

REPORT

FOR THE GENERAL COMMITTEE ON DEMOCRACY, HUMAN RIGHTS AND HUMANITARIAN QUESTIONS

Reinforcing Multilateralism in Times of Global Crisis: A Parliamentary Call for Future Action

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Introduction

The outbreak of the COVID-19 pandemic has hindered regular activities and changed almost everyone's 'modus operandi'. The crisis tested societal resilience and has both revealed and exacerbated some concerning structural disadvantages. Every person has been affected in one way or the other by the pandemic. Millions have lost their loved ones, whereas even more struggle from the overall negative consequences of COVID-19 and its impact on communities everywhere. We see a glimmer of hope in that the vaccination process has started and recovery is underway, however, the speed of recovery is predicted to further exacerbate differences between developed and developing countries.

Unfortunately, the human rights challenges we were facing 18 months ago have only been amplified. We see increases in authoritarianism, massive restrictions on freedom of the media, attacks on journalists, lack of access to information, surging domestic violence cases, and a virtual pandemic of hate speech towards minorities, refugees and migrants, and other people made vulnerable. Adherence to long-established OSCE commitments, such as the clear separation of powers, have been further undermined as the world's attention has understandably focused on COVID-19. The impact on the development of democratic institutions is concerning and requires our dedicated attention.

More than ever our world needs to unite to deal with the repercussions of this global tragedy. The scale of the challenge means that all resources must be mobilized, and so every organization's input to the global COVID-19 response is valuable and timely. The OSCE PA's series of discussion-oriented web dialogues enabled participants to reflect on pressing issues,¹ and should be continued. Building on these opportunities for parliamentary dialogue, this report sheds light on areas of particular concern which require continued and active engagement by parliamentarians. In truly challenging times it is essential to focus on the fundamental principles of the OSCE: the 1975 Helsinki Final Act, the 1990 Charter of Paris, and the 1990 Copenhagen Document serve as a basis for the actions that are most needed. With these principles in mind, and with dedicated and united work by parliamentarians, we can return to a human-centric approach to policy making.

Unfortunately, we have experienced severe violations and threats to human rights and democracy in our region. Most notable in this regard are the illegal annexation of Crimea and the conflict in and around Ukraine; protracted conflicts in and between many countries, for instance the Nagorno-Karabakh conflict, which flared into full-scale hostilities last year; the rise of extremism and terrorist actions in places as diverse as Germany, Turkey, and Canada; and the shrinking space for civil society and free media, for instance in Belarus and the Russian Federation. These conflicts and trends amplify human rights violations. The consequences and

¹ Within the human dimension, topics included upholding democratic norms during times of emergency, the impact of COVID-19 on gender equality, social cohesion, the impact on migrants and refugees, and humanitarian protection in conflict zones.

burdens affect civilians, including through arbitrary imprisonments and torture, and through being driven from their homes or having their basic rights denied. They threaten democracy and impact the daily life of people living in these areas long after the guns have fallen silent through distrust and trauma as well as physical manifestations such as unexploded mines and population displacement.

The riots and the attack against Capitol Hill in the United States on 6 January 2021 were an alarming attack against democracy. While this assault was a uniquely troubling event, it follows a trend of intensifying political rhetoric that has fueled tensions and resulted in increased polarization. It illustrates that no countries are immune to anti-democratic trends and human rights violations. The attack shook the whole world, but democracy won. This presents an important lesson for all of us.

All the above are stark reminders of the necessity of a strong OSCE and OSCE PA. We must use all tools available to counteract these threats, and within this we should prioritize the strengthening and expansion of OSCE field operations and institutions.

This report outlines some of the major challenges the OSCE region is facing in the human dimension, within the particular context of the pandemic. It aims to take stock particularly of: 1) the state of multilateral discussions on human rights topics; 2) concerns related to intolerance and discrimination; 3) the role of health and well-being in contributing to the enjoyment of human rights; and 4) continued concerns related to insufficient respect for basic freedoms. To contribute to improved human security, a series of recommendations are put forward for consideration by OSCE structures, governments of OSCE participating States, and particularly for OSCE parliamentarians. Underlying all proposed actions is the firm belief that a robust parliamentary role will be critical for sustained security in the coming decades.

