

AH HOC COMMITTEE ON COUNTERING TERRORISM

OSCE PA RESOLUTIONS RELATED TO COUNTERING TERRORISM

July 2002 - July 2020

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2019 LUXEMBOURG DECLARATION¹

- Resolution on the Challenges Related to Returning and Relocating Foreign Terrorist Fighters

2018 BERLIN DECLARATION²

- Resolution on Preventing and Countering Terrorism and Violent Extremism and Radicalization that Lead to Terrorism

2017 MINSK DECLARATION³

- Resolution on Strengthening the Role of the OSCE in Countering Terrorism

2016 TBILISI DECLARATION⁴

- Resolution on the Need to Equip Passenger Aircraft with Additional Technical Means for Monitoring Conditions on Board in Real Time

2015 HELSINKI DECLARATION⁵

- Resolution on a Comprehensive Legislative Reform on Foreign Terrorist Fighters from the OSCE Area

2014 BAKU DECLARATION⁶

- Resolution on the Fight Against Terrorism
- Resolution on the Democratic Control of the Public and Private Security Sectors

2012 MONACO DECLARATION⁷

- Resolution on Countering Violent Extremism and Radicalization that Lead to Terrorism

¹ www.oscepa.org/documents/all-documents/annual-sessions/2019-luxembourg/3882-luxembourg-declaration-eng/file

² www.oscepa.org/documents/all-documents/annual-sessions/2018-berlin/declaration-26/3742-berlin-declaration-eng/file

³ www.oscepa.org/documents/all-documents/annual-sessions/2017-minsk/declaration-25/3555-declaration-minsk-eng/file

⁴ www.oscepa.org/documents/all-documents/annual-sessions/2016-tbilisi/declaration-24/3371-tbilisi-declaration-eng/file

⁵ www.oscepa.org/documents/all-documents/annual-sessions/2015-helsinki/declaration-3/2977-2015-helsinki-declaration-eng/file

⁶ www.oscepa.org/documents/all-documents/annual-sessions/2014-baku/declaration-2/2540-2014-baku-declaration-eng/file

⁷ www.oscepa.org/documents/all-documents/annual-sessions/2012-monaco/declaration-1/1258-2012-monaco-declaration-eng/file

- Resolution on Support of the United Nations Global Counter-Terrorism Strategy
- Resolution on Extraordinary Rendition Investigations

2011 BELGRADE DECLARATION⁸

- Resolution on Countering Violent Extremism and Radicalization that Lead to Terrorism

2010 OSLO DECLARATION⁹

- Resolution on Guantanamo
- Resolution on Fighting Terrorism, the Production and Trafficking of Narcotics and Illegal Emigration in Afghanistan

2006 BRUSSELS DECLARATION¹⁰

- Resolution on Strengthening Effective Parliamentary Oversight of Security and Intelligence Agencies

2005 WASHINGTON DC DECLARATION¹¹

- Resolution on Terrorism by Suicide Bombers
- Resolution on Terrorism and Human Rights

2003 ROTTERDAM DECLARATION¹²

- Resolution on the Prisoners Detained by the United States at the Guantanamo Base

2002 BERLIN DECLARATION¹³

- Confronting Terrorism: Global Challenge in the 21st Century: Political Affairs and Security; Economic Affairs, Science, Technology and Environment Democracy; Human Rights and Humanitarian Questions
- Resolution on the Impact of Terrorism on Women
- Resolution on Human Rights and the Fight Against Terrorism

**This is only a list of resolutions in which the counter-terrorism was the primary impetus behind the resolution itself. Resolutions that simply mentioned terrorism or in some way related to terrorism have not been included.*

⁸ <https://www.oscepa.org/documents/all-documents/annual-sessions/2011-belgrade/declaration-4/3030-belgrade-resolutions-eng/file>

⁹ www.oscepa.org/documents/all-documents/annual-sessions/2010-oslo/declaration-5/267-oslo-declaration-english/file

¹⁰ <https://www.oscepa.org/documents/all-documents/annual-sessions/2006-brussels/declaration-9/249-2006-brussels-declaration-eng/file>

¹¹ www.oscepa.org/documents/all-documents/annualsessions/2005washingtondc/declaration-10/238-2005-washington-dc-declaration-eng/file

¹² www.oscepa.org/documents/all-documents/annual-sessions/2003-rotterdam/declaration-12/226-rotterdam-declaration-english/file

¹³ www.oscepa.org/documents/all-documents/annual-sessions/2002-berlin/declaration-13/220-2002-berlin-declaration-eng/file

2019 LUXEMBOURG DECLARATION

THE CHALLENGES RELATED TO RETURNING AND RELOCATING FOREIGN TERRORIST FIGHTERS¹⁴

1. Condemning in the strongest possible terms terrorism and all terrorist attacks, including those against critical infrastructure and "soft" targets, conducted by returning or relocating foreign terrorist fighters (FTFs) or by other terrorists,
2. Reiterating that terrorism constitutes one of the most serious threats to international peace and security, that any act of terrorism is criminal and unjustifiable, regardless of its motivation, and that terrorism cannot and should not be associated with any race, religion, nationality or civilization,
3. Condemning unequivocally the indiscriminate killing and deliberate targeting of civilians, numerous atrocities, and the persecution of individuals and communities, inter alia on the basis of their religion or belief, by terrorist groups and associated individuals, groups, undertakings and entities,
4. Reaffirming its solidarity with the victims and survivors of terrorism, offering its heartfelt condolences to their families and to the people and governments that have been targeted, and emphasizing the need to promote international solidarity in support of all victims of terrorism and to ensure that they are treated with dignity and respect,
5. Welcoming in this context the discussions and outcomes of the international Conference on Victims of Terrorism in the Sphere of the OSCE Parliamentary Assembly, held in Madrid, Spain, on 15-16 November 2018, which underlined the urgent need to coherently address the complex needs of the victims of terrorism by duly integrating them into comprehensive counterterrorism policies and practices at the national level,
6. Deploring, in the strongest terms, the incitement of terrorist acts and repudiating attempts at the justification or glorification of terrorist acts, which may incite further terrorist acts, while respecting the right to freedom of expression reflected in Article 19 of the Universal Declaration of Human Rights and in Article 19 of the International Covenant on Civil and Political Rights,
7. Underscoring that respect for human rights, fundamental freedoms and the rule of law are complementary to and mutually reinforce effective counterterrorism measures, and are an essential part of a successful counterterrorism effort, and noting the importance of respect for the rule of law so as to effectively prevent and counter terrorism, as well as that the failure to comply with these and other international obligations, including under the Charter of the United Nations, is one of the factors contributing to increasingly radicalized violence, and fosters a sense of impunity,
8. Expressing its grave concern about the terrorist and extremist ideology and actions of terrorist groups, such as ISIL, Al-Qaida and the al-Nusrah Front, and the growing presence of their affiliates around the world involved in the recruitment of FTFs,
9. Underscoring the central role of the United Nations in preventing and countering terrorism and violent extremism, and the need for all States' actions to be conducted in compliance with the UN Charter and all other applicable obligations under international law, including international human rights law, international refugee law and international humanitarian law, as well as relevant UN Security Council Resolutions,
10. Emphasizing the continued relevance of the UN Global Counter-Terrorism Strategy and its balanced implementation by participating States,
11. Reiterating that States bear the primary responsibility for preventing and countering terrorism, and violent extremism and radicalization that lead to terrorism (hereinafter VERLT), while respecting their obligations under international law,

¹⁴ Resolution on the Challenges Related to Returning and Relocating Foreign Terrorist Fighters // OSCE PA Luxembourg Declaration, 2019, p. 33. URL: www.oscepa.org/documents/all-documents/annual-sessions/2019-luxembourg/3882-luxembourg-declaration-eng/file

12. Stressing the importance of building whole-of-society resilience to terrorism and VERLT, as well as of fostering the role of civil society in supporting a global campaign against terrorism and the need to further promote public-private partnerships,
13. Underscoring the importance of involving civil society, in particular families, youth, women, victims of terrorism, and religious, cultural and educational leaders, as well as the media and the private sector, including information technology companies, in preventing terrorism and VERLT,
14. Noting with concern the evolving nature of terrorism and violent extremism, which have led to increasing numbers of terrorist attacks in the OSCE area, including attacks by terrorists acting alone or in small cells, as well as the proliferation of the terrorist and violent extremist ideology and narratives that motivate all these acts,
15. Deploring that, despite military defeats in the Middle East, ISIL and Al-Qaeda remain active in conflict-affected zones, and stressing that the threat to our societies remains high, whether from large-scale bombings perpetrated by returning foreign fighters or lone wolf attacks by violent extremists on our streets,
16. Acknowledging that the drivers of terrorism are also changing, with factors related to racism, political extremism, and disenfranchisement in our societies becoming more prominent, and recognizing that addressing the numerous causes of radicalization more effectively becomes imperative,
17. Recognizing the differential impact terrorism and VERLT have on women and children, with particular respect to such matters as violations and abuses of human rights and that they are often directly targeted by terrorist groups, and underlining that their vulnerability should be more central in our policy debates,
18. Noting that religious education is often a key element in the de-radicalization process, offering a perspective over religion which is not linked to violence,
19. Underlining the urgent need to strengthen information-sharing at local, national, regional and international levels, thereby ensuring a timely and reliable exchange of operational data aimed at strengthening our counterterrorism responses in line with human rights and the rule of law,
20. Deploring the use and/or abuse of the Internet and social media for terrorist purposes, including the dissemination of radical and violent ideologies, as well as terrorist recruiting,
21. Drawing attention to the poorly explored multifaceted interlinkage between terrorism and crime, including the recruitment of terrorists from the criminal underworld and the financing of terrorism through the illegal proceeds generated by other criminal activities,
22. Reaffirming our determination and commitment to remain united in preventing and countering terrorism, through increased international co-operation and a sustained and comprehensive approach at all relevant levels, involving the active participation and co-operation of all participating States and relevant international and regional organizations, as well as local communities and civil society,
23. Recalling the definition of FTFs contained in UN Security Council Resolution 2178 (2014), and expressing grave concern, in line with UN Security Council Resolution 2396 (2017), over the acute and growing threat posed by FTFs returning or relocating from/to conflict zones to their countries of origin or nationality, or to other countries,
24. Welcoming the 2015 Guiding Principles on Foreign Terrorist Fighters (Madrid Guiding Principles) and the 2018 Addendum adopted by the United Nations Security Council Counter-Terrorism Committee (UN-CTC) designed as practical tools to assist Member States in stemming the flow of foreign terrorist fighters and implement the requirements of the Security Council Resolutions 2178 (2014) and 2396 (2017),
25. Recognizing that the OSCE participating States may face challenges in obtaining admissible evidence from zones adjacent to the OSCE area where conflicts are ongoing that can be used to help in prosecutions of FTFs and those supporting FTFs,
26. Recalling relevant OSCE commitments and OSCE PA Resolutions adopted in the field of preventing and countering terrorism and VERLT, including the 2018 Resolution on Preventing and Countering Terrorism and Violent Extremisms and Radicalization that Lead to Terrorism, which, inter

alia, promotes a whole of-society approach and reaffirms the urgency of fully implementing UN Security Council Resolutions 2396 and 2178 to counter the threat posed by FTFs to the countries of origin, transit and destination,

27. Taking positive note of the dedicated efforts of the 2018 Italian Chair-in-Office of the OSCE in the field of countering and preventing terrorism and VERLT, and particularly in the context of the challenges posed by returning and relocating FTFs,

28. Noting with concern that, despite overwhelming political convergence on the urgent need to effectively counter and prevent terrorism and VERLT, over the last few years the OSCE participating States have been unable to reach consensus to push forward the agenda of the organization in this field through the adoption of new commitments,

29. Underlining that, by leveraging its comparative advantages, the OSCE Parliamentary Assembly is bringing new impetus to the Organization's efforts by creating political momentum for action through policy making, oversight, and convening powers of its participating States,

30. Welcoming the innovative efforts of the OSCE Parliamentary Assembly Ad Hoc Committee on Countering Terrorism aimed at prompting national parliaments to advocate, in a co-ordinated fashion and building on their oversight powers, for the full implementation of critical obligations on border security and information sharing stemming from UN Security Council Resolutions 2178 and 2396 - notably, the establishment of Advance Passenger Information (API), Personal Name Record (PNR) and biometric systems – thereby translating international action to the national level,

31. Commending in this context the goal-oriented partnership established by the OSCE PA with the OSCE executive structures and with relevant UN organs and agencies, including the UN-CTC, its Executive Directorate, the United Nations Office for Counter Terrorism and the United Nations Office on Drugs and Crime, to promote a greater parliamentary engagement in counterterrorism, fully leveraging the strengths of our Assembly,

32. Welcoming the continued efforts of the Ad Hoc Committee on Countering Terrorism to promote the exchange of lessons learned and good practice in countering and preventing terrorism and VERLT in the OSCE region, including through the organization and contribution to various visits, conference and experts events in Albania, Austria, France, Russian Federation, Slovakia, Spain and United States of America,

33. Commending the increased level of co-ordination on counterterrorism of the OSCE PA with other regional parliamentary assemblies, including with the Parliamentary Assembly of the Mediterranean, the Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States and the Parliamentary Assembly of the Council of Europe, and taking positive note of the inter-parliamentary exchanges occurred under the auspices of the United Nations, including the framework of the St. Petersburg Conference on Countering International Terrorism on 18 April 2019.

