

**HELSINKI DECLARATION
OF THE CSCE PARLIAMENTARY
ASSEMBLY**
(Helsinki, 9 July 1993)

**CHAPTER III DEMOCRACY, HUMAN RIGHTS AND HUMANITARIAN
QUESTIONS**

The CSCE Parliamentary Assembly,

A. REFUGEES AND DISPLACED PERSONS

1. *Considering* the role of parliamentarians in promoting and achieving respect for human rights;
2. *Recognizing* that displacement is often a result of violations of CSCE commitments and basic human rights;
3. *Noting*, in particular, the ongoing inter-ethnic violence in the former Yugoslavia, which has resulted in the most serious refugee crisis in Europe since World War II;
4. *Convinced* that the plight of refugees and displaced persons within the CSCE region requires the urgent attention and cooperation of all participating States and competent international organizations in a common effort to find equitable solutions;
5. *Reaffirms* the commitment of the participating States to the strict observance of the principles of the 1951 Geneva Convention and the 1967 New York Protocol

relating to the Status of Refugees, notably including the principle of non-refoulement, and related human rights standards for the protection of refugees and displaced persons;

6. *Affirms* its commitment to extend the acceding to and observance of the Convention and the Protocol to all areas of the region;
7. *Recommends* that Member States do not demand an entry visa from asylum seekers originating from countries where owing to prevailing circumstances it is practically impossible for them to obtain one;
8. *Expresses* its willingness to promote actively joint responsibility for the protection of and assistance to refugees and displaced persons, and *encourages* the fullest cooperation with the International Organization for Migration, the UN High Commissioner for Refugees, and other organizations involved in migration and refugee issues, as well as with the human rights, development, and relief communities, both governmental and non-governmental, to find viable solutions to the pressing refugee challenges of today;
9. *Emphasizes* that such coordinated solutions should be based on recognition of the fact that the current situation in Europe concerns refugees as defined in the Convention and the Protocol, as well as displaced persons of broader categories in need of protection from violations of basic human rights;
10. *Condemns* the use of rape as an instrument of war and demands the cessation of the violence and trauma experienced by women and children who have been or will continue to be the victims of mass rape and forced pregnancy at the hands of their aggressors;
11. *Classifies* rape as a war crime, and urges that those responsible for these aggressions be held accountable before an international war crimes tribunal;
12. *Recognizes* that humanitarian aid is necessary and welcome and *urges* the participating States to support relief efforts designed to provide humanitarian assistance for those victims of rape, but nevertheless, *reaffirms* the central issue that rape as a byproduct of conflict will not be tolerated and will incur the condemnation of the participating States;
13. *Recognizes* that countries most vulnerable to migration are often among those

least equipped to afford it, and *stresses* the need to pay due regard to sharing the burdens of protection and assistance, as well as to consider reorienting national resources and infrastructure for the handling of refugee problems in light of the interests of the CSCE region as a whole;

14. *Concurs* that, although refugee problems should, ideally, be solved in the immediate region of the country of origin, neighboring countries to the conflict areas should not be expected to bear solely the main burden of protecting and assisting refugees and displaced persons;
15. *Urges* close cooperation between CSCE and the UN High Commissioner for Refugees and other European structures to provide practical solutions within the region;
16. *Emphasizes* that measures must be taken by all member states to integrate fully those legal migrants and "resident foreigners" who will be staying permanently, including the granting of political rights and citizenship and *emphasizes* that refugees must be given the opportunity to return to their home country and to live in security there;
17. *Expresses* the wish that representatives of the Parliamentary Assembly will join CSCE missions sent to the centers of potential conflicts and tension, as well as the activities of the CSCE High Commissioner on National Minorities;
18. *Notes* the necessity of sending a CSCE observer mission to monitor the safe return of refugees to Tajikistan;

B. *MINORITIES ISSUES*

19. *Convinced* that violations of the rights of persons belonging to minorities are among the most urgent causes of instability and concern in region;
20. *Deeply troubled* by ethnic tensions, civil unrest, flagrant disregard for the rule of law, and egregious human rights abuses in several of the newly admitted CSCE states, which have resulted in significant violations of CSCE human dimension commitments;
21. *Shocked and dissurbed* by the recent wave of violence and terrorism by radical groups such as the PKK, including hostage-taking and bombing, which resulted in death and injury to innocent civilians;

22. *Considering* that prevention and settlement of the conflicts, caused by national or ethnic tension are one of the priorities of CSCE activities;
23. *Noting with serious concern* that a climate of intolerance and anti-foreigner sentiment is growing in many CSCE states, including those with considerable democratic experience, resulting at times in violence or discrimination against immigrants, refugees, asylum-seekers, migrant workers, persons belonging to minorities, persons with disabilities, and others perceived as different or foreign;
24. *Concerned* about the situation in ~~South-eastern Turkey~~ and nearby areas with respect to the condition of minorities in the region;
25. *Considering* that the CSCE process should now contribute to finding a solution to the situation in South-eastern Turkey and closeby areas;
26. *Recommends* the CSCE Parliaments to appoint and coordinate delegations in order to send them to Turkey with the purpose to establish a permanent and close observation of the situation of the Kurdish population;
27. *Condemns unequivocally* all violations of human rights in CSCE member states, and particularly the atrocities committed against innocent civilian populations in several CSCE states;
28. *Recommends* the authorities of the Estonian Republic to adjust the Estonian legislation regarding the non-native population, so that it corresponds with the European standards, principles of CSCE and Council of Europe documents including the recommendations of the CSCE High Commissioner on National Minorities as well as the Council of Europe recommendations, and *hopes* that Estonian authorities will take all necessary steps to duly implement this law into practice;
29. *Calls on* the Estonian Republic and the Russian Federation to reopen active and constructive dialogue and negotiations on the basis of principles and commitments of CSCE on the whole complex of Russian-Estonian inter-state relations, including the issue of withdrawal of Russian troops from the territory of Estonia;
30. *Calls for a* concerted effort to strengthen existing mechanisms to advance the human rights objectives of the Helsinki process, including those relating to minorities issues, and to bolster the determination of participating states to use these mechanisms in a coordinated and committed fashion, as well as to demand accountability from participating States which fail to respect their CSCE commitments;

