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REPORT

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

“Human Security for All as a Basis for European Security”

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“Human Security for All as a Basis for European Security”

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Introduction

In the OSCE's founding documents we pledged to continually honour and respect human rights as defined by the Charter of the United Nations. The Helsinki Final Act asks us to “act in conformity with the purpose and principles of the Charter of the United Nations and the Universal Declaration of Human Rights.” A pledge that is reiterated in the Charter of Paris, stating that “we declare our respect for human rights and fundamental freedoms to be irrevocable.” We have taken the responsibility to honour the fundamental freedoms of every single individual within our national borders. Respect for human rights, democracy, and rule of law are core aspects that lead to lasting security. The OSCE and its Parliamentary Assembly must remind States that they should be accountable to their pledges. These commitments should not be empty words but resolutions to live by.

At a time when the European security architecture is facing its greatest challenge in decades with Russia's unprovoked invasion of Ukraine, we must take all steps possible to strengthen security at its most basic level. This means human security for all, with a focus on full respect for human rights and democratic principles.

Last year's report highlighted how the COVID-19 pandemic has put a strain on the global human rights situation and led to a general backsliding in respect for democracy. The International Institute for Democracy and Electoral Assistance (IDEA) recently published its Global State of Democracy Report for 2021, and its conclusion was similar: democracy, for the fifth year in a row, is backsliding.¹ The pandemic was used, in some cases, as a pretext to curb liberties and increase state influence in sectors that should remain independent.² We are also witnessing that the world is becoming more and more authoritarian; non-democratic governments are becoming bolder in their actions to restrict free speech and weaken the rule of law.³ While overall a discouraging picture, IDEA points out that protest and civic actions remain prevalent. This should serve as a reminder that we must protect civil society from interference and preserve its dynamism.

The pandemic also resulted in a greater inward focus for many. During the first phase of the pandemic, states failed to co-operate by finding multilateral solutions, instead closing their borders, and individually trying to address a shared problem.⁴

¹ <https://www.idea.int/gsod/>

² <https://mertek.eu/en/2020/05/13/police-action-against-alleged-fake-news/>

³ <https://www.idea.int/gsod/>

⁴ This was eerily reminiscent of the migrant crisis in 2015, when European states closed their national borders in the face of the humanitarian catastrophe taking place.

These human rights abuses and democratic backslides did not start with COVID-19 but are symptoms of years of neglect. OSCE PA Reports and Resolutions tell us year after year of lingering human rights abuses and democratic failings. Abuses are particularly directed at women, who face persistent inequalities in all aspects of their life, at Roma, at Sinti, at religious minorities, and at lesbian, gay, bisexual, transgender and intersex (LGBTI) people.⁵ These failings present a worrying challenge considering the progress that has been made in recent decades; we must not accept regression after so much hard work on the improvements that have been made.

Civil society and free media, which are staples of our democracies, are witnessing a shrinking space in which they can operate independently from state influence in several participating States. These are testaments of failing ambitions to honour fundamental rights. If our democracies are to prevail, then these are aspects that must be defended at all costs. In many places the already limited tolerance for civil society to criticize and question authorities is diminished, and overall the public sphere is shrinking.⁶ We must be clear: by limiting the public sphere with governmental requirements, we are chipping away at our democracies and their dynamic nature.

It now seems essential to reaffirm our commitments to human rights and our democratic values, and not let authoritarian trends hollow out our democratic institutions. The OSCE has a responsibility to remind us of this commitment and speak out against any undemocratic tendencies and human rights abuses it witnesses.⁷

Human Rights and Humanitarian Protection in Conflict Zones; the War caused by the Russian Federation's Invasion of Ukraine

With the re-emergence of war in the heart of Europe, we must be clear in declaring that military offensives are inconsistent with the values and principles of the OSCE. Russia's 2022 invasion of Ukraine not only challenges long-held commitments of European security but has resulted in thousands of deaths and directly jeopardizes the human rights and humanitarian well-being of millions. As de-escalation of tensions and a return to diplomacy and dialogue is necessary in the political sphere, preservation of safe access to humanitarian protection for every person remains a pressing need. In this sphere, we should be guided by the four principles of humanitarian assistance: the respect of humanity, neutrality, impartiality, and independence.