The OSCE Parliamentary Assembly:

34. Urges OSCE participating States to find and bring to justice, extradite or prosecute any person who supports, facilitates, participates or attempts to participate in the direct or indirect financing of terrorist acts, as well as to afford one another the greatest measure of assistance in connection with criminal investigations or proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for proceedings involving FTFs, while respecting human rights and fundamental freedoms, and consistent with obligations under domestic and applicable international law;

35. Urges national parliaments to ensure that their domestic laws and regulations establish serious criminal offences sufficient to provide the ability to prosecute and to penalize the activities of FTFs described in paragraph 6 of UN Security Council Resolution 2178 in a manner duly reflecting the seriousness of the offence;

36. Calls on OSCE participating States to address challenges related to FTFs and accompanying family members by taking appropriate steps to develop legal frameworks to enable prosecution,

rehabilitation and reintegration, as well as comprehensive and tailored prosecution, rehabilitation, and reintegration strategies and measures, during and after imprisonment, or as part of non-custodial measures of justice; such strategies and measures should ensure national ownership, be implemented on a case by case basis through a whole-of-society and multidisciplinary approach and address specific concerns, vulnerabilities and needs of men, women and children - including accompanying family members of FTFs - as appropriate;

37. Encourages OSCE participating States to consider providing assistance to women and children associated with FTFs who may be victims of terrorism based on a gender-sensitive and age-sensitive approach, in recognition that women and children returning or relocating from conflict zones may have served in many different roles, including as supporters, facilitators or perpetrators of terrorist acts, and require special focus when developing tailored prosecution, rehabilitation and reintegration strategies;

38. Urges national authorities to treat children formerly associated with FTFs, or who have been forced to travel to conflict zones affected by terrorist attacks, in a manner consistent with their rights, dignity and needs, and to provide timely and appropriate reintegration and rehabilitation assistance to children associated with FTFs, including through access to healthcare, psychological support and education programmes that contribute to the well-being of children;

39. Appeals to OSCE participating States to take appropriate steps to develop and maintain effective, fair, safe, humane, transparent and accountable criminal justice systems compliant with human rights and fundamental freedoms, as well as to ensure effective prison management consistent with applicable international law and national legislation, as a fundamental basis of any strategy to prevent and counter terrorism and VERT in prisons;

40. Exhorts OSCE participating States to strengthen international law enforcement and judicial co-operation in order to bring terrorists to justice, including by making full use of applicable international instruments to which they are parties as a basis for mutual legal assistance and for extradition in terrorism cases;

41. Invites national authorities to complement law enforcement measures with preventive efforts, while upholding human rights, fundamental freedoms and the rule of law, in order to respond effectively to the challenges presented by relocating and returning FTFs, as well as by terrorists acting alone or in small cells;

42. Urges OSCE participating States to take appropriate steps to prevent and suppress terrorist financing in accordance with the International Convention for the Suppression of the Financing of Terrorism, and to swiftly and effectively implement the Financial Action Task Force's standards;

43. Calls on national authorities to redouble their efforts to prevent the movement of terrorists, in particular FTFs, notably through effective national border controls, the rigorous checking of identity and travel documents, and measures for preventing counterfeiting, forgery or fraudulent use of identity and travel documents;

44. Calls on in this context national authorities to improve border security measures, notably by employing evidence-based risk assessments, screening procedures, and the collection and analysis of travel data, in accordance with domestic and international law, including international human rights law and international humanitarian law, without resorting to any profiling that would be inconsistent with international law;

45. Urges OSCE participating States to establish national API systems, in line with OSCE commitments, as well as with standards and recommended practices developed by the International Civil Aviation Organization (ICAO);

46. Calls on OSCE participating States to ensure that API is analysed by all relevant national authorities, with full respect for human rights and fundamental freedoms, for the purposes of preventing, detecting and investigating terrorist offences and related movement, and to report, as expeditiously as possible, any attempts by terrorists, in particular FTFs, to depart from, enter or transit through their territory, notably by sharing relevant information with the State of residence or nationality and/or the countries of return, transit or relocation, and/or relevant international organizations, as appropriate and

in accordance with domestic law and international obligations;

47. Further calls on national authorities to develop the capability to collect, process and analyse PNR data, in line with ICAO standards and recommended practices, and to ensure that PNR data are used by and shared with all relevant national authorities, in conformity with the requirements of Security Council Resolution 2396 (2017) and with full respect for human rights and fundamental freedoms, for the purposes of preventing, detecting and investigating terrorist offences and related travel;

48. Exhorts OSCE participating States to develop and implement systems to collect biometric data in order to responsibly and properly identify terrorists, including FTFs, consistent with domestic law and human rights and fundamental freedoms;

49. Appeals to national authorities to develop watch lists and databases of known and suspected terrorists, including FTFs, that can be used by law enforcement and border security agencies, customs, intelligence services and the military to screen travellers and conduct risk assessments and investigations, in compliance with domestic and international law, including human rights and fundamental freedoms;

50. Prompts national authorities to make use of existing databases, including those of the International Criminal Police Organization (INTERPOL) and ensure that the relevant national agencies are connected to and make regular use of such databases;

51. Calls upon national authorities to enhance co-operation with the private sector, in accordance with applicable law, especially with ICT companies, including in gathering digital data and information related to terrorism and FTFs; and strengthen international co-operation when taking national measures to prevent and counter terrorist exploitation of technology and communications to support terrorist acts, while respecting human rights and fundamental freedoms and consistent with their obligations under domestic and applicable international law;

52. Encourages participating States to deepen and expand existing partnerships among relevant organizations, and further develop the role and profile of the OSCE as a regional platform for the exchange of good practice, lessons learned and information, as well as for promoting co-operation among participating States;

53. Urges parliamentarians in the OSCE region to continue to engage at regional and international levels with a view to strengthening relevant legislative and policy frameworks, and exchanging best practice and lessons learned on the challenges stemming from the return and relocation of FTFs;

54. Calls on the 2019 and 2020 Chairs-in-Office of the OSCE to build on the successful efforts of the previous Chairs-in-Office and continue to promote an active role for the OSCE in this domain, in full co-ordination with the OSCE PA and leveraging their respective strengths;

55. Calls on the OSCE executive structures, in line with the OSCE's comprehensive approach to security and taking into account a gender and child-sensitive perspective, to continue to raise awareness, promote good practice and to assist the OSCE participating States in the implementation of relevant international obligations and OSCE commitments;

56. Encourages the OSCE PA Ad Hoc Committee on Countering Terrorism to continue to add value in this field through targeted initiatives in partnership with national and international stakeholders aimed at promoting the full implementation of the global counterterrorism framework while at same time fostering a greater parliamentary engagement in counterterrorism matters;

57. Tasks the OSCE PA International Secretariat to continue to provide technical support to the work of the OSCE PA Ad Hoc Committee on Countering Terrorism through the organization of regular meetings, visits and other targeted initiatives, as relevant and within available resources.

2018 BERLIN DECLARATION

PREVENTING AND COUNTERING TERRORISM AND VIOLENT EXTREMISM AND RADICALIZATION THAT LEAD TO TERRORISM¹⁵

1. Condemning terrorism, in all its forms and manifestations, in the strongest possible terms, and offering heartfelt condolences to the families of the victims and to the people and governments that have been targeted,
2. Reiterating that terrorism constitutes one of the most serious threats to international peace and security, that any act of terrorism is criminal and unjustifiable, regardless of its motivation, and that terrorism cannot and should not be associated with any race, religion, nationality or civilization,
3. Noting with concern the increasing number of terrorist attacks and victims in the OSCE area, including attacks by terrorists acting alone or in small cells, as well as the proliferation of the terrorist and violent extremist ideology and narratives that motivate all these acts,
4. Reaffirming our determination to remain united in preventing and countering terrorism and violent extremism and radicalization that lead to terrorism (VERLT), and stressing that terrorism can only be defeated through increased international co-operation and by a sustained and comprehensive approach with the active contribution of all participating States and relevant international and regional organizations, as well as local communities and civil society,
5. Noting with appreciation the international counter-terrorism efforts and emphasizing in this context that security in the OSCE area is intricately linked to security in adjacent areas,
6. Underscoring the central role of the United Nations (UN) in preventing and countering terrorism and violent extremism, and reaffirming our commitment to taking the measures needed to protect all people within our jurisdictions against terrorist acts and the need for all actions to be conducted in accordance with the purposes and principles of the UN Charter, and all other applicable obligations under international law, in particular international human rights law, international refugee law and international humanitarian law, as well as relevant UN Security Council resolutions,
7. Underscoring the importance of the UN Global Counter-Terrorism Strategy and the need to continue to implement all of its aspects in an integrated manner in close co-operation with the newly created UN Office of Counter-Terrorism,
8. Recognizing that OSCE participating States bear the primary responsibility in preventing and countering terrorism and VERLT, while respecting their obligations under international law, in particular human rights and fundamental freedoms, and reiterating that all participating States should refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts,
9. Reaffirming that those who participate in the financing, planning, facilitating, preparing or perpetrating terrorist acts must be held accountable and brought to justice, on the basis of the principle “extradite or prosecute” in compliance with relevant obligations under international law, as well as applicable domestic legislation,
10. Reaffirming our determination to pursue a sustained and comprehensive approach and to strengthen co-operation at all relevant levels on preventing and countering terrorism and VERLT, including by emphasizing the importance of strengthening inter-agency co-operation and co-ordination,
11. Deploing all the acts, methods and practices of terrorism, including indiscriminate or targeted killings, torture, sexual and gender-based violence, kidnapping and hostage- taking,

¹⁵ Resolution on Preventing and Countering Terrorism and Violent Extremism and Radicalization that Lead to Terrorism // OSCE PA Berlin Declaration, 2018, p. 27. URL: www.oscepa.org/documents/all-documents/annual-sessions/2018-berlin/declaration-26/3742-berlin-declaration-eng/file

abductions, and acts of violence which cause destruction and displace people, and also condemning the incitement of terrorist acts, and repudiating attempts at the justification or glorification of terrorist acts that may incite further terrorist acts,

12. Stressing the need to respect the right to freedom of expression reflected in Article 19 of the Universal Declaration of Human Rights and in Article 19 of the International Covenant on Civil and Political Rights (ICCPR),

13. Acknowledging that the OSCE, as the largest, most inclusive and comprehensive regional security organization, is a privileged platform for the exchange of good practices and lessons learned on preventing and countering terrorism and VERLT, and emphasizing that the profile of the OSCE in this field could be strengthened further in accordance with and building upon the existing mandates,

14. Recalling and reaffirming all relevant OSCE commitments adopted in the field of preventing and countering terrorism and VERLT,

15. Reaffirming the urgency of fully implementing UN Security Council Resolutions 2396 and 2178 and relevant OSCE commitments to counter the threat posed by foreign terrorist fighters (FTFs) to the countries of origin, transit and destination, including those returning to their countries of origin or relocating from/to conflict zones,

16. Stressing the need to further boost border control and information sharing, including through systems for advance passenger information (API), passenger name record (PNR) and biometric data, as well as by developing watch-lists or databases of known and suspected terrorists, in compliance with domestic and international law, including human rights law,

17. Underlining the need to prevent and suppress terrorist financing through enhanced international and regional co-operation within the UN, the OSCE, the Financial Action Task Force (FATF) and FATF-style regional bodies,

18. Calling urgently for a strengthening of the measures against the financing of international terrorist groups, in accordance with the International Convention for the Suppression of the Financing of Terrorism, and urging the swift and effective implementation of the Financial Action Task Force's (FATF) standards,

19. Noting with increasing concern the multifaceted nexus between international terrorism and transnational organized crime, and stressing the need for all participating States to make full use of available multilateral and bilateral mechanisms and data-sharing systems and to contribute to existing databases and update them systematically, while fully respecting their obligations under international law,

20. Remaining committed to ensuring national criminal justice systems based on the respect for human rights and the rule of law, due process and fair trial guarantees, which are effectively complemented by appropriate preventive measures and stressing the importance of the development and maintenance of effective, fair, humane, transparent and accountable criminal justice systems, as well as of ensuring effective prison management consistent with applicable international law and national legislation, as a fundamental basis of any strategy to prevent and counter terrorism and VERLT,

21. Emphasizing the importance of a comprehensive approach to preventing and countering terrorism and VERLT, aimed at effectively addressing all internal and external conditions conducive to their spread, while also recognizing that none of these conditions can excuse or justify terrorism or VERLT,

