



AS (12) D E

MONACO DECLARATION

AND

RESOLUTIONS

ADOPTED BY THE

OSCE PARLIAMENTARY ASSEMBLY

AT THE TWENTY-FIRST ANNUAL SESSION

MONACO, 5 to 9 JULY 2012

RESOLUTION ON

RULE OF LAW IN RUSSIA: CASE OF SERGEI MAGNITSKY

1. Supporting the Russian people in advancing democracy, human rights, and the rule of law,
2. Noting that the Russian Federation has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, and the United Nations Convention against Corruption,
3. Recalling that the Russian Federation is bound by the legal obligations set forth in the European Convention on Human Rights,
4. Considering the case of Sergei Magnitsky, a Russian lawyer, who was falsely arrested on politically-motivated charges, tortured and killed in a Russian prison on 16 November 2009,
5. Noting the context of the second trial, verdict, and sentence against former Yukos executives Mikhail Khodorkovsky and Platon Lebedev, which demonstrate a negative trend in the right to a fair trial and the independence of the judiciary in the Russian Federation,
6. Further noting the context of many unresolved human rights cases, such as the murder of prominent journalist Anna Politkovskaya, human rights defender Natalya Estemirova and lawyer Stanislav Markelov and many other unresolved cases of extrajudicial killings and other gross human rights violations in the Russian Federation,
7. Recalling the numerous statements and initiatives of former Russian Federation President Medvedev on the need to battle corruption and impunity, as well as the need to support the rule of law in his country,
8. Affirming that the harassment and torture of Sergei Magnitsky was and remains politically motivated,
9. Noting that Sergei Magnitsky was repeatedly denied medical attention despite 20 written requests, and further noting that when he was finally taken to a medical unit, rather than being treated he was beaten with rubber batons by eight prison guards,

10. Acknowledging the 2011 conclusions of an investigation conducted by former Russian President Medvedev's Human Rights Council, which declared that Sergei Magnitsky's arrest and detention were illegal and that he was denied access to justice by the courts and prosecutors, and noting that the Council also concluded that Mr. Magnitsky was investigated by the same law enforcement officers whom he had accused of stealing and tax fraud, and that Mr. Magnitsky's prison conditions amounted to torture and led directly to his death,
11. Regretting that the Russian Ministry of Interior and General Prosecutor's Office have rejected the findings of the Human Rights Council as inadmissible, exonerated the officers involved, re-opened the case against Mr. Magnitsky nearly two years after his death, and assigned the same officers who had persecuted Mr. Magnitsky to call his mother and widow for interrogation,
12. Reaffirming that it is the responsibility of the State that keeps a person in detention to protect this person's life or health,
13. Deploing that state officials operated with impunity with regard to this case,
14. Acknowledging that human rights and rule of law are at the foundation of international order,
15. Reiterating that the protection of human rights is not solely the internal issue of a sovereign state,
16. Acknowledging that good governance and anti-corruption measures are essential for sustainable economic growth, as well as for the protection of human rights,
17. Confirming that systematic corruption erodes trust and confidence in democratic institutions and rule of law,

The OSCE Parliamentary Assembly:

18. Supports the legislative initiatives on the Magnitsky case in the Parliamentary Assembly of the Council of Europe, and in the national parliaments of the United States, United Kingdom, Canada, the Netherlands, Poland, Italy, Sweden, Germany, France, Estonia, Lithuania, Czech Republic, Spain, Portugal and Georgia, as well as the resolutions of the European Parliament;
19. Commends the recent initiative of the UK Foreign Office to ban the entry into the country of foreign nationals who have committed human rights abuses, and to freeze the assets of these individuals;
20. Welcomes the decision of the US State Department, the UK Foreign Office and the Dutch Parliament in 2011 to impose visa bans on some 60 Russian officials believed to be involved in the death of Sergei Magnitsky as a result of the Russian authorities' inaction;