Multilateral Diplomacy post-COVID-19

When societies are stranded in crisis, a co-ordinated response is needed more than ever; unfortunately, COVID responses often fell short, with solidarity failing as individuals and governments prioritized their own interests over the community's interests.

The OSCE PA has demonstrated itself to be an instrumental platform for debating joint responses, sharing experiences, and overcoming serious challenges. OSCE participating States have all committed to promoting and protecting human rights and fundamental freedoms in a fair and equitable manner, leaving no one behind. Unfortunately, the reality is often different. As parliamentarians, however, we have the capacity to play a pivotal role in protecting human rights in our own countries and beyond. Parliamentarians stand at the forefront of building and shaping a better post-pandemic world, ensuring that our legislative work has a positive impact on the status of human rights in all of our countries. This does not need to take place in solitude: we can benefit from advice from parliamentary colleagues through the OSCE PA, as well as expert legislative review through the OSCE Office for Democratic Institutions and Human Rights (ODIHR).² At this time of seeming isolation, we should reach out and make use of all available tools for the benefit of our constituents.

² See: Requesting Legislative Assistance from ODIHR, <https://www.osce.org/files/Requesting%20Legislative%20Assistance%20from%20ODIHR%20EN%20web.pdf>

Despite the imposition of states of emergency and lockdowns in many countries, COVID-19 has not dampened any of the protracted conflicts that continue to plague parts of the OSCE region. Indeed, the eruption of full-scale hostilities in the Nagorno-Karabakh conflict in late 2020 resulted in human suffering on a massive scale. This is a painful reminder that the OSCE as the world's largest security organization must prioritize prevention and de-escalation efforts. It is unacceptable that almost all aspects of life were put on hold during COVID – except conflict. Dialogue, even if it must take place in an online format, must be centered around the delivery of humanitarian goals. In the face of the tragedy of COVID, we have witnessed the immense capacity to develop and deliver safe vaccines; all parliamentarians should demand of their governments to harness the same political resolve to ending conflict. The OSCE can play a critical role in this renewed focus on human-centered conflict resolution in a post-COVID era. Win-win opportunities will emerge through multilateral diplomacy and co-ordination if we dedicate real will to these efforts.

Overcoming the Pandemic of Abuse and Intolerance

COVID-19 has placed stress on public resources, and massively increased economic hardships for families. Access to public services has proven to be uneven in many places, further exacerbating inequalities; hospital access and vaccine distribution are just a couple of many such issues. Social and economic challenges are coming to the fore impacting detrimentally on women and girls, children, national, sexual, and religious minorities, including Roma and Sinti, migrants, refugees and internally displaced persons, people with disabilities, older persons, incarcerated persons as well as people in areas affected by conflict. These groups have been particularly exposed to vulnerability due to pre-existing systemic barriers. As representatives of the people, we parliamentarians must be active in fighting against such systemic inequalities: our governments fail if they do not serve all of the population. Also in this field, parliamentarians should make full use of the tools and resources that the OSCE has at its disposal, including recommendations by the High Commissioner on National Minorities and expertise by the ODIHR.³

Regrettably, cases of discrimination and intolerance towards already vulnerable populations have drastically surged. Hate speech, racism, discrimination, and intolerance exercised both offline and online have far too often gone unaddressed, leaving perpetrators unaccountable and contributing to insecurity. Parliamentarians must proactively speak out against discrimination at every opportunity; as political leaders we have the responsibility and the practical ability to create a coalition of inclusion that serves all of our people.

Concern has been expressed⁴ about an overall backsliding of democracy around the world as some governments clearly made disproportionate use of emergency measures granted in response to the pandemic. The complex public health situation also resulted in the postponement of numerous local and national elections across the OSCE region and around the world, impacting public input at a critical time. In spite of the challenges, the OSCE, through the PA and the OSCE/ODIHR, has continued its vital election-related work, with the Parliamentary Assembly observing eight national elections since the outbreak of the pandemic.⁵ The inability to hold mass gatherings has significantly impacted political outreach

³ See: Streamlining diversity: COVID-19 measures that support social cohesion, <https://www.osce.org/hcnm/450433> and ODIHR activities related to the COVID-19 pandemic, <https://www.osce.org/odihr/covid-19>

⁴ Freedom House report 2020, Council of Europe report 2020, Varieties of Democracy 2021 etc.