22. Emphasizing the importance of developing tailored and human rights-compliant strategies, policies and programmes, including a gender perspective, in line with applicable international law and domestic legislation, designed to reduce the appeal of terrorism and VERLT,

23. Welcoming the adoption of the UN Security Council Resolution 2354 (2017) and of the "Comprehensive International Framework to Counter Terrorist Narratives (S/2017/375), with recommended guidelines and good practices to counter effectively the ways that terrorist groups and

associated individuals, groups, undertakings and entities use their narratives to encourage, motivate and recruit others to commit terrorist acts,

24. Stressing the importance of building whole-of-society resilience to terrorism and VERLT, as well as of fostering the role of civil society in supporting a global campaign against terrorism and the need to further promote public–private partnerships,

25. Underscoring the importance of involving civil society, in particular families, youth, women, victims of terrorism, and religious, cultural and educational leaders, as well as the media and the private sector, including information technology companies (ICT), in preventing terrorism and VERLT,

26. Recognizing the need to foster an environment that is not conducive to terrorism and, in this context, stressing the importance of counter-narratives which should aim not only to rebut terrorist messages but also to amplify positive narratives, to provide alternatives and address issues of concern to audiences who are targeted by terrorist narratives, and emphasizing the value of public–private partnerships in countering terrorist narratives, along with the need to involve a wide range of actors, including families, youth, women and religious, cultural and educational leaders,

27. Noting the importance of the role played by the media, civil society, religious groups, the private sector, and educational institutions in efforts to enhance dialogues and broaden understanding and in promoting tolerance and peaceful coexistence, and fully respecting the right to freedom of opinion and expression, stressing the necessity to act co-operatively, including with ICT and social media companies, to continue to develop and implement practical measures to counter the exploitation of the Internet and other information and communication technologies for terrorist purposes, including to commit, incite, recruit, fund or plan terrorist acts,

28. Recognizing that efforts to prevent terrorism and VERLT can benefit from increasing youth participation and sense of their belonging to societies, including by the creation of an enabling environment and opportunities for youth to participate and engage voluntarily and freely in public life and in the promotion of human rights and fundamental freedoms, democratic principles and the rule of law, tolerance and non-discrimination, and dialogue and mutual respect, and that such efforts can also benefit from the facilitation of youth access to social services and employment and from support being given to youth-led and youth-focused awareness-raising initiatives, including through the Internet and social media,

29. Underscoring the important role of education in building relevant skills, such as critical thinking, media literacy, and sense of responsibility, in order to enable youth to reject and better challenge terrorist narratives, and in this context, underscoring the need to enhance the exchange of information, lessons learned and good practices on how to effectively engage with youth in preventing terrorism and VERLT,

30. Acknowledging the differential impact terrorism and VERLT have on women and children, with particular respect to such matters as violations and abuses of human rights and that they are often directly targeted by terrorist groups, and highlighting the need to consider evidence-based policies in mechanisms and strategies for preventing terrorism and VERLT,

31. Recognizing that children formerly associated with terrorist groups or who have been forced to travel to conflict zones affected by terrorist attacks should be treated in a manner consistent with their rights, dignity and needs,

32. Stressing the urgency to address the threat posed by terrorists, including relocating and returning FTFs, by *inter alia* developing and implementing, after prosecution, rehabilitation and reintegration strategies, policies and programmes before, during and after imprisonment and as part of non-custodial measures of justice, and that such programmes should be compliant with international law, in particular human rights law, international humanitarian law and international refugee law and should also ensure national ownership and address specific concerns, vulnerabilities and needs of men, women and children, including accompanying family members of FTFs, as well

to those of incarcerated offenders, as appropriate,

33. Emphasizing the importance of further research, thematic discussions, sharing of good practices and international guidelines, as well as of tailored technical assistance offered by relevant international organizations, including the OSCE,

34. Welcoming the comprehensive efforts of the 2017 Austrian Chairpersonship of the OSCE, including the relevant Declaration on which the present text builds upon, to push forward the agenda of the Organization on the fight against terrorism, violent extremism and radicalization that leads to terrorism, and taking positive note of the activities pursued by OSCE executive structures, including OSCE Institutions and Field Operations, in support of the implementation of OSCE commitments in the field of preventing and countering terrorism and VERLT, in line with the OSCE's comprehensive approach to security,

35. Acknowledging the role that national Parliaments can play in the field of countering and preventing terrorism and VERLT, especially by developing targeted counter-terrorism legislation in line with international law, including human rights law, by promoting the full implementation of existing international legal frameworks, by providing effective oversight of governmental counter-terrorism policies and authorities, and by fostering greater inclusion of local communities and civil society in national counter-terrorism efforts, in accordance with the principle of national ownership of counter-terrorism strategies and programmes,

36. Recognizing that international parliamentary forums, such as the OSCE Parliamentary Assembly, can serve as useful platforms for promoting political dialogue and facilitating the exchange of innovative ideas, lessons learned and best practices on counter-terrorism legislation and policy, thereby providing a distinct contribution to the global fight against terrorism by promoting greater policy coherence and international co-operation,

37. Recalling and reaffirming relevant OSCE PA resolutions on countering terrorism and violent extremists, including the 2017 Minsk Declaration on Strengthening the Role of the OSCE in Countering Terrorism, the 2015 Helsinki Declaration on a Comprehensive Legislative Reform on Foreign Terrorist Fighters from the OSCE Area, the 2014 Baku Resolution on the Fight Against Terrorism and the 2012 Monaco Resolution on Countering Violent Extremism and Radicalization that Lead to Terrorism,

38. Welcoming the work conducted by the OSCE PA and by its Ad Hoc Committee on Countering Terrorism since its establishment in 2017, and in particular its focus on identifying the most pressing policy and legislative challenges faced by the OSCE participating States in countering terrorism and VERLT, as well as on building strategic partnerships with relevant stakeholders in the field to contribute to the global counter-terrorism agenda by leveraging on the Assembly's comparative advantages,

39. Commending the efforts of the Ad Hoc Committee on Countering Terrorism to promote the exchange of lessons learned and good practices in countering and preventing terrorism and radicalization in the OSCE region, including through the organization of field visits to Belgium, Bosnia and Herzegovina, the United Nations Office for Drugs and Crime, and the OSCE executive structures, as well as through the active participation in numerous international conferences and expert events,

40. Taking note of the recurring themes identified by the Ad Hoc Committee on Countering Terrorism as potential areas where the OSCE PA could add value in the future, including, but not limited to, information sharing and co-ordination mechanisms, prevention of radicalization, countering the spread of terrorist and violent extremist ideologies and narratives, challenges stemming from the phenomenon of FTFs, links between terrorist networks and transnational organized crime, support to the victims of terrorism, protection of human rights and fundamental freedoms in countering terrorism, and the challenges stemming from the improper use of new technologies for terrorist purposes,

The OSCE Parliamentary Assembly:

41. Calls on the OSCE participating States to swiftly and fully implement the international legal framework on countering terrorism, as well as relevant OSCE commitments in this field;
42. Calls on the OSCE participating States to co-operate, share relevant information and consistently support each other in preventing and countering terrorism, including by eliminating the supply of weapons to terrorists, preventing the recruitment and mobilization of individuals as terrorists, and responding to the challenges stemming from returning and relocating FTFs;
43. Invites the OSCE participating States and OSCE Partners for Co-operation to actively engage in and reinforce their work to address the spread of terrorist narratives, and to this aim undertake appropriate national and international measures, in accordance with their obligations under international law, in line with the relevant UNSC resolutions and consistent with relevant OSCE commitments, and also invites the OSCE executive structures, within their mandates and available resources and complementing ongoing UN efforts, to facilitate thematic discussions, focused on implementing on a regional level UNSCR 2354, and on exchanging lessons learned and good practices to promote a comprehensive response to the spread of terrorist and violent extremist ideologies and narratives;
44. Urges the current, incoming and future OSCE Chairpersonships to continue to strengthen the contribution of the OSCE executive structures on the topic of preventing and countering terrorism and VERLT, leveraging the added value of the OSCE comprehensive approach to security;
45. Invites the OSCE participating States, the OSCE Partners for Co-operation and the OSCE executive structures to actively co-operate and co-ordinate with the OSCE PA on the topic of preventing and countering terrorism and VERLT, with a view of ensuring inclusive and human rights-compliant responses for the benefit of all in the OSCE region;
46. Calls upon Parliaments in the OSCE region to retain the topic of preventing and countering terrorism and VERLT high on their national agendas, and to continue to act as a driving force, in accordance with national legislation and procedures, to advance counter-terrorism efforts, including by allocating adequate resources to counter- terrorism, by adopting inclusive and human rights-compliant legislation in line with the international counter-terrorism legal framework, by ensuring oversight of national security forces, by monitoring the implementation of relevant national policies and strategies, by promoting transparency, respect for human rights and the rule of law, by building trust and dialogue among all levels of society, by advocating solidarity with the victims of terrorism and by supporting counter-terrorism narratives at national and local levels;
47. Encourages Parliamentarians in the OSCE region to continue to engage at regional and international levels with a view to strengthening relevant legislative and policy frameworks and exchanging best practices and lessons learned on preventing and countering terrorism and VERLT;
48. Calls upon the OSCE PA and the OSCE PA Ad Hoc Committee on Countering Terrorism to further explore possible areas of potential added value for the OSCE PA in preventing and countering terrorism and VERLT, with a view of promoting complementarity of efforts with other stakeholders and avoiding duplication;
49. Calls upon the OSCE PA Ad Hoc Committee on Countering Terrorism to continue to identify key challenges in this field, to build strong partnerships with the OSCE participating States and executive structures – including the Security Committee, the Secretariat and the Field Operations – and other relevant global, regional and national stakeholders, to consider forward-looking policy guidance wherever needed and to engage in targeted initiatives to bring an increased parliamentary perspective in this critical field of the international security agenda, in full compliance with its mandate;
50. Tasks the OSCE PA International Secretariat to continue to provide technical support to the work of the OSCE PA Ad Hoc Committee on Countering Terrorism through the organization of regular meetings, field visits and other targeted initiatives, as relevant and within available resources.

2017 MINSK DECLARATION

RESOLUTION ON STRENGTHENING THE ROLE OF THE OSCE IN COUNTERING TERRORISM¹⁶

1. Firmly condemning all terrorist acts that have taken place in various parts of the OSCE region, neighboring regions and throughout the world, including in London, Saint Petersburg and Paris, underscoring its solidarity with the victims of terrorism, stressing the need to strengthen international solidarity by supporting them and offering sincere condolences to the families of the victims and to the peoples and Governments that have become the targets of these attacks,
2. Reiterating that terrorism in all its forms and manifestations is one of the most serious threats to international peace and security, that any act of terrorism is a crime and is unjustifiable, regardless of its motives and that terrorism cannot, and must not, be associated with any race, religion, nationality or civilization,
3. Reaffirming its respect for the sovereignty, territorial integrity and political independence of the OSCE participating States,
4. Categorically condemning and expressing indignation about the indiscriminate killing of and deliberate attacks against civilians, the countless acts of brutality and the persecution of individuals and communities, including on account of their religion or beliefs, perpetrated by terrorist organizations, in particular Daesh, Al-Qaida, Jabhat alNusra/Jabhat Fateh al-Sham/Hay'at Tahrir al Sham and associated persons, groups, enterprises and organizations,
5. Underscoring the central role of the United Nations in countering terrorism, strongly reaffirming its obligation to take measures to protect everyone from terrorist acts, and recognizing the need for all action to be undertaken in conformity with the UN Charter and all other relevant obligations of international law, including international human rights law, international refugee law and international humanitarian law, as well as in full compliance with the counter-terrorism resolutions of the UN Security Council and the UN Global Counter-Terrorism Strategy,
6. Recognizing the obligations undertaken in the context of the relevant OSCE documents on countering terrorism,
7. Stressing the crucial role of parliaments in helping to fight terrorism,
8. Unequivocally reaffirming its determination and commitment to preserve unity in preventing and countering terrorism by strengthening international solidarity and cooperation at all relevant levels through a consistent and comprehensive approach, including through the formation of a broad anti-terrorism coalition, acting in strict conformity with international law and the UN Charter, including the principles of sovereignty and equality of States and non-interference in their internal affairs, and without double standards with regard to terrorists,
9. Reiterating that anyone who participates in, or assists with, the financing, planning, preparation or perpetration of terrorist acts must be held accountable and brought to justice on the basis of the principle "extradite or try", in accordance with the obligations of international law and applicable national law,
10. Recognizing the need to mobilize inter-State efforts on the basis of UN Security Council resolution 1624 (2005) in combating the spread of terrorist ideology and propaganda, and to exchange successful national experience and best practices in the area,
11. Welcoming the agreement of a consolidated international framework for combating terrorist propaganda,

¹⁶ Resolution on Strengthening the Role of the OSCE In Countering Terrorism // OSCE PA Minsk Declaration, 2017, p. 35. URL: <http://www.oscepa.org/documents/all-documents/annual-sessions/2017-minsk/declaration-25/3555-declaration-minsk-eng/file>

