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REPORT

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

Advancing Sustainable Development to Promote Security: The Role of Parliaments

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INTRODUCTION

Seventy-one years after the adoption of the Universal Declaration of Human Rights (1948) and 44 years after the adoption of the Helsinki Final Act, we must reaffirm our commitment to the principles enshrined therein and update them for present and future generations. The protection of human life and dignity is timeless and of immeasurable value. These documents aim to prevent conflict within societies and protect them against inequalities and turmoil. The struggle to defend Human Rights should be lasting and infinite.

The OSCE has affirmed the link between security and sustainable development since its outset with the signing of the Helsinki Final Act in 1975. Its comprehensive approach to security rests on the recognition that conflicts may arise not only from political and military threats, but also from economic tensions, environmental degradation, social insecurity, and violations of individuals' rights, factors also necessary for the achievement of the Sustainable Development Goals. Vice-versa, sustainable development is a prerequisite for the advancement of peace, stability, prosperity, democracy, and human rights protection.

Regrettably, in our time, we are witnessing a regression in human rights protection. What we see is a continuing intensification of authoritarianism, radicalism, xenophobia, and intolerance. We see persistent violations of human rights, such as torture, extrajudicial killings and detention without a trial. Tragically, genocide, war crimes, and crimes against humanity cannot be considered as problems of the past but remain current concerns. Impunity for crimes of human rights abuses is becoming a permanent feature in many countries involved in conflicts because of narrow nationalistic interests. What we also observe is the UN Security Council not taking corrective action, thus perpetuating the stalemate in several crises. Exacerbated nationalism and xenophobia throughout the OSCE region, particularly against immigrants and asylum seekers, even when they have been forcibly displaced, is a step backwards from the standards of international protection of human rights, as developed over the years.

The protection of human rights in conflict areas constitutes one of our overarching goals. Today, the OSCE Parliamentary Assembly must renew its call for respect for human rights and fundamental freedoms in every OSCE participating State, precisely because where respect of human rights is guaranteed, peace may also be safeguarded.

A basic lingering question: Can we still hope that the current system of human rights protection can survive and save mankind from the slippery slope of human rights disregard? The answer is clear: YES, if we maintain our principles and hold accountable those who breach their commitments. This is true even if the current system is in crisis and the Helsinki Final Act principles are challenged. Human rights protection is evolving and developing in response to emerging needs that humanity has to tackle.

Are there new challenges and threats affecting human rights protection which could not have been predicted 71 years ago? The answer is simple and positive, as we are now facing new risks arising from digital technology or climate change.

Technological developments in recent decades have brought significant advantages to all of us, but are advancing at such a pace that society's ability to adapt is in jeopardy. By having a computer deal with a problem, we feel that the moral responsibility no longer lies with us. With artificial intelligence tools actively used in intelligence gathering, and with autonomous systems and drones used for targeted assassinations, this technology has critical human rights and foreign policy implications that need consideration. Also, with computers now impacting every aspect of our daily communications, transport and health, much more robust work is needed to ensure that the tools we create serve human rights rather than undermine them.

The trend of exacerbated populism continues unabated in 2019. We are witnessing the demonization of minorities and an affront against human rights principles, as well as a growing distrust of democratic institutions.

Anti-Semitism is on the rise. Political leaders must take a strong stance against nationalism, radicalism, populism and neo-Nazism, so that anti-Semitism and any other expression of racism for that matter, can be fought as the crime it is. In light of the growing numbers of attacks, this negative trend poses a real danger for our societies. Anti-Semitism is a distinct kind of hatred that has left its horrifying mark in history. The truth and remembrance regarding this crime must be vigorously cultivated as a means to teach our youth to not allow the repetition of past tragedies.

Populists within participating States focus their political discourse on poverty, migration, social inequalities, terrorist attacks, xenophobia, anti-Semitism, Islamophobia or Christianophobia. Addressing these issues is a challenge. Populists limit themselves to reaction without proposing real solutions, thus exacerbating societies' frustration and fear. In fact, populists do nothing but a head-on assault upon core human rights values, namely respect and tolerance.

Hate speech is yet another phenomenon that democratic societies must tackle collectively. It is therefore necessary that a coalition/network to combat hatred and intolerance be created, which will enable participating States to report to each other and exchange information on hate speech. National contact points should be designated in this respect. Greater efforts must also be made to avoid the dissemination of negative messages.

Recent violent incidents against members of the Roma and Sinti communities are alarming. They are a reminder that unless we actively speak out against all forms of violence motivated by racial hatred and unless we take effective action to combat all forms of intolerance, a climate of impunity might lead to the further aggravation of the already vulnerable position in which these communities are found.

