOLUTION ON ANTI-SEMITIC VIOLENCE IN THE OSCE REGION**

1. Recalling that the OSCE was among those organizations which publicly achieved international condemnation of anti-Semitism through the crafting of the 1990 Copenhagen Concluding Document;
2. Noting that all participating States, as stated in the Copenhagen Concluding Document, commit to “unequivocally condemn” anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;
3. Remembering the 1996 Lisbon Concluding Document, which highlights the OSCE’s “comprehensive approach” to security, calls for “improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms”, and urges participating States to address “acute problems”, such as anti-Semitism;
4. Reaffirming the 1999 Charter for European Security, committing participating States to “counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism”;
5. Recognizing that the scourge of anti-Semitism is not unique to any one country, and calls for steadfast perseverance by all participating States;

The OSCE Parliamentary Assembly:

6. Unequivocally condemns the alarming escalation of anti-Semitic violence throughout the OSCE region;
7. Voices deep concern over the recent escalation in anti-Semitic violence, as individuals of the Judaic faith and Jewish cultural properties have suffered attacks in many OSCE participating States;
8. Urges those States which undertake to return confiscated properties to rightful owners, or to provide alternative compensation to such owners, to ensure that their property restitution and compensation programmes are implemented in a non-discriminatory manner and according to the rule of law;
9. Recognizes the commendable efforts of many post-communist States to redress injustices inflicted by previous regimes based on religious heritage, considering that the interests of justice dictate that more work remains to be done in this regard, particularly with regard to individual and community property restitution compensation;
10. Recognizes the danger of anti-Semitic violence to European security, especially in light of the trend of increasing violence and attacks region wide;

11. Declares that violence against Jews and other manifestations of intolerance will never be justified by international developments or political issues, and that it obstructs democracy, pluralism, and peace;
12. Urges all States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic, as well as to issue strong, public declarations condemning the depredations;
13. Calls upon participating States to ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions and judicial proceedings;
14. Urges participating States to bolster the importance of combating anti-Semitism by holding a follow-up seminar or human dimension meeting that explores effective measures to prevent anti-Semitism, and to ensure that their laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism; and
15. Encourages all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries and at all regional and international forums.

## **RESOLUTION ON HUMAN RIGHTS AND THE FIGHT AGAINST TERRORISM**

1. Noting the present threat posed by terrorism, and the obligation all participating States have to eradicate terrorism and protect their citizens from terrorist acts;
2. Aware of the potential for States to use such threats and other national security concerns, real or perceived, as the basis to expand the power of the ruling authorities and restrict the exercise of fundamental freedoms and human rights;
3. Recalling that the participating States pledged to maintain freedom of expression and freedom of information, taking no measures to bar journalists from the legitimate exercise of their profession other than those strictly required by the exigencies of the situation; and
4. Believing that increased adherence by all participating States to democratic principles, and their OSCE commitments in the human dimension in particular, are essential to genuine peace, security and prosperity, not only in the region but throughout the world.

### The OSCE Parliamentary Assembly

5. Reminds all participating States that any measures which may restrict human rights and fundamental freedoms in response to terrorism have to fully respect international law and relevant OSCE commitments and must be viewed as exceptional, temporary and non-arbitrary;
6. Considers that any measure in response to terrorism must respect human rights and fundamental freedoms;
7. Urges all participating States to ensure that such measures do not undermine the democratic principles which they seek to defend and protect, nor otherwise subvert the democratic constitutional order which should, in accordance with OSCE commitments already be in place;
8. Urges all participating States to ensure that police searches and seizures of persons and private premises and property related to the fight against terrorism will be undertaken only in accordance with standards that are judicially enforceable.
9. Urges all participating States not to allow the stated goals, ideology or principles of any body to preclude legal action against such a body if evidence indicates it is engaged in terrorist acts or supports, financially or otherwise, terrorists.
10. Recalls the commitment of OSCE participating States to inform each other through the Office for Democratic Institutions and Human Rights when a “state of emergency” is declared and a derogation from international human rights obligations is deemed necessary;

11. Reminds all participating States that the prohibition against torture or cruel, inhuman or degrading treatment is absolute and unconditional and therefore cannot be derogated under any circumstances;
12. Emphasizes as well that the right to freedom of thought, conscience, religion or belief must be protected at all times and that governments should therefore not be limiting these freedoms under the pretext of “state security”;
13. Opposes the targeting of certain groups of people in the fight against terrorism, based on their race, ethnicity or religious background;
14. Condemns all manifestations of intolerance and xenophobia targeted toward Muslims, which became more widespread in the OSCE region after the September 11, 2001, terrorist attacks in the United States which claimed the lives of nationals from over 75 countries;
15. Condemns equally the recent escalation of anti-Semitic violence against individuals and cultural sites throughout the OSCE region;
16. Urges political leaders in the participating States where such criminal acts occur to denounce the perpetrators and prosecute them to the fullest extent of the law;
17. Supports the spread and strengthening of democratic governance as essential to the victory over terrorism;
18. Encourages public discussion on the observance of human rights and fundamental freedoms; and
19. Encourages parliaments to actively protect and promote human rights and fundamental freedoms during states of emergency and other times of conflict or threats to national security, exercising in particular their responsibility for the oversight of executive power and the creation of law.

## RESOLUTION ON ROMA EDUCATION

1. Noting that the OSCE High Commissioner on National Minorities has found that discrimination and exclusion are fundamental features of the Roma experience and condemning violence and other manifestations of racism and discrimination against the Roma;
2. Recognizing that in many countries Roma face significant barriers to education – including racially segregated schools or classes, exclusion from enrolment, and channelling Roma into "special schools" regardless of their abilities – which contribute to their under-education;
3. Further recognizing that the under-education of Roma contributes to a downward spiral of other problems, including low employment, poor housing and high infant mortality; and
4. Understanding that increased access to education will increase the ability of Roma to ensure that their civil rights are protected and to participate fully in political processes.

Therefore, the OSCE Parliamentary Assembly

5. Welcomes the continued engagement of the High Commissioner on National Minorities and of ODIHR on Roma issues in the context of his work;
6. Welcomes the Finnish initiative to set up a democratically elected European Roma Consultative Forum that can articulate and transmit the voice of Romani individuals and communities;
7. Supports the work of the Contact Point for Roma and Sinti;
8. Recalls the commitment of all OSCE participating States made at the Istanbul Summit to adopt anti-discrimination legislation;
9. Urges the OSCE Member States to commit themselves to ensure that their national laws and policies fully respect the rights of Roma and, where necessary, to promote anti-discrimination legislation to this effect;
10. Recognizes the urgent need to develop effective educational programmes addressing problems of individuals belonging to Roma and other groups traditionally identified as Gypsies and to create conditions for them to have equal opportunities to participate fully in the life of their respective societies;
11. Encourages the participating States to eradicate practices that segregate Romani children in schooling, particularly the practice of routing Romani children to certain schools or classes for mentally disabled students;
12. Calls for voluntary pre-school preparatory educational programmes for Romani and other children who could be at risk;

13. Urges the participating States to ensure that Roma are included in adult education and re-training programmes to assist with the challenges of the transition from command-to-market economies;
14. Supports efforts to increase the number of Roma educators and increase the involvement of Romani parents in their children's education;
15. Recognizes the right of Roma to learn and be educated in their mother tongue, if they so desire, on an equal basis with other linguistic minorities to the extent permitted under national legislation; and
16. Underscores the importance, in the field of education, of conducting national censuses in a manner that fosters confidence among Roma and other minorities.