12. Underlining the importance of co-operation among the OSCE participating States on preventing and suppressing the recruitment of members by terrorist groups, including foreign terrorist fighters,
13. Welcoming the work carried out by the Financial Action Task Force (FATF) and stressing that all participating States must take appropriate measures to prevent and suppress the financing of terrorism and refrain from providing terrorism with financial support in any form, including through the participation in direct or indirect trade in natural resources beneficial to terrorist organizations,
14. Reiterating its profound conviction of the need to improve the legal basis of the OSCE participating States in order to counter the terrorist threat and strengthen the stability of their societies and bolster their potential in the fight against terrorism,
15. Underscoring the importance of co-operation among the OSCE participating States and the involvement of civil society, as well as the media and the private sector, in preventing violent extremism leading to terrorism,
16. Noting the results of the Conference on OSCE Security Policy – Female Perspectives (Vienna, 23 March 2017) and the Parliamentary Conference on Combating International Terrorism (Saint Petersburg, 28 March 2017),

The OSCE Parliamentary Assembly:

17. Advocates the adoption of measures consistent with the obligations of the OSCE participating States within the framework of the Organization, relying on its own resources, to eliminate conditions conducive to the spread of terrorism, bearing in mind that no conditions can serve as a pretext or justification for acts of terrorism;
18. Calls on the OSCE participating States to take effective measures so that anyone who participates or assists in the financing, planning, preparation or perpetration of terrorist acts is brought to justice, and calls on the parliaments of participating States to ensure that their national legislation and regulatory provisions define such acts as serious criminal offences, making it possible to prosecute and punish such offences in a manner that reflects their serious nature;
19. Notes the importance of working to alleviate the threat of terrorism by preventing the transboundary movement of persons, weapons and financial assets associated with terrorist activity, in accordance with the commitments entered into in the framework of the OSCE;
20. Calls on the OSCE participating States to make use of the possibilities of national parliaments in order to promote the ratification and implementation of international agreements regulating co-operation between States in the fight against terrorism;
21. Calls emphatically for enhanced international co-operation and public-private partnerships to develop practical measures to counter the use of the Internet and other means for inciting violent extremism and radicalization that lead to terrorism and for recruiting foreign terrorist fighters; such international co-operation and public-private partnerships could foster communication efforts, including via social media, to counter violent extremist messaging, while fully respecting the right to freedom of opinion and expression;
22. Deems it appropriate to consider possibilities for adopting and broadening the practice of voluntary counter-terrorism restrictions on the media, officials and public figures to ensure that terrorists and their sponsors are not provided with information platforms to manipulate the media and that news outlets refrain from aggravating tensions in the info sphere and contributing to terrorist radicalization, as well as the introduction of accountability for such offences;
23. Calls for the establishment, within the framework of the OSCE Parliamentary Assembly, of a counter-terrorism committee to work towards convergence of the approaches of participating States in combating the terrorist threat and to co-ordinate their action in this regard;
24. Calls on participating States to safeguard the balance between individual and public freedoms and the security measures needed to counter terrorism.

2016 TBILISI DECLARATION

RESOLUTION ON THE NEED TO EQUIP PASSENGER AIRCRAFT WITH ADDITIONAL TECHNICAL MEANS FOR MONITORING CONDITIONS ON BOARD IN REAL TIME¹⁷

1. Bearing in mind the growing terrorist threat in the OSCE region,
2. Reaffirming its commitment to making every effort to help ensure security in the OSCE region and to conduct a systematic and unrelenting fight against all manifestations of international terrorism,
3. Noting that large passenger aircraft continue to be priority targets of terrorist attacks,
4. Noting that the lack of the necessary technical means on passenger aircraft makes it impossible for ground personnel to conduct video monitoring of conditions on board in real time, thus significantly reducing the ability to protect airliners from terrorist and other threats to the security of passengers and resulting in large numbers of human victims,

The OSCE Parliamentary Assembly:

5. Calls on the participating States and manufacturers to give close attention to the problem of the vulnerability of passenger aircraft to terrorist attack and to contribute actively, within their powers and competence, to equipping existing and planned passenger aircraft with photographic and audio-visual monitoring equipment on board as soon as possible so that data can be collected, saved and sent to ground personnel in real time;
6. Urgently appeals to the parliaments of the participating States to begin elaborating, without delay, the legal basis for the practical implementation of this initiative.

¹⁷ Resolution on the Need to Equip Passenger Aircraft with Additional Technical Means for Monitoring Conditions on Board in Real Time // OSCE PA Tbilisi Declaration, 2016, p. 57. URL: <https://www.oscepa.org/documents/all-documents/annual-sessions/2016-tbilisi/declaration-24/3371-tbilisi-declaration-eng/file>

2015 HELSINKI DECLARATION

RESOLUTION ON A COMPREHENSIVE LEGISLATIVE REFORM ON FOREIGN TERRORIST FIGHTERS FROM THE OSCE AREA¹⁸

1. Considering that:(a) the current global security scenario, characterized by multidimensional challenges, requires the urgent attention of OSCE lawmakers in order to adapt domestic legislation in response to new dynamic and devious threats, (b) the complex and interconnected phenomena such as religious radicalization and so-called "home-grown terrorism," in all of their forms, are ominously present in the OSCE region as a whole, (c) the foreign terrorist fighters (FTFs) phenomenon is not new but the recent increase in the flow of these FTFs into Syria and throughout the Middle East has been the largest and most important influx into any region,
2. Taking into account that collecting information about people who choose to take part in foreign armed conflicts is extremely difficult, although different estimates suggest that: (a) approximately 15,000 foreigners from around 80 countries have successfully joined terrorist groups in the Middle East, mainly in Syria and Iraq (of these, approximately 3,000 are Europeans), (b) the proportion of militants, mostly young Chechens, from the Russian Federation is trending upward, (c) Turkey is the major transit hub for travel routes to Syria,
3. Noting with concern that tragic international events have shown that kidnappings, beheadings, mass executions (with victims primarily being women and children), gang rapes, torture and acts of genocide against religious minorities are included among the acts that FTFs consider lawful means to achieve their political purpose,
4. Acknowledging the pressing need to address the root causes in the States of origin of FTFs and between the northern and southern shores of the Mediterranean, namely socio-economic hardship and discrimination, but also personal dissatisfaction and the impossibility of self-fulfilment, which are fertile grounds for radicalization and terrorist acts,
5. Stressing that it is necessary to send a clear message strengthening the existing provisions against terrorism and introducing new ones designed to prevent and monitor movements and activities of those who have clearly travelled to or are seriously suspected of travelling to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict,
6. Recognizing that compliance with internationally recognized human rights standards, especially with regard to persons most at risk, particularly in correctional facilities, is critical for countering terrorism,
7. Having regard to the United Nations Global Counter-Terrorism Strategy (A/RES/60/288),
8. Welcoming UN Security Council resolutions 2170 of 15 August 2014 and 2178 of 24 September 2014 on threats to international peace and security caused by terrorist acts,
9. Recalling the 5 May 2014 Note of the EU Counter-Terrorism Coordinator according to which FTFs remain a major threat to the European Union and its Member States, as well as to the Middle East and North Africa region,
10. Having regard to the Declaration on the OSCE's role in countering the phenomenon of foreign terrorist fighters in the context of the implementation of UN Security Council resolutions 2170 (2014) and 2178 (2014),

¹⁸ Resolution on a Comprehensive Legislative Reform on Foreign Terrorist Fighters from the OSCE Area // OSCE PA Helsinki Declaration, 2015, p. 33. URL: <http://www.oscepa.org/documents/all-documents/annual-sessions/2015-helsinki/declaration-3/2977-2015-helsinki-declaration-eng/file>

11. Emphasizing that the OSCE participating States must prepare themselves to face a huge legal challenge, since beyond the military dimension, the threat of FTFs is a multi-faceted issue containing many sub-problems at the legal level,
12. Remembering that many OSCE participating States do not have effective laws addressing the FTFs issue, which should be distinguished from generic antiterrorism laws that in many cases have not been updated for five to ten years or even more,
13. Believing that it is imperative that all OSCE participating States carefully evaluate the need for introducing new laws to strengthen the current anti-terrorism legal framework,
14. Remaining fully committed to working in close collaboration with its global and regional partners,
15. Acting in accordance with the ordinary legislative procedure,

The OSCE Parliamentary Assembly:

16. Asks the participating States of the OSCE, in full compliance with international human rights law principles and provisions, to move very fast to fully implement all the provisions of the UN Security Council resolution on terrorist foreign fighters (Num. 2178, 24/09/2014);
17. Encourages the OSCE to increase its co-operation with participating States in Central Asia and the Partner for Co-operation – Afghanistan – in particular in terms of combatting drug trafficking and organized crime, which are contributing to instability in the region and to the financing of terrorism, and also in terms of supporting democratic institutions;
18. Urges the participating States of the OSCE to promote a wide range of actions at national, regional and international levels, including the study of new comprehensive strategies to tackle the more subtle security threats, such as FTFs and “lone wolves”;
19. Invites all the OSCE States to start a comprehensive reform process of national antiterrorism legislation, including the introduction of new and co-ordinated measures directed at FTFs;
20. Asks the Member States of the European Union to: (a) tighten controls effectively at external borders, within the existing legal framework; (b) better co-ordinate counter-terrorism efforts among European Governments and Security Agencies, with full awareness of the multi-layered decision-making process in national security and intelligence within the EU members;
21. Asks participating States of the OSCE which are members of NATO to: (a) start a long-term process of harmonization and co-ordination of national anti-terrorism legislation; (b) design new and more effective information-sharing mechanisms, including regular update procedures, among all the Members’ Security Agencies; (c) promote a wide range of initiatives in order to examine new global mechanisms for addressing the issue of Western-born fighters, including effective ways to deal with them if they manage to return home;
22. Encourages participating States to strengthen their national identification systems by considering the introduction of biometric passports;
23. Further asks the United States and the Russian Federation to make serious efforts in order to restart actual security and intelligence co-operation against terrorist groups active in the MENA region, co-operation that at the moment is limited due to mistrust and competing motivations;
24. Calls upon its participating States to increase and improve exchanges of information, primarily between the Central Asian States, the Russian Federation and Turkey, especially in the area of borders, telecommunications, and the prevention and suppression of the financing of terrorism, in order to minimize the flow of foreign fighters;
25. Calls for innovative and pragmatic co-operation with internet companies against extremist propaganda on the Web in the OSCE area, and calls on participating States to encourage and promote educational and preventive co-operation with the media to counter terrorist propaganda, notably by training journalists specialized in religion;
26. Encourages the sponsoring of de-radicalization measures tailored to FTFs returning to their OSCE countries of origin;

27. Calls for more attention to be devoted to possible reintegration programmes for recruits – provided they have clean criminal records and have not participated in any banned and/or illegal terrorist organizations abroad – when they return to their countries of origin, including through closer co-operation between States and international and regional NGOs active in countering violent terrorism and extremism, and, as part of wider reintegration and rehabilitation efforts, the provision of employment, education, healthcare and other services for returning jihadists who have not committed any crimes;
28. Encourages exploring new channels to prevent youth radicalization, especially in national prison systems;
29. Invites the OSCE Institutions to report on progress made in meeting the commitments set out in this resolution.

