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## **REPORT**

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

#### ***Strengthening Regional Security by Fostering Democratic and Inclusive Societies: The Role of the OSCE PA***

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

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The world faces major challenges, both new and old. Pandemics, military conflicts, social-economic inequalities, refugee crises, racism, and harassment against women, against journalists and against human rights defenders, are just a few of the seriously concerning issues facing us. While some of us are fortunate to live in countries that generally demonstrate respect for fundamental freedoms, there is an unfortunately large part of the OSCE space where this is not the case. Freedoms of opinion and expression, freedom of peaceful assembly, freedom of association, and freedom of conscience and religion remain aspirations for far too many people in the OSCE region. Amid widespread disrespect for human rights and fundamental freedoms, the values and rights enshrined in the Helsinki Final Act and subsequent OSCE documents serve to remind us that these principles must continue to be the foundation of all societies across the OSCE region. The OSCE exists to help us all achieve this, and if the organization did not already exist, we would have to create it.

In the face of such abuse, it is more important than ever that we come together to protect our shared human rights values. We must continue to raise issues both internationally and in our own countries and hold our governments accountable. In doing so, the perspective of experts from human rights defenders and civil society is an important contribution, as demonstrated by the Civic Solidarity Platform's 2022 Łódź Declaration.<sup>1</sup>

## **1. Easing the Suffering of Those Impacted by War**

For decades, most of the OSCE space has been pleasantly free of the scourge of war. While we could not speak of stable peace throughout the OSCE, with several conflicts resulting in regular loss of life, the widescale humanitarian crisis resulting from Russia's unprovoked invasion and war on Ukraine has forced the entire world to readjust to the realities of war. Let there be no mistake: the blame for this lies entirely with decision makers in the Kremlin. Addressing the human impact, however, requires commitment and action by all of us.

The toll on civilians has been devastating – 17,994 casualties had been verified by the United Nations' Office of the High Commissioner for Human Rights (OHCHR) at the end of 2022, including 429 children killed and 808 injured. The United Nations acknowledges, however, that this number represents only a fraction of the actual toll.<sup>2</sup> Massive destruction of civilian infrastructure across the country has also decimated essential services, including energy, water supply, and heating, further compounding the already existing humanitarian crisis. The war has also caused immense mental trauma, particularly for children, and as a result the World Health Organization expects that approximately 9.6 million people in Ukraine may have a mental health condition.<sup>3</sup>

The mass movement of refugees and internally displaced persons, which we saw in the early days of Russia's war on Ukraine, has slowed. But it has certainly not stopped, and much support

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<sup>1</sup> [https://www.civicsolidarity.org/sites/default/files/lodz\\_declaration\\_civil\\_society\\_2022.pdf](https://www.civicsolidarity.org/sites/default/files/lodz_declaration_civil_society_2022.pdf)

<sup>2</sup> <https://reliefweb.int/report/ukraine/ukraine-situation-report-10-feb-2023-enruuk>

<sup>3</sup> <https://www.who.int/news-room/feature-stories/detail/scaling-up-mental-health-and-psychosocial-services-in-war-affected-regions--best-practices-from-ukraine>

is still needed. As highlighted by the OSCE PA's Ad Hoc Committee on Migration, neighbouring countries are still experiencing challenges in integrating refugees, against the background of insufficient human and financial resources. This is a particular challenge when it comes to the fields of education, health care, employment and social services. We know that most refugees hope to return to their home in the near future; while finding a scenario in which safe return is possible should be our top priority, we must do all we can to support those displaced at the moment.

Particularly when children are involved in mass movements, there is additional responsibility for authorities to take great care that all movements are in their best interests and are traceable and transparent. The mounting evidence that Russia has abducted thousands of children and transferred them, unaccompanied, to Russian territory is deeply disturbing. Such a crime cannot be met with impunity.