Since the Russian invasion of Ukraine began on 24 February, escalation in violations of humanitarian and human rights law have been documented, including, but not limited to: killings of civilians; military strikes on protected buildings (including hospitals and schools) and use of indiscriminate weapons. These would qualify as war crimes

⁵ Last year we were also presented with a report by the OSCE PA Special Representative on Gender Issues on the increasing violence that women journalists and politicians have faced in recent years and during the COVID-19 pandemic: <https://www.oscepa.org/en/documents/special-representatives/gender-issues/report-17/4247-2021-report-by-the-special-representative-on-gender-issues-violence-against-women-journalists-and-politicians-a-growing-crisis/file>

⁶ <https://ejpr.onlinelibrary.wiley.com/doi/10.1111/1475-6765.12451>

⁷ To address these issues the OSCE has certain tools at its disposal, the letter sent out on the 18th of November to all OSCE PA member by President Margareta Cederfelt regarding the failure to, for the second year in a row, organise the Human Dimension Implementation meetings, is a good reminder of what actions can be taken. The Human Dimension Implementation meetings are a valuable tool for the OSCE to openly discuss what challenges the region has faced throughout the year and what needs to be done to address this.

and violate internationally recognised humanitarian principles. The rights to life, liberty and security find themselves under attack in Ukraine, presenting a common concern for the whole OSCE area.

Unimpeded passage of humanitarian relief for civilians in need must be allowed and facilitated without any adverse distinction or discrimination. Furthermore, an immediate cessation of targeting of civilians or civilian infrastructures, as well as the facilitation of humanitarian corridors including the safe passage of all civilians and relief workers is an absolute priority.

The OSCE's Special Monitoring Mission in Ukraine has played an important role for eight years in supporting the local population in many ways. With the forced evacuation of international staff due to the war, the OSCE must find new ways to support those affected. Given the scale of the breaches to OSCE principles, it is important that all OSCE Institutions remain seized of the situation in Ukraine, and that all tools of the organization are put to use. The application of the Moscow Mechanism, which resulted in an investigation by a group of independent experts on violations of international human rights and humanitarian law, is an important contribution to international work on the conflict.

With massive geopolitical instability, finding lasting solutions to ensure the preservation of human rights in conflict zones requires participation from every stakeholder, including parliamentarians. It is necessary to adopt effective tools to sanction impunity, to bring accountability for serious violations, and ensure that all States abide by international humanitarian law.

The denial of human rights can engender and intensify conflict. It is therefore unfortunately necessary once again to stress the unacceptability of extrajudicial executions, enforced disappearances, torture, unlawful detention, arbitrary arrest, restrictions on government critics, and failure to provide adequate protection for internally displaced persons and refugees. All OSCE participating States should demonstrate the political will to investigate and prosecute alleged war crimes and implement efficient policies to protect those rights.

As the war has continued, millions of people have already been displaced. Ukraine's neighbouring countries, and indeed all OSCE participating States, should make efforts to welcome and care for all those fleeing the violence, regardless of their country of origin, religious background, race or ethnicity.

Shrinking Space for Independent Public Action

A strong civil society, operating independently of the state, serves as a guarantor of independent democratic expression. Efforts by the state to assert control over civil society therefore undermines the stability and security of our societies. It is vital that we defend the vitality and spirit of society, and not just defend state and public authorities. This requires a minimalistic approach to regulation of these independent areas, and partnerships in good faith with civil society actors and groups.