2014 BAKU DECLARATION

RESOLUTION ON THE FIGHT AGAINST TERRORISM¹⁹

1. Recognizing the leading role played by the United Nations in international efforts to combat terrorism,
2. Supporting the norms, principles and obligations adopted in the framework of the OSCE, starting with the Helsinki Final Act and including the OSCE Bucharest Plan of Action for Combating Terrorism (2001), the OSCE Charter on Preventing and Combating Terrorism (2002), the Ministerial Statement on Supporting the United Nations Global Counter-Terrorism Strategy (2007), Ministerial Decision No. 10/08 on Further Promoting the OSCE's Action in Countering Terrorism, the OSCE Consolidated Framework for the Fight against Terrorism (2012) and other OSCE documents in this area,
3. Reaffirming the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century (2003), in which terrorism is termed one of the most important causes of instability in the security environment,
4. Having regard to the Astana Commemorative Declaration (2010), in which Heads of State and Government of the OSCE participating States committed themselves to achieving greater unity of purpose and action in facing new and emerging transnational threats, as well as Ministerial Decision No. 2/09 on Further OSCE Efforts to Address Transnational Threats and Challenges to Security and Stability,
5. Noting in particular the concept adopted by the OSCE of comprehensive, co-operative, equal and indivisible security and its topicality in the context of the fight against terrorism,
6. Reiterating its unequivocal condemnation of terrorism in all its forms and manifestations as well as its categorical rejection of the identification of terrorism with any race, ethnicity, nationality or religion,
7. Underscoring the need for all measures taken to combat terrorism to comply with the principle of the rule of law and the obligations of international law, including international human rights law, refugee law and humanitarian law,
8. Expressing support for a resumption of the United Nations negotiation process on the elaboration of a comprehensive convention on international terrorism,
9. Also expressing concern at the growing threats of terrorism and a radicalization of public opinion in connection with the return of foreign terrorist combatants to their homes from areas of armed conflict,
10. Also expressing concern at the growing threats of terrorism and a radicalization of public opinion in connection with the upsurge of ultra-nationalist and neo-Nazi movements and their involvement in the removal of lawful authorities in the participating States of the OSCE,
11. Also expressing concern about the growing tendency to use information and telecommunication technologies, including the Internet and social media, for terrorist purposes, including incitement and financing of terrorism and the recruitment of terrorists,

The OSCE Parliamentary Assembly:

12. Declares its determination to combat terrorism, the most serious threat to international peace and security;

¹⁹ Resolution on the Fight Against Terrorism // OSCE PA Baku Declaration, 2014, p. 26. URL: <http://www.oscepa.org/documents/all-documents/annual-sessions/2014-baku/declaration-2/2540-2014-baku-declaration-eng/file>

13. Calls on the OSCE participating States to bring their national anti-terrorism legislation into line with their international obligations in this area, in accordance with United Nations Security Council resolutions on combating terrorism, comprehensive terrorism conventions and protocols, the United Nations Convention against Transnational Organized Crime and, where appropriate, the protocols thereto;
14. Calls on the OSCE participating States to promote co-operation with a view to preventing, suppressing, investigating and punishing acts of terrorism, including through the implementation of comprehensive terrorism conventions and protocols thereto, as well as United Nations resolutions and OSCE obligations concerning the fight against terrorism;
15. Recommends that the OSCE participating States should consider the possibility of taking additional measures to intensify OSCE efforts to combat the threats of terrorism and a radicalization of public opinion in connection with the return of foreign terrorist combatants to their homes from areas of armed conflict as well as the upsurge of ultra-nationalist and neo-Nazi movements;
16. Calls on the OSCE participating States to continue to take all necessary measures to prevent the use of information and communication technologies for terrorist purposes, including the incitement, planning, preparation, financing or commission of terrorist acts, while ensuring that those measures are in line with national legislation, international law and the political obligations entered into previously in the framework of the OSCE;
17. Calls for a strengthening of the role of the OSCE in combating terrorism, in accordance with and on the basis of decisions adopted by the Ministerial Council, the Permanent Council and the Forum for Security Co-operation in a wide variety of areas of relevance to the fight against terrorism;
18. Calls on the OSCE participating States to continue the practice of convening annual OSCE conferences on the fight against terrorism, ensuring that they are properly funded from the OSCE's overall budget;
19. Calls on the OSCE participating States to devote the next such conference to the issue of combating the threats of terrorism and a radicalization of public opinion in connection with the upsurge of ultra-nationalist and neo-Nazi movements.

RESOLUTION ON THE DEMOCRATIC CONTROL OF THE PUBLIC AND PRIVATE SECURITY SECTORS²⁰

1. Acknowledging the unique security challenges posed by the use of new information and communication technologies in international terrorism, organized crime and by individuals committing severe criminal acts, as well as the continued possibility of military conflicts,
2. At the same time conscious of the fact that in attempting to combat these activities, the actions of the military, the police and any other public or private security organization, through the use of coercive measures or otherwise, regularly affect the fundamental rights crucial for the preservation of human dignity,
3. Aware that for this reason, particular attention must be paid to establishing and enforcing effective, comprehensive and airtight safeguards against any possible misuse of authority that such activities might entail,
4. Emphasizing that such safeguards require comprehensive and effective parliamentary oversight with transparent judiciary control,

²⁰ Resolution on the Democratic Control of the Public and Private Security Sectors // OSCE PA Baku Declaration, 2014, p. 58. URL: <http://www.oscepa.org/documents/all-documents/annual-sessions/2014-baku/declaration-2/2540-2014-baku-declaration-eng/file>

5. Convinced that the fundamental principles of democracy and the rule of law are preserved by legitimately limiting the exercise of power even when such limitations might make military or law enforcement operations more difficult,
6. Insisting that the absence or reduction in scope of any oversight mechanism based on the assumption that the authorities, private security companies or their staff will abide by the relevant laws represents an unacceptable potential for abuse,
7. Reaffirming again, as in the 2006 Brussels Declaration and its Resolution on Strengthening Effective Parliamentary Oversight of Security and Intelligence Agencies, and the urgent call in the OSCE Parliamentary Assembly's Washington Declaration of 2005, that the fight against terrorism and transnational organized crime should not be carried out at the expense of human rights,
8. Reflecting the many recommendations passed by the OSCE PA that stress the importance of effective democratic, and in particular parliamentary, control over the public and private security sector,
9. Conscious of the discussion in some international organizations and in the context of modern coalition warfare that the competences of the parliament have a potential to limit the effectiveness of military warfare, leading to worrying calls for an erosion of the existing scope of parliamentary involvement,
10. Reaffirming its readiness to hold seminars together with the OSCE Conflict Prevention Centre on democratic control and civil integration of armed forces as an essential aspect of regional security, as stated in the 2004 Edinburgh Declaration,
11. Commending the accomplishment of the OSCE in developing the Code of Conduct on Politico-Military Aspects of Security and commemorating its 20th anniversary,
12. Resolving to continue the good co-operation with the Swiss Chairmanship, the FSC Co-ordinator on the Code of Conduct and the Conflict Prevention Center, and looking forward to the co-operation, inter alia in the framework of the upcoming PA Autumn Meeting, with the Geneva Centre for the Democratic Control of Armed Forces (DCAF),
13. Worried about the role played by militias, special forces, old and new intelligence agencies and former members thereof in several countries that struggle with the consolidation of their democracies,
14. Emphasizing that the need to increase effective democratic oversight of security and intelligence services by making them transparent to parliamentary monitoring, as well as raising public awareness of them, is critical to preserving core values of human rights and freedoms common to all civilized nations,
15. Expressing deep concern about revelations indicating that established mechanisms of control over intelligence communities in countries with long-established democratic systems are insufficient and ineffective, and that these existing systems have – in part – been circumvented in the name of fighting terrorism,
16. Alarmed about instances of indefinite imprisonment of foreign citizens without due process, degrading treatment during interrogations, interception of private communications, informal extraditions to countries likely to employ the death penalty, torture or ill-treatment and detention and harassment on the grounds of political or religious activity, as addressed in the 2006 Brussels Declaration's Resolution on Strengthening Effective Parliamentary Oversight of Security and Intelligence Agencies,
17. Recognizing that such actions violate the most fundamental human rights and freedoms, and are contrary to the international treaties that form the cornerstone of post-World War II human rights protections,
18. Also recognizing that the nature of communication has fundamentally changed through the proliferation of internet communication technologies, and that this medium – especially in light of measures undertaken in the present efforts to fight terrorism – is particularly vulnerable to surveillance by intelligence agencies that both infringes upon the right to privacy and lacks democratic oversight,

19. Convinced that total surveillance by audio-visual and cyber means of the whole population *de facto* abolishes the protection of privacy, undermines public and international confidence in the honesty of governments, opens many avenues for misuse and poses a severe threat to effective democratic oversight,
20. Worried that the ongoing expansion of private security companies and the associated creation of private armies and police forces comprising hundreds of thousands of employees is eroding democratic control and the state's monopoly on the use of coercive measures,
21. Repeating the concern voiced in the OSCE PA's 2008 Astana Declaration that the absence of any specific regulatory framework for private military companies and private security companies and the lack of parliamentary oversight of these companies limits the most essential role of parliaments and is contrary to the principles of the Code of Conduct on democratic control of forces,
22. Acknowledging the quintessential role of the judiciary in remedying abuses of competences and misuse of exceptional measures by security and intelligence services, as was expressed in the 2008 Astana Declaration,

The OSCE Parliamentary Assembly:

23. Repeats its assertion in the 1992 Budapest Declaration that elected parliaments must have the ultimate authority and responsibility for the activities of the military forces;
24. Reminds all participating States and their parliaments of their obligation to reinforce existing mechanisms of democratic oversight, to further develop them and to adapt them to the new challenges;
25. Calls upon the OSCE participating States to fully support § 20-25 of the Code of Conduct and to ensure the primacy of the role of civilians in military and defence affairs as well as the democratic control of armed forces, as stated in the OSCE PA's 2000 Bucharest Declaration;
26. Urges participating States and their parliaments not to agree to any limitation of existing mechanisms of parliamentary oversight or decision-making with the intention of making coalition warfare easier, unless the loss of competences by national parliaments is fully compensated by similar competences of parliamentary bodies acting at the multilateral level;
27. Repeats the OSCE PA's call for parliamentarians to address the matter of parliamentary oversight of the European Union's defense capability to ensure its full and effective democratic accountability;
28. Demands that participating States refrain from allowing their security forces to resort to massive intrusion into the privacy of billions of innocent citizens, and ban all security measures taken against non-suspects that intrude into their intimacy and have a potentially intimidating effect, thereby limiting the full enjoyment of fundamental human rights, the trust in the protection of these by democratic authorities and the confidence between the peoples;
29. Expects that participating States and national parliaments devote special attention to the urgent need for improved control over their intelligence services, and thoroughly investigate any evidence of wrongdoing or infringement of fundamental human rights by intelligence agencies;
30. Further expects that, in the course of such investigations, the burden of proof lay with the intelligence agencies to demonstrate both the necessity and legality of their actions;
31. Reiterates the 2006 Brussels Declaration's Resolution calling for parliamentarians to use democratic principles as basic guidelines in striking a balance between the essential secrecy and confidentiality of security and intelligence services' activities and the need for transparency that allows for parliamentary oversight;
32. Stresses again, as in many OSCE PA resolutions, the imperative for respecting fundamental human rights standards in all security and intelligence services' activities, and recalls the importance of the protection of privacy for the preservation of human dignity;
33. Repeats its call for parliamentarians, as in the 2006 Brussels Declaration's Resolution on Strengthening Effective Parliamentary Oversight of Security and Intelligence Agencies, to address the matter of parliamentary oversight of security and intelligence services as a matter of priority and as a

means to ensure respect of fundamental human rights and freedoms, a call that has unfortunately been left unanswered;

34. Emphasizes the need to ensure representation in the special parliamentary oversight bodies of all political parties elected to the national legislator, as stated in the 2006 Brussels Declaration's Resolution on Strengthening Effective Parliamentary Oversight of Security and Intelligence Agencies;

35. Repeats its request to the OSCE to offer, in close co-operation with the Council of Europe, assistance to national legislators in the region with the drafting of laws regulating competences of security and intelligence services so as to ensure effective democratic oversight over their activities, as in the 2006 Brussels Declaration's Resolution on Strengthening Effective Parliamentary Oversight of Security and Intelligence Agencies;

36. Encourages the sharing of good practices among national legislators in the region in the field of democratic oversight of security and intelligence services, in accordance with the 2006 Brussels Declaration's Resolution on Strengthening Effective Parliamentary Oversight of Security and Intelligence Agencies;

37. Urges participating States to protect journalists and their sources who expose threats to human rights and privacy posed by state authorities;

38. Calls on participating States to compensate for the outsourcing of security tasks to private companies by establishing state oversight that is transparent to the citizens, allows for effective parliamentary monitoring, quick and effective judicial recourse, and other means of holding these forces accountable to the government, in line with the OSCE PA's 2008 Astana Declaration;

39. Calls upon participating States to promote the participation of women in parliamentary bodies so that any oversight mechanisms of armed forces and intelligence agencies may benefit from a more comprehensive understanding.