31. *Condemns* terrorism and violence in all forms as crimes against humanity and urges international cooperation to combat such terrorism and to bring about peaceful solutions to problems of minorities of all countries;
32. *Urges* all CSCE participating states to demand accountability from individuals found in violation of international humanitarian law through urgent and vigorous application of domestic laws and judicial processes, and *strongly supports*, in addition, the realization of the International War Crimes Tribunal established under United Nations Security Council Resolution 827, as well as the creation of a central register of war crimes to be administered either by CSCE or by the United Nations in order to support the planned international war crimes tribunal;
33. *Welcomes* the creation of the office of the CSCE High Commissioner on National Minorities, and *urges* that a broad interpretation of the HCNM's mandate be applied, so that the HCNM might address the widest possible range of minority concerns within the CSCE region;
34. *Supports* the Parliamentary Assembly of the Council of Europe in its efforts for an additional protocol on the rights of national minorities in the European Convention on Human Rights;
35. *Hopes* that the forthcoming summit of Council of Europe Heads of State and Government (Vienna, 8-9 October 1993) will agree on an additional Protocol on the rights of minorities to the European Convention on Human Rights;
36. *Expresses its determination* to assist in the full implementation of relevant CSCE commitments in this area, including, inter alia, those relating to persons belonging to national minorities, women, human rights education, and promotion of tolerance and non-discrimination;
37. *Undertakes* to support by all means the full and immediate implementation of the provisions of the Final Document of the CSCE Conference in Moscow in 1991 indicating that true democracy must be founded on equal rights for men and women;
38. *Undertakes* to call a meeting of the female members of the CSCE at the next session of the Parliamentary Assembly;
39. *Invites* Member States to take positive measures aimed at increasing the participation of women in political life;

40. *Supports* the appointment of CSCE observer missions as an effective means of giving minorities a feeling of protection and of alerting the authorities of the countries concerned to their responsibilities towards minorities and *recommends* the attachment of members of the CSCE Parliamentary Assembly to these observer missions;
41. *Commends* the Office of Democratic Institutions and Human Rights (ODIHR) for the seminar on National Minorities held in May, 1993 in Warsaw and *urges* the Council of Ministers to provide additional resources to the ODIHR so that it could play a more active role;

C. DEMOCRACY

42. *Recognizing* the need for promotion of the development of democracy in the new democracies in Europe;
43. *Convinced* that there is a need for parliamentary technical assistance in connection with the establishing of multi-party democracy;
44. *Convinced* that monitoring of elections are not single events but part of a continuous process, including follow up actions for promotion of democracy;
45. *Taking into consideration* the division of work between the United Nations, the Council of Europe and the CSCE concerning monitoring of elections and promoting democratic development;
46. *Expresses its determination* to have monitoring of elections as an important task on the CSCE Parliamentary Assembly agenda;
47. *Considers* the establishment of a Parliamentary Commission for election monitoring;

D. DUE PROCESS OF LAW

49. *Expresses* its deep concern regarding the fate of citizens of the Republic of Moldova held captive and placed on trial by illegal authorities at Tiraspol in Eastern Moldova;

50. *Requests* all answerable authorities to ensure just proceedings for these detainees before an impartial, independent court established by law and in accordance with the constitution of Moldova, and treatment strictly complying with the principles of human rights shared by all CSCE states;

E. *OBSERVANCE OF INTERNATIONAL LAW ON HUMAN RIGHTS*

50. *Having regard to* the inadequacy of human rights instruments in time of armed conflicts, *reaffirms* the importance of respect for international law on human rights, and for the Geneva Convention and additional protocols in particular, invites all states to sign them and ratify them, and calls on the governments of participating States of the CSCE to consider attending the international conference for the effective protection of victims of war to be held in Geneva from 30 August to 1 September 1993;

F. *HIGH COMMISSIONER FOR NATIONAL MINORITIES - REPORT*

51. *Requests* the Council of Ministers to be held in Rome in November - December 1993 to give a new mandate to the High Commissioner for National Minorities to work out a report on the national minorities situation in CSCE participating States with regard to:
- a) The size of the minority according to direct census or census on people speaking the minority's language as "mother-tongue"; changes in the size of the minority - if possible - in the last 50 years;
 - b) Legal guarantees of minority rights in the respective country;
 - c) The factual situation of a respective minority as represented by the total number of schools teaching in the minority's language, deputies of the minority in local and national parliaments, etc.

The report should be submitted to the next Parliamentary Assembly in 1994.

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