Combatants in war should theoretically benefit from a special legal regime under international humanitarian law. However, there is mounting evidence of torture and mistreatment of prisoners of war by the Russian Federation. Abuses of prisoners of war, whether by regular troops or mercenary groups, are grave breaches of the laws of war, and serve as a further example of how far the aggressor, Russia, has strayed from internationally accepted norms and basic humanitarian principles. We should also recognize that Russian authorities are not only breaching human rights commitments internationally: the crackdown on anti-war protestors, independent media and political dissent within Russia is seriously concerning.

Russia's war against Ukraine is not the only conflict-affected area of our region. The situation along the Armenia-Azerbaijan border also continues to have a real human impact and requires continued effort to find a lasting peaceful resolution that enables a normalization of relations. The long-lasting consequences of war can be readily seen in Georgia, where life remains difficult for thousands who are still impacted on a daily basis, even decades after the guns have fallen silent. The impact, both physical and psychological, of continued occupation by a foreign power, is immense and requires greater attention. We must all attempt to learn the lessons of these tragedies and do our best to apply them and ease the suffering of those currently in war zones. Similarly, humanitarian crises and the dire human rights situations in some neighbouring regions to the OSCE, most notably in Afghanistan, Libya, Syria, and Sudan, will inevitably impact OSCE countries, and we must be prepared to provide whatever support we can. In some of these tragedies, we must also acknowledge the complicity, and at times even direct involvement, of OSCE participating States in creating or exacerbating the humanitarian crises. This includes most notably Russian military engagement in Syria, but also EU co-operation with Libyan authorities.<sup>4</sup>

The war in Ukraine rages on today, but we must also look to the future. We need appropriate mechanisms for monitoring and recording of violations of international humanitarian and human rights law in conflicts, as a starting point for work to hold accountable those responsible for the war, and for crimes committed in pursuance of the war. This accountability begins with recognition of the crime of aggression perpetrated by senior Russian state officials but includes many other war crimes. The International Criminal Court's (ICC) arrest warrant issued for Vladimir Putin is a critical step in this regard but is not sufficient. Even his trial and imprisonment, and the criminal prosecution of other individual perpetrators – either before the ICC or nationally – is not enough. Importantly, the prosecution of Putin and a few dozen others

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<sup>4</sup> <https://www.hrw.org/news/2023/02/08/already-complicit-libya-migrant-abuse-eu-doubles-down-support>

will do virtually nothing to ease the suffering of millions of uprooted people, or the thousands who have lost loved ones and their homes and livelihoods. We must work to install an accountability system that puts addressing the challenges faced by the victims of war at the centre of its focus.

## **2. Addressing Weakening Faith in Political and Democratic Processes**

Virtually all parts of the globe have recently experienced financial difficulties. As the COVID-19 pandemic and the subsequent cost of living crisis has demonstrated, it is particularly lower income people that bear the brunt of economic challenges. It is critical that we pay close attention to the socio-economic consequences of our decisions, both at the national and international levels. We must do all we can to support those living at the bottom-end of the income scale if our countries are to maintain social and political stability. The rise of populist parties, who offer simple-sounding – but largely hollow – solutions are a direct consequence of our failures to deliver for those who most need our support.

As we parliamentarians know, most policies are complex and require nuanced approaches. While this is not a popular position and is unlikely to get most of us many votes, it is one we must proudly advocate if we want people to continue to work through and trust peaceful democratic political processes. We must continue to demonstrate that reasoned political discussion is more fruitful for our populations than the alternatives. Socio-economic disparities, if not seen to be addressed through functioning political systems, can easily result in broader discontent with political and even democratic processes.

