

## RESOLUTION ON

### THE DEMOCRATIC CONTROL OF THE PUBLIC AND PRIVATE SECURITY SECTORS

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,
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.