HUMAN RIGHTS' DIMINISHING IMPORTANCE IN FOREIGN POLICY

The rise of populism has led countries that have traditionally supported the promotion of human rights on the international scene to confine themselves to their internal challenges. By favoring extremely restrictive migration policies, countries within and outside the EU show reluctance to promote human rights protection, while the weight of human rights protection in participating States' foreign policy has become increasingly weaker. States do not address human rights violations with appropriate sensitivity. The gradual weakening of international oversight of democratic standards and the rule of law is exploited by oppressive regimes, which

allow populists to act in violation of human rights principles. More so, when mechanisms of international judicial protection are further questioned.

Coalitions of small states that take the lead in defending human rights principles are a glimmer of hope. However, their limited influence cannot substitute for the dynamism of states with a powerful international standing, which appears to have been withdrawn. A reaffirming of participating States' commitment to defending human rights in their foreign policies is a dire need.

STATE OF EMERGENCY AS A TEMPORARY SUSPENSION OF SOME DEMOCRATIC COMMITMENTS

Under a state of emergency, human rights and the rule of law are constantly threatened. More often than not, national security protection serves as a pretext to declare a state of emergency. We have even witnessed elections being held under a state of emergency. We have also witnessed a state of emergency being so long in duration and extensive in scope that the State concerned was actually governed by decrees without any form of proper parliamentary scrutiny in complete disregard of the principle of the separation of powers. International organizations have a decisive role in cases where the declaration of a state of emergency is imminent. State of emergency monitoring mechanisms should be put in place to oversee States' compliance, both when derogations are in effect and immediately after their termination.

CHILDREN IN AREAS OF MILITARY CONFLICT

We are witnessing the highest number of crises and conflicts since World War II. Children affected by conflict around the world continue to suffer extreme violence and serious human rights violations. States involved in conflicts are responsible for committing violent crimes that remain unpunished. Much needs to be done to protect and help children. Children cannot be used as a human shield or as a tool of political propaganda. We cannot accept the continuation of this blatant disregard for international law, international humanitarian law, and human rights as if it were business as usual.

Children are victims in accidents caused by the explosive remnants of war. Schools, students, and teachers often become targets. Children are kidnapped from their schools, while children's displacement all too often results in separation from their parents and their living in a state of chronic malnutrition. Restrictions on their movement and obstruction of their access to healthcare, education (services), clean water and sanitation have also become the norm. In eastern Ukraine, approximately 0.7 million children are deprived of their right to education and are facing a host of other deadly threats.

Conflicts terribly affect children's lives, destroy their childhood (dignity), and negatively impact on their future. 2019 is the 30th anniversary of the Convention on the Rights of the Child. Everything must be done to ensure that protection of children in conflict zones is our first priority. Children have the right to live in a safe and peaceful environment and where this is not the case, children must be fully protected. The best interest of the child should be a primary consideration in the design and implementation of policies.

STATELESS CHILDREN

At the same time, further action is necessary to support and protect stateless children. In Europe alone, approximately 500 thousand people are not recognized as citizens of any country. According to UNHCR, 2,100 stateless children were recorded in Europe in 2017. This represents a four-fold increase compared to 2010. These children have restricted access to basic rights and services, such as education and health care, and may face life-long discrimination. What is more, in the absence of official documents, they run the risk of being subjected to violence and trafficking. Every child has the right to citizenship. Every child has the right to belong somewhere. Governments are called upon to take all necessary measures, in order for stateless children to understand their right to citizenship and have that right respected.

GENOCIDE AS A WAR CRIME

Genocide constitutes a war crime whose repetition in several conflicts around the world remains a non-negligible threat. Seventy years after the adoption of the Convention for the Prevention and Punishment of the Crime of Genocide, its goals remain a key challenge. Genocides leave indelible marks passed on through generations which make peace unreachable. Genocide Remembrance is necessary so as to cultivate awareness and prevent the repetition of such horrific crimes. That is why I hope that the ratification of the Genocide Convention will soon become universal across the OSCE region and the world. Such a development would reinforce our commitment to take preventive and punitive measures against genocide. States must hold a unified stance to protect civilians from genocide and other crimes against humanity.

DEATH PENALTY

The death penalty is a cruel, inhuman, and degrading punishment. The OSCE Parliamentary Assembly should defend the right to life and stand firmly against all forms of capital punishment without exception. The right to life is the most basic right and, as such, we have to defend it. Furthermore, the death penalty cannot be considered as a response to any form of crime. To this end, we should call on all participating States to turn all outstanding death sentences into imprisonment and to redouble efforts to change public perception on the need to maintain it. At the same time, we should call on those countries that often express the intention to restore the death penalty to refrain from doing so.