⁵ See Annex I

and campaigning, often putting opposition parties with less media coverage at a disadvantage. While many election management bodies have managed to readjust their work and generally ensure the safety of voters, election workers, and observers, the widescale changes to procedures and particularly to campaigning opportunities need to be carefully considered. The OSCE/ODIHR should consider preparing guidelines and advice to participating States, in coordination with the Representative on Freedom of the Media, on the use and regulation of social media in the context of elections, as the importance of this media increases. We should all take a critical look at changes being imposed in our own countries, with the 1990 Copenhagen Document as reference point, to ensure that democracy is not another casualty of COVID-19.

The inability of many institutions to deliver results and services to all parts of the population has undermined public confidence and fueled social discontent. Robust parliamentary oversight and scrutiny of government actions must be prioritized to maintain public trust in governing institutions. To ensure effective parliamentary work, the voices of civil society organizations, in particular those working directly with vulnerable groups, should be taken seriously, and parliaments should work to accommodate their expert input. Unfortunately, we have seen that the space for civil society activism in some countries has further shrunk amid COVID-related restrictions. This is a problem at the national level, but also within the OSCE: efforts to restrict participation of NGOs at human dimension and other meetings weaken the organization and our collective security. All OSCE PA Members should actively work to ensure that their governments are advocating an open policy towards civil society at OSCE meetings.

In the face of the COVID pandemic, many OSCE participating States chose to close their borders or otherwise restrict the entry of non-citizens and non-residents. While it is the prerogative of sovereign states to regulate access to their territory, this should not come at the expense of the right to seek asylum. We must ensure that we maintain legal pathways for those in need of protection, such as through relocation, resettlement, and family reunification programmes. In this context, the credible reports of multiple and violent pushbacks and other violations of human rights of migrants and refugees at borders have therefore been particularly disturbing. All signatories to the 1951 Convention Relating to the Status of Refugees, which celebrates its 70th anniversary this year, must observe the principle of non-refoulement and refrain from collective expulsions. Furthermore, we should work to ensure the establishment of independent border monitoring mechanisms, in partnership with national human rights institutions and civil society organizations, as an effective way to ensure accountability.

Health and Human Rights

Over 70 years ago in the Universal Declaration of Human Rights the world agreed that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family.” The past year has made it clear that many of our countries lacked the ability to effectively deliver on this basic right.

Access to healthcare should be seen not only as a human right obliging states to ensure access to quality health care, but also access to the underlying determinants of health, such as safe and potable water, sanitation, food, housing, health-related information and education, and gender equality. OSCE participating States must reaffirm both in principle and in practice that healthcare and vaccinations should be accessible on an equal and non-discriminatory basis, and parliamentarians should actively oversee the implementation of such measures. The OSCE should work to institute identification of health access imbalances as an early-warning

mechanism throughout the region. Within the OSCE's comprehensive concept of security, these rights also take on a broader perspective of security. We should be clear: a society that lacks reliable healthcare is a society at risk of instability.

The stresses put on our health systems have also uncovered concerning trends within these systems. Research indicates that in many countries, government officials intimidated health workers in the context of the pandemic,⁶ with Amnesty International documenting reports in which health workers were punished for expressing concerns about safety and working conditions. Women have been particularly hard hit, as they make up 70% of the global workforce in health and social sectors, where they also experience a significant gender pay gap. All OSCE countries should work to protect and promote these front-line workers in full recognition of the critical roles they play in keeping our populations secure.

As is too often the case, vulnerable groups have paid the highest price during COVID. Limited access to public services and healthcare facilities due to overloaded hospitals, and lack of technologies for online education have particularly affected women and girls. This was exacerbated by a surge of domestic violence cases as stay-at-home orders were reinforced, trapping women and children with their abusers. More consolidated efforts are needed for enhancing prevention measures and responses to this critical challenge. Collection of sex-disaggregated data remains an essential tool for the design and implementation of gender relevant policies which consider the needs of every social, ethnic, and minority group. Women's economic empowerment and associated structural changes is a prerequisite for sustainable development and for creating a genuinely equal society in the long-term.