2012 MONACO DECLARATION

RESOLUTION ON COUNTERING VIOLENT EXTREMISM AND RADICALIZATION THAT LEAD TO TERRORISM²¹

1. Recalling its Berlin Declaration of 2002 on Confronting Terrorism as a Global Challenge in the 21st century, chapter I of its Edinburgh Declaration of 2004 and chapter III of its Washington Declaration of 2005 and its accompanying resolutions on Terrorism by Suicide Bombers and on Terrorism and Human Rights,
2. Recalling its 2011 Resolution on Countering Violent Extremism and Radicalization that Lead to Terrorism,
3. Noting the Ministerial Statement on Supporting the United Nations Global Counter Terrorism Strategy of 2007, the Ministerial Council Decision No. 10/08 on Further Promoting the OSCE's Action in Countering Terrorism, and the Ministerial Council Decision No. 2/09 on Further OSCE Efforts to Address Transnational Threats and Challenges to Security and Stability, specifically where it commends the OSCE's contribution to countering violent extremism and radicalization that lead to terrorism,
4. Also noting the United Nations Counter-Terrorism Implementation Task Force's First Report of the Working Group on Radicalization and Extremism that Lead to Terrorism of 2008,
5. Welcoming the OSCE Chairmanship priorities for 2012, which highlight the need to further elaborate the OSCE's role in countering violent extremism and radicalization that lead to terrorism,
6. Commending the valuable work that has been undertaken in this field by the OSCE's executive structures, in particular the Transnational Threats Department/Action against Terrorism Unit and the Office of Democratic Institutions and Human Rights (ODIHR),
7. Stressing that terrorism cannot and should not be associated with any religion, nationality, race, civilization or ethnic group,
8. Underlining that violent extremism and radicalization that lead to terrorism is of serious concern to OSCE participating States and that a necessary first step in any effective and comprehensive counter-terrorism strategy is to prevent and counter the processes of radicalization that lead individuals and groups to support and to resort to terrorist violence in pursuit of whatever might be their motivations and aims,
9. Convinced that a multi-dimensional understanding of the dynamics behind violent extremism and radicalization that lead to terrorism is essential to designing and implementing effective strategies to combat terrorism,
10. Reaffirming the comprehensive approach of the United Nations Global Counter Terrorism Strategy towards countering terrorism by addressing not only its manifestations, but also the conditions conducive to its spread, including but not limited to prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance, while recognizing that none of these conditions can excuse or justify acts of terrorism,
11. Stressing that this involves, inter alia, strengthening the resilience of individuals, communities and societies in order to prevent sympathy and support for those who incite and resort to terrorist violence,
12. Emphasizing the important role of national parliaments in, inter alia, addressing factors conducive to terrorism and exercising democratic control over the security sector, as well as adopting appropriate

²¹ Resolution on Countering Violent Extremism and Radicalization that Lead to Terrorism // OSCE PA Monaco Declaration, 2012, p. 46, URL: <http://www.oscepa.org/documents/all-documents/annual-sessions/2012-monaco/declaration-1/1258-2012-monaco-declaration-eng/file>

national legislation to prevent and combat terrorism, in line with relevant international obligations, including international human rights law, refugee law and international humanitarian law,

13. Emphasizing also that effectively understanding and addressing the factors conducive to terrorism requires a multi-stakeholder and multi-dimensional approach, which upholds human rights and the rule of law, draws on inter-agency co-ordination and public-private partnerships, and combines actions at both the national and local levels,

14. Welcoming the organization, as a joint pioneering initiative of the OSCE Secretariat and the OSCE ODIHR, of two regional expert roundtables respectively focused on preventing women terrorist radicalization, and on the role and empowerment of women in countering violent extremism and radicalization that lead to terrorism,

15. Taking note of the joint project of the OSCE Secretariat's Transnational Threats Department and the OSCE ODIHR to develop a guidebook on community policing and preventing terrorism, which aims at providing guidance on how to use police-public partnerships as part of an effective, human rights compliant and gender-sensitive, multidisciplinary approach to preventing terrorism and countering violent extremism and radicalization that lead to terrorism,

The OSCE Parliamentary Assembly:

16. Calls upon national parliaments of OSCE participating States to advocate democratic and human rights values and promote pluralistic debate, as well as concrete actions to address factors conducive to terrorism;

17. Strongly encourages interparliamentary exchange and action among OSCE Parliamentary Assembly members with regard to countering violent extremism and radicalization that lead to terrorism;

18. Calls on the OSCE participating States and Partners for Co-operation to actively share good practices and lessons learned in countering violent extremism and radicalization that lead to terrorism, including understanding and analysing factors conducive to terrorism, design and implementation of national and local level policies and measures, and development of public-private partnership initiatives;

19. Invites the OSCE participating States to engage with relevant OSCE executive structures and to provide funding for the organization of roundtables and training courses on regional, sub-regional and national level approaches to countering radicalization and violent extremism that lead to terrorism, to the benefit of counter-terrorism practitioners and other government officials, as well as civil society stakeholders;

20. Endorses the initiative to develop a consolidated framework for OSCE counter-terrorism activities for adoption by the OSCE participating States.

RESOLUTION ON SUPPORT FOR THE UNITED NATIONS GLOBAL COUNTER-TERRORISM STRATEGY²²

1. Stressing its strong and unequivocal condemnation of terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security,

2. Rejecting firmly the identification of terrorism with any race, ethnicity, civilization, nationality or religion,

²² Resolution on Support for the United Nations Global Counter-Terrorism Strategy // OSCE PA Monaco Declaration, 2012, p. 50, URL: <http://www.oscepa.org/documents/all-documents/annual-sessions/2012-monaco/declaration-1/1258-2012-monaco-declaration-eng/file>

3. Affirming that the United Nations Global Counter-Terrorism Strategy and its four pillars provide the overall framework for the efforts of the members of the international community to effectively counter terrorism, in accordance with their obligations under international law, including the Charter of the United Nations and relevant international conventions and protocols, in particular human rights law, refugee law and international humanitarian law,
4. Ensuring the OSCE Parliamentary Assembly's support for implementation of the United Nations Global Counter-Terrorism Strategy in an integrated manner and in all its aspects,
5. Highlighting the OSCE's multidimensional approach to counter-terrorism, which corresponds to that of the United Nations Global Counter-Terrorism Strategy,
6. Noting the Ministerial Statement on Supporting the United Nations Global Counter-Terrorism Strategy of 2007, which recognized the leading role of the United Nations in the international efforts against terrorism and recalled the comprehensive approach of the Strategy towards countering terrorism by addressing not only its manifestations, but also the conditions conducive to its spread,
7. Also noting the Joint Communiqué adopted at the annual high-level meeting of 2007 between the Council of Europe, the Organization for Security and Co-operation in Europe and the United Nations and Partner Organizations, which welcomed the adoption of the United Nations Global Counter-Terrorism Strategy,
8. Commending the valuable work that has been undertaken by the OSCE's executive structures in promoting the implementation of the United Nations Global Counter-Terrorism Strategy, in particular the Transnational Threats Department, the Office of Democratic Institutions and Human Rights (ODIHR), and the Office of Economic and Environmental Activities, as well as the work of the Forum for Security Co-operation in the fields of non-proliferation and preventing trafficking in small arms, light weapons and ammunitions,
9. Stressing the need to further strengthen international, regional and sub-regional co-operation to effectively prevent and combat terrorism,
10. Emphasizing that a necessary first step in any effective and comprehensive counter-terrorism strategy is to prevent and counter the processes of radicalization that lead individuals and groups to support and resort to terrorist violence in pursuit of whatever might be their motivations and aims,
11. Reaffirming that the promotion and protection of human rights and fundamental freedoms for all, as well as upholding the rule of law, should be central to all international, regional and national counter-terrorism strategies and measures, and that effectively countering terrorism and promoting human rights are not conflicting, but complementary and mutually reinforcing goals,
12. Emphasizing the important role of national parliaments in supporting the implementation of the Global Counter-Terrorism Strategy by, inter alia, addressing factors conducive to terrorism and adopting appropriate national legislation to prevent and combat terrorism, in line with relevant international obligations,

The OSCE Parliamentary Assembly:

13. Calls upon national parliaments of OSCE participating States to support the implementation of the United Nations Global Counter-Terrorism Strategy;
14. Urges national parliaments of OSCE participating States to strengthen the international legal framework by supporting the ratification of the international conventions and protocols against terrorism and the implementation of their provisions;
15. Urges national parliaments of OSCE participating States to ensure that the fight against terrorism is conducted within a framework based on the respect for human rights, fundamental freedoms and the rule of law;
16. Encourages interparliamentary exchange and action among OSCE Parliamentary Assembly members in implementing the United Nations Global Counter-Terrorism Strategy;

17. Calls on the OSCE participating States and Partners for Co-operation to actively share best practices and lessons learned in implementing the four pillars of the United Nations Global Counter-Terrorism Strategy;
18. Calls upon OSCE participating States to implement the Strategy through consistent and long-term efforts that draw on inter-agency co-ordination and public-private partnerships;
19. Urges OSCE participating States to make every effort to support the conclusion of a United Nations Comprehensive Convention on International Terrorism;
20. Invites OSCE participating States to review their existing and emerging counter-terrorism programmes and initiatives, to step up their efforts to implement the Strategy at the international, regional and national levels and to support the work of the United Nations Counter-Terrorism Implementation Task-Force in this regard;
21. Calls upon the OSCE participating States to engage with relevant OSCE executive structures and to provide funding for the organization of roundtables and training courses on regional, sub-regional and national level approaches to implement the United Nations Global Counter-Terrorism Strategy to the benefit of counter terrorism practitioners and other government officials, as well as civil society stakeholders;
22. Calls upon the OSCE participating States to adopt an OSCE Consolidated Framework for The Fight Against Terrorism.

RESOLUTION ON EXTRAORDINARY RENDITION INVESTIGATIONS²³

1. Recalling that for years certain OSCE countries co-operated with the United States Central Intelligence Agency's "extraordinary rendition" programme, in which terrorism suspects were abducted without due process and held in secret "black site" prisons in Eastern Europe or transferred to third-party countries known to practice torture,
2. Noting with regret that several years after this programme was brought to the public's attention, there is yet to be a full and open accounting of what the programme entailed nor any prosecutions of public officials for possible violations of the law, either on the international or national levels,
3. Welcoming the closure of CIA black site prisons in Europe but regretting that executive orders issued by the current US administration still provide the CIA the authority to carry out renditions,
4. Remembering that in the 2006 Brussels Declaration, the OSCE Parliamentary Assembly called upon "all participating States to investigate promptly and thoroughly allegations that their territory has been used to assist CIA-chartered flights secretly transporting detainees to countries where they may face 'disappearance', torture or other ill-treatment",
5. Welcoming the official investigation by state prosecutors in Warsaw into an alleged role by Polish authorities in the operation of a CIA "black site" prison in a remote region of Poland,
6. Regretting that the United States has not fully co-operated with the Polish investigation,
7. Condemning the prosecution that US authorities have initiated against former CIA agent John Kiriakou, who is accused of providing journalists details regarding the capture of Abu Zubaydah, an al-Qaeda suspect who is said to have been tortured in a secret CIA prison in Poland and is one of two individuals granted "victim status" by prosecutors in Warsaw,
8. Noting that appeals for information regarding the United Kingdom's involvement in the programme by the UK All-Party Parliamentary Group on Extraordinary Rendition have been rebuffed by US authorities, which have cited an exemption in the US Freedom of Information Act in the case of requests from "foreign government entities",

²³ Resolution on Extraordinary Rendition Investigations // OSCE PA Monaco Declaration, 2012, p. 70, URL: <http://www.oscepa.org/documents/all-documents/annual-sessions/2012-monaco/declaration-1/1258-2012-monaco-declaration-eng/file>

9. Regretting that a US District Court in Washington upheld the CIA's claims of exemptions to the Freedom of Information Act,
10. Pointing out that the UK All-Party Parliamentary Group on Extraordinary Rendition is an institution of Parliament and is wholly independent of the Government, and therefore should not be considered a "foreign government entity",
11. Recalling the 2007 report by the Parliamentary Assembly of the Council of Europe, which "earnestly deplore[d] the fact that the concepts of state secrecy or national security are invoked by many governments" which "obstruct judicial and/or parliamentary proceedings aimed at ascertaining the responsibilities of the executive in relation to grave allegations of human rights violations",
12. Reiterating the views of the UN Special Rapporteur on human rights and counterterrorism Ben Emmerson, who stated in reaction to the US District Court ruling that it "flies in the face of the principles of best practice for the oversight of intelligence services" and "runs the risk of promoting impunity for state officials of the UK who may have been party to grave human rights violations",
13. Taking into consideration the profound concern expressed by the United Nations Working Group on Arbitrary Detention about the secret CIA programme,
14. Noting that without proper co-operation from US officials, a full accounting of European governments' complicity in the programme may not be possible,
15. Recalling the European Parliament's 2007 resolution adopted at Strasbourg, which stated that "extraordinary rendition and secret detention involve numerous violations of human rights in particular violations of the right to liberty and security, the freedom from torture and cruel, inhuman or degrading treatment, the right to an effective remedy, and, in extreme cases, the right to life",
16. Recalling further that in 2007 the European Parliament reminded its Member States that "the prohibition of torture is a peremptory norm of international law (jus cogens) from which no derogation is possible",
17. Emphasizing that under Art. 12 of the United Nations Convention against Torture and Art. 13 of the European Convention of Human Rights, all OSCE participating States have an obligation to investigate serious human rights abuses, including torture,

The OSCE Parliamentary Assembly:

18. Reiterates that all OSCE participating States have binding obligations under international law to not only refrain from torture, or inhuman, cruel, humiliating, and degrading treatment; but to also investigate allegations of torture;
19. Restates its previous call for all participating States to investigate thoroughly allegations that their territory has been used to assist CIA-chartered flights secretly transporting detainees to countries where they may face torture or other ill-treatment;
20. Supports the criminal investigation carried out by the Polish authorities into potential crimes committed in relation to the rendition programme;
21. Welcomes the attempts by British parliamentarians to ascertain the level of the United Kingdom's involvement in the programme;
22. Insists that the United States Government co-operates with European investigations into the CIA's extraordinary rendition programme;
23. Calls upon the United States to release any pertinent information to appropriate investigators.