Asphyxiating Civil Society

For society to remain dynamic, civil society must remain independent. The state must ensure that it does not transgress its mandate or jeopardize civil society's integrity. Yet the evidence of pressure on civil society continues to mount. These past few years, we have witnessed numerous examples of people in multiple countries not being ensured the right to protest and freely express themselves in the public space.⁸ Governments have either actively decided not to protect its citizens' rights and left them at risk to be threatened and attacked by hate groups or have actively denied NGOs and other groups the right to exercise their fundamental rights. NGOs have more and more become the focus of authoritarian governments' persecution as their independence is seen as a risk. In several OSCE participating States, restrictions on NGOs have been endorsed through legislation, with legal restrictions, limitations on funding and burdensome administrative procedures put in place that limit their capacity to function. NGOs find themselves evicted from their home countries, their donors have been subjected to government pressure, their employees harassed, and international employees denied working visas on baseless grounds. In extreme situations some NGOs have been effectively criminalized, including those providing humanitarian support to migrants. Such interference represents an unacceptable limitation on the enjoyment of basic human rights.⁹

All OSCE participating States should make use of expertise provided by the ODIHR to review any draft legislation that impacts NGOs or civil society engagement in order to preserve a fair and democratic space for activity.

Social Inequalities in Society

Socio-economic inequalities within countries serve as vectors of discontent and democratic disillusionment. If citizens do not feel they are being included in economic development and see that their material wealth stagnates or declines while those of the upper classes continually see their wealth grow, then polarisation becomes evident. Increasing poverty is a clear trend in many OSCE countries and represents a threat to democratic processes. Socio-economic differences can lead to widespread political discontent, as people do not see the real-world changes they want from a responsive political system. Participating States should make particular efforts to protect vulnerable populations and develop inclusive societies and democratic systems that work for all.

Patriarchal Values and Authoritarian Movements Threaten Women's Active Role in Society

While there have been great advances in the cause for women and their enjoyment of equal rights, there is still a long way to go. For example, the OSCE PA's Special Representative on Gender Issues has brought our attention to the increase in violence, both online and offline, that women journalists and politicians have been facing. The COVID-19 pandemic also reminded us that women remain among the most vulnerable,

⁸ References to shrinking space for civil society work has, unfortunately, become a regular conclusion of OSCE election observation reports in recent years.

⁹ Venice Commission and OSCE/ODIHR, Joint Guidelines on Freedom of Association, Study no. 706/2012 OSCE/ODIHR Legis-Nr: GDL-FOASS/263/2014, CDL-AD(2014)046, 17 December 2014

socially and economically, during times of difficulty. We must address the recent evident trend in some places of authoritarian and patriarchal values resurfacing and negatively impacting gender equality. The public sphere needs equal participation from everyone, and it is vital that these concerns remain high on the agenda of the OSCE, the Parliamentary Assembly, and all of our national parliaments. Parliamentarians have great potential to undertake such work in their home countries, but members of parliament should also lend their support to OSCE initiatives aimed at improving gender equality and work by the Representative on Freedom of the Media towards ensuring media pluralism and freedom of expression for all.

Independence of the Judiciary

While all OSCE participating States have declared an independent judiciary as essential to the full expression of human rights,¹⁰ this independence continues to be under threat in many countries. Personal attacks, external pressure, public slander and other acts represent a grave menace to legal actors and consequently to rule of law and democracy. Internationally recognised rights grant to members of the judiciary freedom of expression, belief, association and assembly; however, these rights are often jeopardised by authoritarian regimes. Such violations call for a monitoring of the attacks faced by judicial systems and members of the judiciary, and the implementation of measures protecting and enhancing their independence. All OSCE participating States should make use of expertise provided by the ODIHR to ensure that judiciaries operate free from undue influence and contribute to the preservation of the rule of law in their respective countries.

Standing Up for Minorities' Rights

Long-existing tendencies to scapegoat or otherwise target minorities unfortunately remain a regular occurrence throughout the OSCE region. As vulnerable populations, they require additional attention to ensure that they can benefit from the same rights and protection as everyone else in our societies.