It is estimated that some 40-65 million children could fall into extreme poverty as a result of the crisis this year, adding to the almost 400 million children already in extreme poverty prior to the pandemic.⁷ Despite the fact that the COVID-19 transmission among children is low, children and young people are suffering from the disruption of educational facilities. UNICEF reports that 188 countries imposed countrywide school closures during the pandemic, affecting more than 1.6 billion children and youth.⁸ Unfortunately, not every child has equal opportunity to study online particularly due to the lack of technical infrastructure. Lockdowns also negatively affect children, who were often left with limited social interaction and physical activity at key stages in their development. To this end, decision makers should aim at more focused support for both children and caregivers in overcoming the difficulties of self-isolation and facilitating distance learning. Equal access to services for children should be a priority for governments. Limited labor opportunities for graduates have also posed serious obstacles for young professionals, leaving many of them out of the labor market. Dedicated attention by governments to ensure their swift inclusion in the workforce should be an immediate priority to avoid longer term negative consequences.

Migrants, refugees, and internally displaced persons have been made particularly vulnerable to health-related risks. This requires dedicated attention. Migrants and refugees and their children as well as internally displaced persons face hardships related to accommodation, lack of access to social services and state benefits and struggle from racism and xenophobia due to the absence of inclusive migration policies. The OSCE should appoint a senior official similar to the OSCE High Commissioner on National Minorities, to focus on protecting migrants and supporting participating States' engagement along all steps of the migration path. Parliamentarians should

⁶ <https://www.amnesty.org/en/documents/pol10/3202/2021/en/>

⁷ https://unsdg.un.org/sites/default/files/2020-04/160420_Covid_Children_Policy_Brief.pdf

⁸ <https://data.unicef.org/covid-19-and-children/>

collaborate to ensure legal and safe passage in the management of migration routes enhancing integration efforts in parallel with keeping transport corridors open.

Fundamental Freedoms under Stress

It is normal that amid social and economic tensions and public fatigue from the emergency measures, people want to voice their concerns and frustrations. At the same time, the *force majeure* of the pandemic has required some temporary restrictions on the freedom of assembly. Nonetheless, it is clear that 2020 and 2021 witnessed serious cases in which COVID-19 measures were used as a pretext by some governments to unnecessarily limit the freedom of peaceful assembly. Human Rights Watch's report on 2020 found that "at least 83 governments worldwide have used the Covid-19 pandemic to justify violating the exercise of free speech and peaceful assembly."⁹ Peaceful protests in many countries turned violent and resulted in tragic consequences in countries as disparate as Belarus, Bulgaria, the Kyrgyz Republic, the Russian Federation, and the United States of America.

Whereas some limitations on assembly may be understandable under pandemic conditions, there can be no reason for restricting freedom of expression. Excessive use of force by the police and law enforcement agencies against journalists covering protests is of particular concern. Journalists must be able to perform their task of collecting data and reporting. However, the 2021 World Press Freedom Index¹⁰ compiled by Reporters Without Borders reflected a dramatic deterioration in people's access to information and an increase in obstacles to news coverage. A record number of alerts in 2020 concerned physical attacks on journalists, as well as harassment and intimidation featured in a recent report¹¹ by partner organizations to the Council of Europe. Safety of female journalists who experienced offline and increased online violence is of particular concern. In the face of these threats, the OSCE Representative on Freedom of the Media's advocacy work is as important as ever, and participating States should actively engage with the Representative to ensure that all journalists can safely fulfil their critical reporting role and contribute to a vibrant debate. In addition, instances of attempts to silence civil society for criticizing government have soared in some places. As parliamentarians involved in an Assembly predicated on dialogue, we must clearly state that there is strength in a diversity of opinions and information.

Conclusions

No state was fully equipped to overcome the challenges we have all faced in the past 18 months. COVID-19 brought disruption of social, political, and economic rights and has resulted in an overall reduction of public trust in democratic institutions. It is up to us, as political leaders from across the OSCE, to rebuild this trust and to enhance human rights safeguards.