Each of our countries should take time to consider if our democratic and political processes are delivering effectively and are fit for purpose in the modern era. Systems that may once have been convenient and appropriate often no longer are. A few examples can help to demonstrate the level of examination that is needed:

- i. When society was largely agrarian, voting on a weekday often made sense. Election Day could coincide with convenient processes for buying and selling of produce at market. However, this is now inconvenient for most of the population in our current lifestyles; a full workday interrupted by taking the bus, caring for children, and shopping at the grocery store leaves little time for doing one's civic duty. Timing and processes for Election Day should be carefully reconsidered with convenience for our populations in mind.
- ii. When mass information was distributed through a daily printed newspaper or the nightly newscast, campaign silence periods in the final days of an election often made sense. They were an effective way to ensure that misinformation that might impact voters was not distributed in the final hours of an election, or at the very least there was time for responsible journalists to research, analyze, and correct any such misinformation. In today's world, however, any individual with a social media account can send false accusations to tens of thousands of people instantaneously and at will, yet campaign silence periods muzzle responsible journalists who may be in a position to correct such fake news. Regulation of campaign information should be carefully reconsidered with modern processes in mind.
- iii. Much greater depth of thought is needed as to the role of social media in election campaigns and processes. For example, efforts to apply media regulations to social

media in campaign environments have proven woefully inappropriate. Whereas some countries have found it appropriate to require media outlets to present balanced or fair coverage of candidates, this is very dangerous when applied to individuals on social media. People must not be stopped from expressing their opinions or preferences.

These are just a few examples of some of the challenges to effective representative democratic systems brought about by modern lifestyle changes. It is up to politicians, in close consultation with experts and civil society, to take a careful look at how electoral processes should be applied so that they fulfil our democratic commitments and the expectations of our modern populations. The OSCE should undertake an in-depth review that can inform and advise countries on fulfilling democratic commitments. The OSCE/ODIHR, with arguably one of the world's best datasets and reputations for analyzing electoral systems, is very well placed to support national efforts to adjust electoral systems to the current era. OSCE election observation reports are an excellent starting point for this process, but it is up to national authorities to drive the process and take responsibility.

Overall, an open approach to policy formulation, with strong input from civil society remains critical for a healthy democratic system. The shrinking space for civil society noted in many countries, including through burdensome state processes and attempts to vilify organizations through labels such as 'foreign agents' or 'undesirable organizations', should be recognized as clear attacks on democratic processes and the rule of law. Similarly, we must – unfortunately – refocus attention at the increasing problem of political prisoners, as more and more individuals who express dissent are being locked up by authorities for simply having the courage to express their opinions.

### **3. Standing Up for Minorities' Rights and Vulnerable Groups**

The way in which a government treats minority populations and others that may not have control of the reins of power can serve as a good measure of respect for human rights. Within the OSCE we are fortunate to have a solid set of commitments protecting national minorities, and a dedicated and professional institution in the High Commissioner on National Minorities. However, there are many minority groups within the OSCE that do not technically qualify for these dedicated protections. Within the OSCE region there are numerous countries where minorities – whether based on ethnicity, linguistic traditions, religion, sexual orientation or otherwise – make up a significant part of the population, but lack special protections granted to other minorities. There may be historical reasons that led to this situation, but such anachronisms are a poor basis for current policy.

Unfortunately, minority populations in many OSCE participating States not only lack dedicated protections but are specifically targeted. This includes LGBTI people, religious, racial, and ethnic minorities and indigenous peoples, who we regularly see face serious threats and discrimination. For example, the new legislative amendments against LGBTI rights in Russia further restrict freedom of expression and are once again undermining Russia's obligations. The declining respect for minorities' rights, especially for LGBTI people, and virtual criminalization of some people's identities is a serious violation of OSCE principles. We must not only work to encourage greater tolerance and inclusion within our societies, but should work towards expansion of protections, to also include a broader set of minority groups in keeping with modern realities. OSCE participating States should clearly recognise that curbing the rights of minorities is not only an abuse of human rights but is also a threat to security as populations become marginalized.

The war in Ukraine has resulted in the forced migration of a third of its population, but these are certainly not the only displaced populations in need of protection. In particular, women, children, the elderly, and persons with disabilities from across the world continue to be placed in extremely vulnerable situations when on the move. We must continue to offer protection to all refugees and offer them the conditions to continue their lives in a dignified way until they can return to their country, if they so wish. Serious attention must also be paid to the issue of human trafficking and other forms of exploitation, which continue to pose a threat to people on the move, and to combatting technology-facilitated trafficking in particular.