Two OSCE participating States continue to apply the death penalty and senior public officials in several other participating States have recently encouraged the reintroduction of capital punishment. As the representatives of our peoples, we have to join forces to abolish the death penalty in the OSCE area. People on death row are detained for various offenses and sometimes judgments are questionable. In view of the fallibility of human justice, recourse to the death penalty inevitably carries a risk that innocent people may be killed. These people remain in many cases in anticipation of their execution without knowing its exact date and the exact method to be used, while in some cases their families have not been notified about the date of execution. What causes unnecessary pain is the non-delivery of the bodies to the families who do not know where their family members have been buried.

DESTRUCTION AND LACK OF RESPECT FOR CULTURAL HERITAGE, AS A HUMAN RIGHTS ABUSE

The protection of cultural heritage, given its universal value as our common global heritage, must be upheld and reinforced beyond narrow politics. Enhanced co-operation among participating States must be promoted in preventing and combating the organized looting, illicit excavation, smuggling, theft and illicit trafficking of cultural objects, as well as their restitution to the countries of origin. Protection of cultural monuments or sites, particularly in war zones, conflict areas, or occupied territories must remain high on our political agenda. Moreover, the desecration of religious monuments or sites cannot be used as a bargaining chip or a matter of political blackmail.

Participating States' signing and ratification of the Council of Europe's Convention relating to Cultural Property ("the Nicosia Convention"), which obliges State Parties to implement common criminal law standards in relation to cultural property, would fill a gap in international co-operation in this field and would reflect States' determination to tackle collectively and effectively the destruction and illicit trade of cultural property, particularly in times of conflict.

MODERN SLAVERY

Slavery constitutes a phenomenon with huge dimensions, also in the OSCE area. Children account for a quarter of all victims. This inhumane situation bears consequences on the child's physical, mental, moral, and social development. States must place greater focus on the eradication of modern types of slavery, namely human trafficking, sexual exploitation, child labour, forced marriages, coercive military recruitment of children and their use in armed conflicts, as well as economic exploitation.

YOUTH

Youth constitutes a significant vulnerable part of our society, which must be recognized through our next relevant resolution. The decisive role of youth in States' future ability to comply with their Helsinki Final Act commitments, must be recognized. Youth is directly linked to the maintenance of peace and international security. The young are those among citizens who suffer from the lack of hope and have serious concerns about the future. Youth's uncertainty and anxiety for tomorrow often becomes subject to exploitation by populists, drug dealers, or other manipulators. We must further enhance the youth agenda in relation to peace and security. Youth's role is crucial in fostering dialogue, mutual understanding and respect towards peaceful coexistence, justice, trust, reconciliation and, overall, the creation of a peaceful culture.

THE REFUGEE -MIGRATION ISSUE

Today there are some 69 million displaced people worldwide, of which 25 million have fled in search of security or have been expelled out of national borders. Many of these people are irregular migrants without legal residence status and face health problems, discrimination, and persecution. Most refugees face health problems due to bad conditions during their journey or at the places of their stay. Lone children, separated from their parents, are facing even more dire problems, as they are vulnerable to health and social risks. The right to health is a basic human right. Ensuring the right of refugees to have access to national health systems,

constitutes the best strategy in terms of saving lives, minimizing the cost of care, and protecting local population.

PARTICULAR CHALLENGES WITHIN THE OSCE REGION

Extensive field presence is a particular strength of the OSCE's active work in the human dimension. A great amount of expertise and dedication are made available, which participating States should take full advantage of.

Armed and protracted conflicts within the OSCE region continue to have a devastating impact on the enjoyment of human rights by millions of people. Occupation by military forces in conflict areas across the OSCE region remains a major cause of human rights abuses. People continue to suffer from armed clashes related to the **Nagorno-Karabakh** conflict and the crisis in and around **Ukraine**.

Thousands of ceasefire violations, bombings, shootings, fires, and land and sea mines continue to kill and wound people in **Ukraine**, where the most basic needs of millions of men, women and children are not being met. Since 2014, more than 13,000 people have been killed, a quarter of them civilians. Incidents during the cold winter affected the water supply and heating of critical infrastructures, posing risks for the emergence of communicable diseases. The needs are huge for mental health and psychological trauma care, anti-mine protection, as well as needs pertaining to shelter, health, living resources, water drainage, and hygiene. Every month, more than 1.1 million people cross the 427 kilometre-long Contact Line. Citizens are often subjected to long delays and are at risk from hostilities and landmines. They struggle in harsh conditions to maintain family links and to have access to basic services. A lot has to be done by both sides to improve the very bad crossing conditions at checkpoints. Citizens and critical non-military infrastructures must be saved and protected in compliance with international humanitarian law. The Special Monitoring Mission to Ukraine works tirelessly to reduce tension and improve the situation for the people of Ukraine. Yet, much more needs to be done at the political level to resolve the conflict, which is key to the improvement of the humanitarian situation in Ukraine, as in every other conflict area.