Although the impact on societies has been tragic and will continue to have negative consequences, the pandemic has also resulted in certain opportunities. Despite the difficulties, parliamentary work has continued; alternative working methods have become the norm and enabled parliamentarians to continue and even enhance their work. Virtual political debates, remote working and electronic voting are all new tools that we can put to the service of legislative work and consultations with civil society and interested stakeholders. As

⁹ <https://www.hrw.org/news/2021/02/11/covid-19-triggers-wave-free-speech-abuse>

¹⁰ <https://rsf.org/en/2021-world-press-freedom-index-journalism-vaccine-against-disinformation-blocked-more-130-countries>

¹¹ <https://rm.coe.int/final-version-annual-report-2021-en-wanted-real-action-for-media-freed/1680a2440e>

digitalization and new technologies assist in ensuring the fulfillment and respect of human rights, we should work to close the digital divide, providing equal access to the Internet and technologies for all on an equal basis. As the virus continues to spread around the world due to the delayed vaccination process, this report calls for a decisive and co-ordinated action in the areas outlined above as a key to ensuring stability and security in the region. It is a call for parliamentarians to ensure human rights and the needs of the populations living in the most vulnerable circumstances including children, women, migrants, refugees and internally displaced persons, people with disabilities, Roma and Sinti. It is a collective challenge to human security that requires reinforced concerted multilateral efforts.

The time when we must reaffirm without delay our commitments to the principles enshrined in the founding documents has come. The pandemic shows us our gaps and weaknesses and the need for more inclusive transformation. The return to a new reality requires informed and inclusive policymaking. The post-pandemic world is in the hands of parliamentarians who should take responsibility in building a better future.

Key recommendations emanating from this report include:

1. The OSCE PA's series of discussion-oriented web dialogues on pressing issues should be continued;
2. Participating States should agree to strengthen and expand OSCE field operations and ensure they can benefit from reliable funding to fulfil their vital work in supporting human rights and democracy promotion;
3. Parliamentarians should make full use of the tools and resources that the OSCE has at its disposal, including benefitting from advice from parliamentary colleagues through the OSCE PA, as well as expert legislative review through the OSCE Office for Democratic Institutions and Human Rights, and recommendations by the High Commissioner on National Minorities and the Representative on Freedom of the Media;
4. To ensure effective parliamentary work, the voices of civil society organizations, in particular those working directly with vulnerable groups, should be taken seriously and parliaments should work to accommodate their expert input;
5. All OSCE PA Members should actively work to ensure that their governments are advocating an open policy towards civil society at OSCE meetings;
6. Parliamentarians must pro-actively speak out against discrimination at every opportunity; political leaders have the responsibility and the practical ability to create a coalition of inclusion that serves all people;
7. Collection of sex-disaggregated data is an essential tool for the design and implementation of gender relevant policies which consider the needs of every social, ethnic and minority group;
8. The OSCE should appoint a senior official, similar to the OSCE High Commissioner on National Minorities, focused on protecting migrants and supporting participating States' engagement along all steps of the migration path;
9. We must ensure that we maintain legal pathways for migrants in need of protection, such as through relocation, resettlement and family reunification programmes;
10. The OSCE/ODIHR, together with the Representative on Freedom of the Media, should consider preparing guidelines and advice to participating States on the use and regulation of social media in the context of elections, as the importance of this media increases;
11. OSCE participating States must reaffirm both in principle and in practice that healthcare and vaccinations should be accessible on an equal and non-discriminatory basis, and parliamentarians should actively oversee the implementation of such measures;

12. The OSCE should work to institute identification of health access imbalances as an early-warning mechanism throughout the region;
13. Decision makers should aim at more focused support for both children and caregivers in overcoming the difficulties of self-isolation and facilitating distance learning;
14. Governments should immediately prioritize the swift inclusion of young graduates in labor markets to avoid long term negative consequences of the COVID-19 pandemic.

OSCE PA Observed Elections, July 2020-June 2021



OSCE Parliamentary Assembly observed elections, July 2020-June 2021