Religious Minorities

The OSCE PA's Special Representative on Anti-Semitism, Racism, and Intolerance has repeatedly highlighted the rise in hate crimes in the region, experienced by Muslims, Jews, Christian minorities, and persons of Asian descent.¹¹ It is worrying that minorities in almost all countries are now faced with a rise in violence and persecution. Discrimination on religious, racial, and other grounds remains a real factor in our societies. In particular, the occurrence of hate crimes must be high on our agenda. Governments should take responsibility to thwart these hate crimes, and the OSCE can provide important support. Accurate statistics and information on hate speech and hate crimes remains a vital tool for informed decision-making in this field, and all OSCE participating States should report relevant information regularly to the ODIHR.

¹⁰ OSCE Copenhagen Document, paragraph 5.12

¹¹ <https://www.oscepa.org/en/documents/annual-sessions/2021-remote-session/urgency-items/4236-addressing-the-rise-in-hate-intolerance-violence-and-discrimination-across-the-osce-region/file>

Respecting the Rights of LGBTI People

In a similar scenario as faced by women and religious minorities in many places, LGBTI people are witnessing worrying exclusionary trends in a number of OSCE countries. So-called “LGBTI ideology” has been labelled as a foreign influence by governments and political parties alike in certain countries of our region. Within the OSCE region we can see governments copying these anti-LGBTI policies from other countries in a populist but harmful trend for society. In some places, schools must either avoid discussion on any topics related to gender or “LGBTI ideology” or actively criticise them in classrooms in an effort to discredit them. It is an unfortunate reality that the rights of LGBTI people are not respected in all countries of the OSCE region, and there appears to be little progress made in supporting this community. Parliamentarians must be vocal in speaking up for the rights of this community, and work to put appropriate protections in place. The OSCE/ODIHR should pay particular attention to this trend, with the aim of supporting participating States’ protection of their populations’ rights. This also includes collecting information related to hate crimes against LGBTI people and advising on policy actions.

Cultural Memory

This last year we have been made aware of the horrible crimes committed against indigenous peoples. The past is now resurfacing and displaying the ugly scars it has left on those that were victims of former colonial systems. Attempts at burying the cultures of those that have long lived on the land cannot be overlooked. We ought to condemn this, remind our people of the societies that existed before, and encourage compensation for the descendants of indigenous populations that have suffered.

Respect for Migrants’ Rights

Human rights violations against refugees, asylum seekers and migrants within the OSCE area have dramatically increased in the past years, notably related to the denial of access to asylum and returns without individual safeguards. The growing evidence of brutal violence and endangerment of human life, as well as practices amounting to torture or inhuman or degrading treatment, should be of a growing concern for every OSCE participating State. Numerous NGOs have documented that the practice of “pushbacks” is becoming widespread along most migration routes, in a clear violation of States’ international obligations to protect the human rights of migrants. These actions are unjustifiable, even in emergency situations.

There is a humanitarian duty for States to avoid legalising pushbacks or implement measures eliminating crucial safeguards to protect the rights of refugees, asylum seekers and migrants at borders. During the on-going humanitarian and migration crisis, further accentuated by the Ukrainian war, key human rights protections must be ensured for migrants, refugees and internally displaced persons.

Additionally, as was highlighted by the work of the OSCE PA ad-hoc Committee on Migration, steps should be taken by all OSCE participating States to hold each other accountable for these violations and respect fundamental rights inherent to refugee’s protection.

Freedom of the Media, of Expression, and of Assembly

The freedom of the media, of expression, and of assembly are staples of democratic systems, and the COVID-19 pandemic put further stress on the exercise of these rights. Over the past few years, we have seen a growing distrust evolving towards the media, including stemming from the coronavirus' early uncertainties. The pandemic has also exacerbated already existing challenges related to disinformation and misinformation, as well as mistrust in the media. The independence and plurality of media is vital for a well-functioning democracy, and we need to work to protect it from harmful influences.