21. Calls on participating States to develop and apply targeted anti-corruption measures blocking the property of transnational criminal organizations involved in gross human rights violations relating to the case of Sergei Magnitsky;
22. Deplores the fact that Mr. Magnitsky is now the subject of Russia's first ever posthumous prosecution, and the ongoing persecution of his mother and family members;
23. Declares that the systematic abuse of Sergei Magnitsky, including his repressive arrest and torture in custody by the same officials that Mr. Magnitsky had implicated in the embezzlement of funds from the Russian Treasury and the misappropriation of three companies from Mr. Magnitsky's client, demonstrated the link between corruption and the erosion of human rights protection;
24. Calls on national parliaments to take action to impose visa sanctions and asset freezes on persons responsible for the false arrest, torture, denial of medical care and death of Sergei Magnitsky, and for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against legitimate businesses, and to take action against those officials who participated in the cover-up of all the above-mentioned crimes and of other gross violations of human rights in the Russian Federation;
25. Urges participating States to further develop legislation to protect whistleblowers across the OSCE area;
26. Calls on participating States to place targeted sanctions on individuals responsible for gross human rights violations against people seeking to expose illegal activity by Russian officials;
27. Supports the European Parliament's resolutions calling on the European Union Member States to consider imposing an EU entry ban for Russian officials involved in this case, and encourages EU law enforcement agencies to co-operate in freezing bank accounts and other assets of these Russian officials in all EU Member States;
28. Encourages the OSCE participating States to keep such visa ban and asset-freeze lists open to the public, informing those affected in due time, and allowing them due process as far as possible, in line with the best practices developing in the EU and the Council of Europe;
29. Encourages the Russian authorities to co-operate with international institutions in investigating Mr. Magnitsky's death in custody and to issue a public report.

RESOLUTION ON

EQUAL PARTICIPATION OF WOMEN IN OSCE DECISION-MAKING

1. Recognizing that equal opportunities for women and men and the protection of their human rights are essential to peace, sustainable democracy, economic development and therefore to security and stability in the OSCE region,
2. Recalling the 2004 OSCE Action Plan for Gender Issues, the Beijing Platform for Action and the UN Security Council resolution 1325 (2000), which calls for full and equal participation of women in decision making with regard to conflict prevention as well as in post-conflict reconstruction, and stressing the importance of women's full and equal participation and involvement in all efforts for the maintenance and promotion of peace and security,
3. Noting that there are fewer women in the national OSCE PA delegations, as well as fewer women in higher office within the OSCE PA, than there are men,
4. Noting that elections in themselves still do not guarantee high-level leadership positions for women,
5. Noting that women's involvement in the process of making important government decisions can be an important milestone on the path to achieving gender balance in senior positions,

The OSCE Parliamentary Assembly:

6. Recognizes the equal rights of men and women to be heard and taken into account in the internal proceedings of the OSCE;
7. Regrets that gender issues are still not visible on the political agenda of the OSCE;
8. Urges the OSCE Secretary General, Heads of Institutions and Heads of Missions as day-to-day managers within the Organization to increase efforts to promote a more gender-equal working environment within the OSCE in order to set an example for all levels of society in participating States;
9. Urges the OSCE Parliamentary Assembly to develop a project to prepare leaders among female MPs;
10. Strongly urges national Parliaments to ensure gender-balance in the composition of the Delegations to the OSCE Parliamentary Assembly, and demands representation of both genders in all delegations;

11. Calls on participating States to co-operate and exchange experiences on the development of legislation on special measures to promote gender balance;
12. Urges the OSCE Secretary General, Heads of Institutions and Heads of Missions to ensure that all proceedings take place in an environment, including lodgings, which is free from prostitution and pornography;
13. Further urges the OSCE Secretary General to aspire to representation of both genders in all on-stage proceedings within the Organization;
14. Urges the OSCE Secretary General to enhance transparency in the meeting procedure by ensuring a public speakers' list;
15. Further urges the OSCE Parliamentary Assembly to aspire to representation of both genders in all on-stage proceedings within the OSCE Parliamentary Assembly.