2011 BELGRADE DECLARATION

RESOLUTION ON COUNTERING VIOLENT EXTREMISM AND RADICALIZATION THAT LEAD TO TERRORISM²⁴

1. Recalling its Berlin Declaration of 2002 on Confronting Terrorism as a Global Challenge in the 21st century and chapter III of its Washington Declaration of 2005 and its accompanying resolutions on Terrorism by Suicide Bombers and on Terrorism and Human Rights,
2. Recalling the 2007 report of the OSCE PA's Special Representative on Anti-Terrorism, Mr. Kammenos, on the role of the OSCE in the fight against terrorism,
3. Noting the Ministerial Council Decision No. 2/09 on Further OSCE Efforts to Address Transnational Threats and Challenges to Security and Stability, specifically where it commends the OSCE's contribution to countering violent extremism and radicalization that lead to terrorism,
4. Commending the valuable work that has been undertaken in this field by the OSCE's executive structures, in particular the Action against Terrorism Unit and the Office of Democratic Institutions and Human Rights,
5. Realizing that in recent years the Assembly has addressed the fight against terrorism mainly in the context of the war in Afghanistan, for example in the Astana Declaration of 2008 and the Oslo Declaration of 2010,
6. Realizing furthermore that a necessary first step in any effective and comprehensive counter-terrorism strategy is to prevent and counter the processes of radicalization that lead individuals and groups to resort to terrorist violence in pursuit of whatever might be their motivations and aims,
7. Stressing that this involves, inter alia, understanding and addressing the factors conducive to terrorism as well as strengthening the resilience of individuals, communities and societies in order to reduce sympathy and support for those who incite and resort to terrorist violence,
8. Aware that a number of OSCE participating States have gained considerable experience with policies and measures to this effect and that they consequently have valuable insights about the possible dos and don'ts in countering terrorism and radicalization that lead to terrorism,

The OSCE Parliamentary Assembly:

9. Calls on the OSCE participating States and Partners for Co-operation to actively share best practices and lessons learned in countering violent extremism and radicalization that lead to terrorism, including understanding and analyses of factors conducive to terrorism,
10. Urges the OSCE participating States to engage with relevant OSCE executive structures and to provide funding for the organization of roundtables and training courses on national and local level approaches to countering radicalization and violent extremism that lead to terrorism, to the benefit of counter-terrorism practitioners and other government officials, as well as civil society stakeholders;
11. Endorses the initiative to develop a consolidated mandate for OSCE counter-terrorism activities for adoption by the OSCE participating States.

²⁴ Resolution on Countering Violent Extremism and Radicalization that Lead to Terrorism // OSCE PA Belgrade Declaration, 2011, p. 10. URL: <https://www.oscepa.org/documents/all-documents/annual-sessions/2011-belgrade/declaration-4/3030-belgrade-resolutions-eng/file>

2010 OSLO DECLARATION

RESOLUTION ON GUANTANAMO²⁵

1. Welcoming the courageous decision of the new American administration to close the Guantanamo detention facility,
2. Acknowledging the position of the States that have already received former detainees or have promised to do so,
3. Underlining the difficulties of implementation which the American Administration has to face, which are responsible for the delay of the effective closing of Guantanamo,
4. Recalling that the Guantanamo facility still includes nearly two hundred prisoners,
5. Recalling the commitment and work of the OSCE Parliamentary Assembly regarding the situation of the Guantanamo detainees,

The OSCE Parliamentary Assembly:

6. Calls for the permanent closing of this detention facility as soon as possible;
7. Supports the United States Administration in its will to close the detention facility;
8. Encourages participating States to receive detainees who have been cleared for release and who are clearly unable to return to their country of origin, where there are substantial grounds for believing that they would be in danger of being subjected to torture;
9. Recommends an increased co-operation between Europe and the United States as regards the concrete implementation of the closing of Guantanamo and the effective guarantee of human rights in the context of the fight against terrorism.

RESOLUTION ON FIGHTING TERRORISM, THE PRODUCTION AND TRAFFICKING OF NARCOTICS AND ILLEGAL EMIGRATION IN AFGHANISTAN²⁶

1. Expressing its concern for the evolution of the conflict in Afghanistan, marked by an ongoing increase of violence and loss of human lives,
2. Reaffirming the importance of education for the reconstruction of Afghanistan,
3. Noting that the deterioration of security in Afghanistan has led and is still leading a considerable number of Afghan citizens to leave the country, prevents many young people from attending school, limits economic opportunities, and undermines human rights and the rule of law, in addition to fostering corruption,
4. Taking note of the results of the Trans-Asian Parliamentary Forum jointly organized by the OSCE Parliamentary Assembly and the Parliament of the Republic of Kazakhstan, that was concluded in Almaty on 15 May 2010, which highlighted the close connection between the Afghan narcotics industry and the terrorist activities carried out by the neo Taliban insurgents who oppose the legitimate government of the Islamic Republic of Afghanistan,
5. Deploring that foreign suppliers are providing the Afghan narcotics industry with the substances that are needed to refine opiates,

²⁵ Resolution on Guantanamo // OSCE PA Oslo Declaration, 2010, p. 32. URL: <http://www.oscepa.org/documents/all-documents/annual-sessions/2010-oslo/declaration-5/267-oslo-declaration-english/file>

²⁶ Resolution on Fighting Terrorism, the Production and Trafficking of Narcotics and Illegal Emigration in Afghanistan // OSCE PA Oslo Declaration, 2010, p. 33. URL: <http://www.oscepa.org/documents/all-documents/annual-sessions/2010-oslo/declaration-5/267-oslo-declaration-english/file>

The OSCE Parliamentary Assembly:

6. Urges the Government of the Islamic Republic of Afghanistan to take action in order to reduce the emigration of its own citizens to foreign countries and to ensure to all its young citizens an adequate education to meet the requirements of reconstruction and economic and social development, as well as to promote the rule of law and good governance and respect for human rights;

7. Recommends that neighboring OSCE participating States adopt all necessary measures to ensure an effective monitoring of their borders, also availing themselves, if appropriate, of the co-operation of other countries, in order to prevent the movement of weapons and narcotics;

8. Further recommends that OSCE participating States step up their law enforcement action against the trafficking of narcotics which originates in Afghanistan and reaches Europe via Iran, Turkey, the Balkans or Pakistan, or alternatively via the former Soviet Central Asian republics and the Russian Federation;

9. Urges OSCE participating States to sign the appropriate agreements with non-OSCE countries bordering on Afghanistan, so as to increase the effectiveness of the measures adopted to counter the illegal flows of people and narcotics coming from the territory of Afghanistan;

10. Recommends that the countries producing the chemicals used to refine opiates adopt legislative measures to prevent the production and marketing of those substances.

2006 BRUSSELS DECLARATION

RESOLUTION ON STRENGTHENING EFFECTIVE PARLIAMENTARY OVERSIGHT OF SECURITY AND INTELLIGENCE AGENCIES²⁷

1. Recalling the commitments subscribed to in the Code of Conduct on Politico-Military Aspects of Security adopted by the Special Committee of the CSCE Forum for Security Co-operation in Budapest in 1994,
2. Noting the need to enhance governments' accountability to parliaments in respecting these commitments as well as public awareness of them,
3. Welcoming the OSCE's decision to review the implementation of the Code of Conduct at a special meeting of the Forum for Security Cooperation to be held on 27 September 2006 and, if necessary, to make improvements in the document,
4. Reiterating calls in the OSCE Parliamentary Assembly's Edinburgh Declaration of 2004 for actions in coping with new security threats,
5. Reaffirming the urgent call in the OSCE Parliamentary Assembly Washington Declaration of 2005 that fight against terrorism and transnational organized crime is not carried out at the expense of human rights,
6. Drawing upon guidelines and principles set out in Recommendation 1402/1999 and Recommendation 1713/2005 of the Council of Europe Parliamentary Assembly which called for effective control and democratic oversight of the security sector,
7. Welcoming the Resolution 113 on the parliamentary oversight of the intelligence services adopted by the Assembly of Western European Union in 2002 and report thereto,
8. Recognizing the increased need for security as a result of transnational terrorism threats in recent years,
9. Recognizing that new security threats demand new responses by governments throughout the world,
10. Alarmed, at the same time, about certain practices which violate most fundamental human rights and freedoms and are contrary to international human rights treaties which form the cornerstone of post-World War II human rights protection, such as indefinite imprisonment of foreign citizens without charge and without examining the legality of their detention by an independent and impartial tribunal, degrading treatment during interrogations, the interception of private communications without subsequently informing those concerned, extradition to countries likely to apply the death penalty or use torture or ill-treatment, and detention and harassment on the grounds of political or religious activity,
11. Emphasizing the necessity of effective democratic oversight of security and intelligence services as an essential element of preserving core values of human rights and freedoms common to all civilized nations,
12. Pointing out that such oversight is possible only through the involvement of democratically elected members of community,
13. Acknowledging the quintessential role of the judiciary in remedying abuses of competences and misuses of exceptional measures used by security and intelligence services,
14. Recognizing the common struggle of the OSCE participating States against terrorism in all societies,

²⁷ Resolution on Strengthening Effective Parliamentary Oversight of Security and Intelligence Agencies // OSCE PA Brussels Declaration, 2006, p. 40. URL: <https://www.oscepa.org/documents/all-documents/annual-sessions/2006-brussels/declaration-9/249-2006-brussels-declaration-eng/file>

The OSCE Parliamentary Assembly:

15. Reaffirms the strong need for a clear division of power between the military and the civil society as a precondition for an independent and correct functioning of the democratic institutions;
16. Maintains the imperative need for respect of fundamental international human rights standards in all security and intelligence services' activities;
17. Calls upon parliamentarians to address the matter of parliamentary oversight of security and intelligence services as a matter of priority and as a means to ensure respect of fundamental human rights and freedoms;
18. Urges national parliaments to ensure effective oversight of security and intelligence agencies by establishing and strengthening special parliamentary bodies for a priori and ex post facto scrutiny of security and intelligence services' activities and providing them with appropriate resources;
19. Emphasizes the need to ensure representation in the special parliamentary oversight bodies of all political parties elected to the national legislator;
20. Calls upon parliamentarians to use democratic principles as basic guidelines in striking a balance between the essential need for secrecy and confidentiality of security and intelligence services' activities and for transparency in exercising parliamentary oversight;
21. Calls upon the OSCE, in close cooperation with the Council of Europe, to offer assistance to national legislators in the region with drafting of laws regulating competences of security and intelligence services that would ensure effective democratic oversight over their activities;
22. Encourages sharing of good practices among national legislators in the region in the field of democratic oversight of security and intelligence services.
23. Urges OSCE member state governments to consider making their exchange of information on implementation of the Code of Conduct transparent and therefore fully accessible to parliamentarians, the media and the general public as a measure to build confidence among states and enhance the accountability of their governments and their security sectors;
24. Urges all participating States to ensure that their territory and facilities are not used to assist rendition flights or to operate secret detention centres, and to cooperate fully in the investigations being conducted by the Parliamentary Assembly of the Council of Europe and the European Parliament into allegations about secret detention centres;
25. Calls upon all participating States to investigate promptly and thoroughly allegations that their territory has been used to assist CIA-chartered flights secretly transporting detainees to countries where they may face "disappearance", torture or other ill-treatment;
26. Calls for the United States Government to reconsider its position in relation to the usefulness of detaining prisoners in this way and the contribution this is making to the common struggle against terrorist acts.