Violence Against Journalists and Legislation Restricting Freedom of Expression

Journalists and media workers continue to face harassment and violence, both online and physically, to such a degree that independent reporting is a dangerous career in some countries. Authoritarian governments and movements aim to subdue independent voices and journalists through legislation as well as force. While the pandemic resulted in massive amounts of disinformation and misinformation, to counteract this it also led in certain cases to legislation being passed that made it harder to scrutinise or criticise governments and their policies to deal with the crisis.

As the world has started to leave the pandemic behind, however, unfortunately some of these COVID-era policies restricting speech remain. Indeed, some damaging approaches have been spreading, with legislation and policies adopted by authoritarian governments copied in other countries. The fact that governments use legislative means to curtail freedom of speech does not make it right: whether in times of pandemic, in times of war, or in ordinary times, governments must respect and fulfil the right to freedom of expression and avoid legislation or other actions that curb this fundamental freedom. The OSCE Representative on Freedom of the Media can provide useful expertise on legislative and regulatory measures appropriate to the media, which all participating States should make use of.

Additionally, freedom of expression has come under further threat as a result of the Russian invasion of Ukraine. Several NGOs have brought forward evidence of targeted killings, and journalists and media workers have been killed as a result of the hostilities in Ukraine.

Freedom of Online Assembly

As the OSCE PA has previously discussed, the COVID-19 pandemic has exacerbated human rights challenges across the OSCE region. In almost all countries, some curtailment of public gathering rights was put in place; however, in some countries overly restrictive approaches were taken and protests strictly repressed by using the pandemic as an excuse. In view of such restrictions, people have come together through new and creative ways of communication, particularly shifting from physical spaces to online ones. Nonetheless, internet shutdowns continue to be a growing phenomenon, imposed by an ever-greater number of governments to stop the free flow of information and "online demonstrations."¹² As more and more of our lives take place

¹² [Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association 2019](#)

online, it is important that freedom of online assembly¹³ should be protected, with action needed in order to shape global norms on human rights online. The ODIHR and the OSCE are well-placed to monitor trends in this field and to develop norms ensuring the recognition and protection of this right online.

Fake News and Disinformation

During the COVID-19 pandemic the use of digital technologies has heavily increased, with many of us making extensive use of these tools for daily communication. However, digital technologies have also empowered the spread of misinformation, disinformation and hate speech, at times driving conflict dynamics and even violence. Beyond the digital space, disinformation can violate human rights and can cause physical harm (for instance inciting violence against a minority group). The correlation between online disinformation and harassment, intimidation, and discrimination is a reality that must be examined and addressed with great care. There is a pressing need to closely monitor the spread of disinformation and to counteract this phenomenon with accurate and trustworthy sources of information through innovative partnerships that can help to build confidence among a well-informed population. A vibrant, independent media landscape and strong media and information literacy can strengthen society's resilience to disinformation and misinformation, as underlined by the OSCE Representative on Freedom of the Media. Particularly in times of conflict, guaranteeing the safety and freedom of expression of journalists is of paramount importance and should be safeguarded by all participating States. With lives at stake on a daily basis, propaganda and disinformation, as well as censorship, all have a distorting impact that is exceptionally harmful.

The Increase of Anti-Democratic Rhetoric in Media

The authoritarian trends noted in a number of governments are often accompanied by media outlets that are supportive of their actions. We can observe that there is a rise in authoritarian-leaning media outlets that use anti-LGBTI and paternalistic rhetoric. While all people should benefit from the right to freedom of expression, we must be aware of the impact that media outlets can have on our efforts to promote equal rights and democratic values. It is noteworthy that such media outlets often have close financial ties to populist political parties or governments, at times undermining their genuine independence from government. We should be wary of this, as many governments are already interfering more and more with civil society and increasing governmental influence on media outlets and further authoritarian tendencies.

¹³ [General comment no. 37 \(2020\) on the right of peaceful assembly \(article 21\) : Human Rights Committee](#)