



SC (16) SI 8 E
Original: French

SUPPLEMENTARY ITEM

DRAFT RESOLUTION

ON

“THE RIGHTS OF REFUGEES”

PRINCIPAL SPONSOR
Mr. Michel Voisin
France

TBILISI, 1 – 5 JULY 2016

DRAFT RESOLUTION

The Rights of Refugees

Principal Sponsor: Mr. Michel Voisin (France)

1. Bearing in mind that it is the sovereign right of States to define the rules of nationality and the conditions for the entry into and stay of foreigners in their territories in order to protect their nationals, but also to safeguard the basic rights of foreigners,
2. Bearing in mind that the issuance and recognition of travel documents are necessary to facilitate the movement of refugees, and in particular their resettlement,
3. Noting that the migration crisis is proof of what is now self-evident: that States wish to give precedence to national security, *inter alia*, by tightening border controls, over humanitarian protection, whereas the objective of a calm, regulated management – which the European Union is striving to put in place – would be to reconcile those two imperatives,
4. Stressing that every participating State of the OSCE must adopt a legal approach, i.e., in its positive law, to the status of refugees and the right of asylum by complying with the Geneva Convention of 28 July 1951 and its subsequent texts,
5. Recalling the definition of the term “refugee” as set out in Article 1, paragraph A (2), of the Geneva Convention of 28 July 1951, pursuant to which the term “refugee” shall apply to any person who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”,
6. Reaffirming the obligation not to expel or return, an essential element of the status of refugees and asylum seekers set out in Article 33, paragraph 1, of the Geneva Convention of 28 July 1951 (“No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”),
7. Reaffirming, in accordance with the Geneva Convention of 28 July 1951 and Article 14 of the Universal Declaration of Human Rights, that the right of asylum is a fundamental right,
8. Recalling that the simultaneous existence and proliferation of legislation and norms that differ from one State to another and sometimes contradict each other constitute a major obstacle to an effective management of migration flows,

The OSCE Parliamentary Assembly:

9. Calls on countries which have ratified the Geneva Convention of 28 July 1951 to comply with the commitments under its protocols, in particular with regard to respecting the status of refugees;
10. Calls for the harmonization of norms for the admission of refugees into the participating States of the OSCE, in co-operation with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) and the European Asylum Support Office (EASO), in order to ensure a more efficient admission and processing of asylum seekers;
11. Recommends that Governments take measures to protect the families of refugees, and in particular:
 - to preserve the unity of the families of refugees, including in cases in which the head of the family has met the criteria for admission into a country;
 - to ensure the protection of refugee children, including unaccompanied minors and young girls.

PROPOSED AMENDMENT to the DRAFT RESOLUTION

on

“THE RIGHTS OF REFUGEES”

[Set out text of Amendment here:]

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