#### **4. Impact of Technology and Digitalization on People's Rights**

Recent data indicates that the typical working-age internet user now spends well in excess of six hours online each day.<sup>5</sup> So much of our life takes place on or through the internet, including in particular our personal and professional communications and information acquisition. IT coding therefore impacts almost all aspects of our lives, literally dictating what we read and learn, yet most of us in parliament and government have only minimal understanding of how this works. We must work to increase our own understanding and the understanding of our populations to ensure that technologies are not misused or applied in ways that run counter to our principles.

It is quite well understood how social media can have polarizing effects on our populations. These systems are designed to feed users content that the system expects them to find appealing, in a feedback loop. The businesses that stand behind these systems can claim to be neutral regarding content, but as political leaders we cannot be neutral about the impact their processes are having on the consciousness of our populations. We need to recognize and respond to the fact that daily interaction with digital systems can impact whether people are more or less politically polarized, whether people are more or less tolerant of other populations, whether people are more or less accepting of violence as a means to resolving conflict, etc. In simplistic terms, we need to learn how to 'code' respect for human rights and democratic principles into digital systems.

Online harassment and abuse – especially of women and of human rights defenders – is a global problem that crosses borders. Harassment and abuse certainly did not start with the digital era, but technology has dramatically amplified the damage. If we consider the internet to have been weaponized to these ends, we must also consider how to “disarm” this sphere and to make this a safe space for all.

When looking at the impacts of technology and the dangers of mass disinformation, it is always tempting to take the 'easy' approach of regulating disinformation. However, this is simply another way of saying that we are censoring information. Well-meaning efforts quickly result in steps that run counter to our basic principles. As the OSCE Representative on Freedom of the Media and other leading international experts have noted, the human right to impart information and ideas is not limited to 'correct' statements, and prohibitions on disinformation can violate international human rights standards.<sup>6</sup> Efforts to address disinformation, and especially regulatory efforts, must be done with great care and in full accordance with the

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<sup>5</sup> <https://datareportal.com/reports/digital-2022-october-global-statshot>

<sup>6</sup> <https://www.osce.org/files/f/documents/6/8/302796.pdf>

General Principles of this 2017 Joint Declaration on Freedom of Expression and “Fake News”, Disinformation and Propaganda.

State efforts to counter or regulate disinformation are likely, however, to only serve as stop-gap measures. Given the mass circulation of information in today’s digitalized world, it is clear that disinformation is going to remain a part of our lives for a long time to come. Indeed, it is already impacting our populations, leading to an unhealthy scepticism in which people assert that their ‘feeling’ of truth is more important than verifiable facts. A world in which populations disbelieve facts simply because they are inconvenient is a very unstable world with severe human rights and security consequences. We need to work to ensure that educational systems are robust and re-establish respect for facts and evidence-based reasoning, so that people can protect themselves from disinformation.

Artificial intelligence, when combined with disinformation efforts, has the potential to cause serious democratic and human rights challenges for our countries. We have all heard about, encountered, or maybe even used online AI systems. But do we as parliamentarians have sufficient understanding of these systems to consider their impact or provide effective democratic oversight? In a recent open letter signed by thousands of experts in the field, some of the world’s most prominent IT leaders called for an immediate pause to development of more powerful AI systems, noting that these “should be developed only once we are confident that their effects will be positive and their risks will be manageable”.<sup>7</sup> We can easily imagine a scenario in which an AI system was used to create one, or dozens of, seemingly legitimate news site based on disinformation with a particular political agenda. We must ask if our legal processes are in place to address such attacks on our democracy, and if our populations are sufficiently well-equipped to defend themselves against such an attack.

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<sup>7</sup> <https://futureoflife.org/open-letter/pause-giant-ai-experiments/>