2005 WASHINGTON DC DECLARATION

RESOLUTION ON TERRORISM BY SUICIDE BOMBERS²⁸

1. Noting the horror of historically unprecedented terrorist violence – with the purpose to kill and massacre, to die in order to kill more people, to practice the cult of death, and to express personal desperation only through death,
2. Recalling that in the opinion of the 1986 Nobel Peace Prize Laureate, Elie Wiesel, unlike the Japanese soldiers who, towards the end of the Second World War chose to sacrifice their lives by attacking exclusively military targets, today’s suicide terrorists prefer to attack defenseless and unarmed civilians, children and women, in order to inculcate in the minds of individuals and the masses, a total, in many respects worse than racist, aversion to the “enemy/infidel”, and to totally dehumanize conflicts,
3. Denouncing the fact that some leaders of terrorist groups (Al Qaeda, Hamas, Hezbollah, the Islamic Army in Iraq, and so on) approve, encourage and extol these mass murders, without hesitating to endow them with a value, based above all on a hate-filled and distorted interpretation of certain sacred texts,
4. Noting that – while the Muslim community, on the whole, has always tended to reject all forms of violence and fanaticism – a growing number of people, often very young, are being induced to rethink the prescriptions of the Koran in the light of the mysticism of suicidal terrorism which, by that token, is alien to the Koran and to Islam,
5. Recalling that the most devastating terrorist attacks perpetrated in the world in the past few years have been committed against this disturbing background: the immense tragedy in New York and Washington DC on 11 September 2001, the Madrid attacks on 11 March 2004, and the heinous attacks in various places in Israel, Russia, the Philippines, India, Pakistan, Afghanistan, Iraq, and the massacres in Bali, Casablanca, Istanbul and Jakarta,
6. Noting that a firm warning against terrorism was significantly issued by the Holy Father, John Paul II, who on numerous occasions stated that “Those who kill by acts of terrorism actually despair of humanity, of life, of the future” (message of his Holiness John Paul II to celebrate World Peace Day, 1 January 2002),
7. Agreeing in this same perspective, that the Simon Wiesenthal Centre, which for decades has been committed to promoting religious tolerance and to combating anti-Semitism, has explicitly promoted a mobilization campaign to get the international community to recognize that terrorist suicide attacks are real “crimes against humanity”,
8. Considering that dealing in death in this manner is a blatant attack on the most elementary human rights and on the international legal order, because it constitutes an intolerable violation of “the general principles of law recognized by civilized nations” (article 38(I)(c) of the Statute of the United Nations International Court of Justice), by virtue of which human life enjoys universal protection,
9. Considering also that the Statute of the International Criminal Court (adopted by the United Nations Diplomatic Conference in Rome on 17 July 1998) marked a major milestone in the historical process of establishing the legal notion of crimes against humanity as a category in their own right, developed over 50 years as international customary law, as crimes forming part of the so-called jus cogens; and that these are therefore crimes for which no impunity can be accepted, and to which immunities pertaining to political crimes, or to time-barring and all other exemptions from personal responsibility do not apply, and that they are subject to universal jurisdiction, such that all states are duty-bound to

²⁸ Resolution on Terrorism by Suicide Bombers // OSCE PA Washington Declaration, 2006, p. 17. URL: <http://www.oscepa.org/documents/all-documents/annual-sessions/2005-washington-d-c/declaration-10/238-2005-washington-dc-declaration-eng/file>

prosecute or extradite the guilty, regardless of the nationality of the guilty parties and the place in which the crime is committed,

10. Noting, however, that the Statute did not expressly include in this category of crimes acts of terrorism,

11. Recalling, lastly, that the OSCE Assembly in its Berlin Declaration adopted in July 2002 specifically addressed this issue in paragraph 93 of the Declaration, urging “all participating states to ratify the statute for the International Criminal Court, and to seek broadening of its scope to include terrorist crimes”,

The Parliamentary Assembly of the OSCE:

12. Considers that in the light of the provisions solemnly sanctioned by the Statute of the International Criminal Court, it must be agreed that suicide attacks of the terrorist nature constitute “crimes against humanity” in that they are deliberately committed “as part of a widespread or systematic attack directed against any civilian population” which involves the multiple commission of murders of defenceless civilians “pursuant to or in furtherance of (...) organizational policy to commit such attack” (Art.7(I) of the Statute of the International Criminal Court);

13. Expresses forcefully this conviction, also because the “closing provision” of subparagraph (k) of article 7 of the Statute of the International Criminal Court, includes among the crimes against humanity “other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health”;

14. Expresses the hope that the OSCE member states will make representations before the United Nations General Assembly, clearly and unequivocally, that terrorist acts committed by suicide bombers are, for all the intents and purposes of current international law, very serious “crimes against humanity” that cannot be time-barred, for which the leaders of the states and groups which order or facilitate their commission must be called to account before the international courts responsible for prosecuting universal crimes;

15. Supports the recent position adopted by the Council of Europe Parliamentary Assembly in its Resolution 1400 of 6 October 2004, stating that “Every act of terrorism... is a challenge to democracy and must be considered a crime against humanity”, and calls on all the OSCE member states of the Council of Europe to adopt and implement the fundamental 1977 European Convention on the Suppression of Terrorism;

16. Endorses the “Guidelines on Human Rights and the Fight Against Terrorism” adopted on 11 July 2002 by the Committee of Ministers of the Council of Europe, considering in particular that every action to combat terrorism must be taken in respect for human rights and fundamental freedoms, as stated in the Resolution on Human Rights and the War on Terrorism adopted by the OSCE Assembly at its Berlin session in July 2002;

17. Requests that, according to the binding commitments set out in the fundamental United Nations Security Council Resolution 1373, adopted in the wake of the 11 September 2001 tragedy, any OSCE member states that have not yet done so, namely 30 out of 55, ratify and implement the 12 United Nations Conventions and the relevant Protocols on combating terrorism, as expressly requested in the OSCE Bucharest Plan of Action For Combating Terrorism, adopted by the Ministerial Council in December 2001, which recognized this set of international agreements as being “the basis for the global legal framework for the fight against terrorism” and welcomes the adoption of the text of a new Convention against Nuclear Terrorism, to be opened for signature in September 2005;

18. Urges the participating states to redouble efforts to finalize a comprehensive convention against terrorism;

19. Endorses the affirmation in the Statement on Preventing and Combating Terrorism adopted by the Sofia Ministerial Council in December 2004 that “the OSCE efforts to counter terrorist threats should be taken in all OSCE dimensions, the security dimension, including the political-military area, the economic and environmental dimension, and the human dimension”;

20. Requests - in the knowledge that the OSCE's comprehensive approach to security gives the organization a comparative advantage in addressing factors across the OSCE dimensions that may engender terrorism - the implementation of the activities put into place within ATU, the OSCE Action against Terrorism Unit, instituted in 2002 to report to the Secretary General, above all in order to step up the coordination of all the Organization's operational instruments to counter terrorism;

21. Welcomes the proactive approach taken by the Action against Terrorism Unit (ATU) in addressing, in collaboration with the United Nations Interregional Crime and Justice Research Institute (UNICRI), the threat of suicide terrorism through its "Technical Expert Workshop on Suicide Terrorism" held in Vienna on 20 May 2005, which provided the participating states and the OSCE Partners for Cooperation with important information for a better understanding of this phenomenon and with a platform for sharing experiences in countering it, and encourages the Unit to continue its work in this area; and

22. Welcomes the commitments recently undertaken by the governments of the OSCE in the matter of combating terrorism, and in particular those set out in the OSCE Charter on Preventing and Combating Terrorism and in the Decision on Implementing the OSCE Commitments and Activities on Combating Terrorism, as adopted by the Porto Ministerial Councils in 2002, in which, among other things, the SALW (Small Arms and Light Weapons) Programme is indicated as a priority area of interstate cooperation.

RESOLUTION ON TERRORISM AND HUMAN RIGHTS²⁹

1. Reiterating its Resolution on Human Rights and the Fight against Terrorism adopted at the Annual Session in Berlin 2002,

2. Recalling its Resolution on the Prisoners Detained by the United States at the Guantanamo Base adopted at the Annual Session in Rotterdam 2003,

3. Recalling the United Nations Security Council (UNSC) resolution 1373 (2001) concerning threats to international peace and security caused by terrorism,

4. Concerned about the fact that not all participating states have fully implemented the provisions of UNSC resolution 1373 (2001),

5. Welcoming the efforts of the UNSC Counter-Terrorism Committee (CTC) to monitor the implementation of UNSC resolution 1373 (2001) and to assist states increasing their capabilities to fight terrorism,

6. Deeply concerned by the increasing numbers of victims, including children, of acts of terrorism motivated by intolerance or extremism in various regions of the world,

7. Concerned about the fact that the terms "terrorist" and "terrorist acts" are open to widely differing interpretations and therefore may serve as basis for states to expand the power of the ruling authorities and restrict the exercise of fundamental freedoms and human rights,

8. Deploring all violations of international human rights law, humanitarian law as well as other relevant provisions of international law including non-compliance with commitments to prohibit torture and other cruel, inhuman or degrading treatment or punishment motivated by states' declared efforts to combat the threat posed by terrorism, real or perceived,

The OSCE Parliamentary Assembly:

²⁹ Resolution on Terrorism and Human Rights // OSCE PA Washington Declaration, 2006, p. 22. URL: <http://www.oscepa.org/documents/all-documents/annual-sessions/2005-washington-d-c/declaration-10/238-2005-washington-dc-declaration-eng/file>

9. Notes that respect for human rights, fundamental freedoms and the rule of law are essential tools in the effort to combat terrorism whereas violations of these basic privileges only facilitate the political and social conditions that give rise to terrorism;
10. Condemns in its strongest terms all acts of terrorism irrespective of their motivation, whenever and by whosoever committed, as one of the most serious threats to peace and security;
11. Urges all participating states to implement, with no delay, the provisions of UNSC resolution 1373 (2001);
12. Reminds all participating states of their obligations to combat terrorism in all its forms and manifestations by all means, in accordance with the Charter of the United Nations and international law;
13. Urges all participating states to cooperate actively with CTC in its efforts to monitor the implementation of UNSC resolution 1373 (2001);
14. Calls upon all participating states and relevant international, regional and sub regional organizations to strengthen their mutual cooperation in the fight against terrorism;
15. Reminds all participating states that they must ensure that any measures taken to combat terrorism comply with their obligations under international human rights law, humanitarian law as well as other relevant provisions of international law;
16. Reminds all participating states that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right and must be protected under all circumstances, including in times of terrorism or internal disturbances;
17. Reaffirms the absolute nature of the obligation under international law not to expel, return, extradite, or otherwise transfer any person to a country where there are substantial grounds for believing that he or she would be in danger of being subjected to torture or cruel, inhuman, or degrading treatment or punishment (prohibited ill-treatment);
18. Urges all participating states to ensure that any measures in response to terrorism do not undermine the very democratic principles they seek to defend and protect, nor otherwise subvert the democratic constitutional order which should, in accordance with OSCE commitments, already be in place;
19. Calls upon all participating states to sign the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
20. Supports the UN Secretary General's call for world leaders to agree on a definition of terrorism before the end of the sixtieth session of the General Assembly;
21. Encourages all participating states to support the UN Secretary General's call for the creation of a special rapporteur who would report to the Commission on Human Rights on the compatibility of counter-terrorism measures with international human rights laws.

2003 ROTTERDAM DECLARATION

RESOLUTION ON THE PRISONERS DETAINED BY THE UNITED STATES AT THE GUANTANAMO BASE³⁰

1. Recalling the OSCE's fundamental principles based on the rule of law,
2. Recalling the repeated statements of the OSCE Parliamentary Assembly opposition to the use of the death penalty,
3. Underlining the importance of the defence of democratic rights, not least confronted with terrorism and other undemocratic methods,

The OSCE Parliamentary Assembly:

4. Deplores the fate and the treatment of the persons, including minors, being held at Guantanamo by the United States as "unlawful combatants" and not as either "prisoners of war" in accordance with the Third Geneva Convention and with the right of such persons or as criminals with the rights pertaining to that status.

The Parliamentary Assembly urges the United States immediately to:

5. Present the prisoners before a "competent tribunal" to have their status determined;
6. Secure the prisoners' rights by letting them be represented by legal counsel of their own choice;
7. Secure the rights of the minors imprisoned according to international conventions and fundamental principles of law regarding the rights of children not to be incarcerated with adults and secure their right to education;
8. Refrain from the use of the death penalty.

The Parliamentary Assembly furthermore:

9. Urges the responsible authorities of all the States whose nationals are being unlawfully detained to do whatever possible to seek their extradition to their home country for prosecution of their criminal acts.

³⁰ Resolution on the Prisoners Detained by the United States at the Guantanamo Base// OSCE PA Rotterdam Declaration, 2003, p. 36. URL: <https://www.oscepa.org/documents/all-documents/annual-sessions/2003-rotterdam/declaration-12/226-rotterdam-declaration-english/file>

2002 BERLIN DECLARATION

CONFRONTING TERRORISM: GLOBAL CHALLENGE IN THE 21ST CENTURY POLITICAL AFFAIRS AND SECURITY³¹

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 9th 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 favorable 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;

³¹ Confronting Terrorism: Global Challenge in the 21st Century Political Affairs and Security // OSCE PA Berlin Declaration, 2002, p. 1. URL: <http://www.oscepa.org/documents/all-documents/annual-sessions/2002-berlin/declaration-13/220-2002-berlin-declaration-eng/file>

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.
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 4th 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 10th 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;
69. Recognizing that international and domestic terrorism and efforts to combat such terrorism pose important challenges to the defense 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 endeavors, 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 IMPACT OF TERRORISM ON WOMEN³²

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;

³² Resolution on the Impact of Terrorism on Women // OSCE PA Berlin Declaration, 2002, p. 13. URL: <http://www.oscepa.org/documents/all-documents/annual-sessions/2002-berlin/declaration-13/220-2002-berlin-declaration-eng/file>

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 HUMAN RIGHTS AND THE FIGHT AGAINST TERRORISM³³

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.

³³ Resolution on Human Rights and the Fight Against Terrorism // OSCE PA Berlin Declaration, 2002, p. 27. URL: <http://www.oscepa.org/documents/all-documents/annual-sessions/2002-berlin/declaration-13/220-2002-berlin-declaration-eng/file>

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 anybody 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.