Until progress is made in addressing the underlying causes in **Georgia** and the **Transdnestrian conflict**, people will continue to be impacted by serious human rights abuses. In Georgia's occupied regions, people continue to be detained on a regular basis and, with no mechanism to investigate deaths in captivity, such as that of Archil Tatumashvili, the occupying forces effectively work with impunity.

Refugees, internally displaced persons (IDPs) and enclaved persons face a host of restrictions to their most basic human rights, including access to and use of property, education, and healthcare, freedom of expression and religious freedom. Participating States that blatantly disregard their human rights commitments must be held to account.

Moreover, military aggression and occupation have created a number of "ghost towns", having forced their lawful inhabitants to flee their birthplace and become refugees, as is the case of Famagusta (Varosha) in **Cyprus**. OSCE participating States must ensure that human rights commitments are upheld both during armed conflict and in areas under occupation. People living near ceasefire lines are in a particularly vulnerable situation as well. Any changes in the status quo result in a direct and immediate impact on their daily lives and the enjoyment of even the most basic of their rights, such as access to and use of their property, which may well

be their only source of income, freedom of movement, access to healthcare and education, to name but a few.

As long as a settlement of the Cyprus problem has not been reached, violations of the human rights of displaced persons persist. Regrettably, the programme for the ascertainment of the fate of missing persons is not progressing at the necessary pace either, due to the fact that access and search is not allowed in areas declared as “military zones”.

The situation in **Kosovo**¹ raises concerns anew, as confrontations on both sides rather than dialogue efforts prevail. I welcome the continuation of efforts by the International Commission on Missing Persons, noting however that this is done at a very slow pace.

In **Albania**, the lack of progress in fighting corruption remains a cause of concern, undermining public trust in democratic institutions and hampering economic growth. Albania must continue reforms in this sector, so as to honour its commitments concerning the rule of law.

HOSTILITIES AT THE BORDERS OF THE OSCE

Conflict situations at the borders of the OSCE region are alarming, entailing tremendous security consequences and gross human rights violations. Hostilities in neighbouring regions and subsequent security challenges have a spill-over effect into the OSCE area. Particular focus must be placed on the early assessment and evaluation of each crisis separately and on early warning. The timely and accurate assessment of eventual risks will provide possibilities for implementing preventive policies. The situation in the wider Middle East region constitutes an eloquent example. Despite certain positive developments following the critical phase of war in **Syria**, the need is still urgent for a political solution to be found to end the unspeakable humanitarian crisis in this country. Also crucial is the resumption of talks towards a settlement of the **Israeli-Palestinian conflict**, as is the stabilization of **Iraq** and **Libya**, and an end of the untold humanitarian tragedy in **Afghanistan**.

With the end of the war against the Islamic State in Syria, a number of Islamist militants (about 1,800) remain detained in camps controlled by the Syrian Democratic Forces. These camps are now overcrowded and their effective operation presents increased difficulties. Furthermore, prisoners continue to express extremist ideas and remain a threat. The detainees are citizens of several countries who refuse to repatriate them or even revoke their citizenship. This situation poses a number of human rights protection issues for these persons.

PERSECUTION OF JOURNALISTS AND ACTIVISTS

Jan Kuciak was murdered in Slovakia; Jamal Khashoggi in the Saudi Arabian Consulate in Istanbul; not to forget the brutal assassination of Daphne Caruana Galizia in Malta two years ago. In Turkey, a great number of journalists are in prison. In Hungary, as well as in other countries, the journalist community faces great repression. 2018 was one of the worst “dark years” in press history, as violations of the freedom of the media significantly increased and more journalists were killed, imprisoned, or abducted.

¹ All references to Kosovo, whether to the territory, institutions or population, in this text should be understood in full compliance with United Nations Security Council Resolution 1244.

Authoritarian regimes, repressive authorities, corrupted political systems, drug traffickers and other wrongdoers are in open war with independent journalism. In 2018, records are negative regarding the repression of independent journalism. Investigative journalists live in increasingly hazardous conditions, the cruel murder of Jamal Khashoggi being a very alarming example. Eighty journalists have been killed at their workplace, without the crimes having been solved. 348 journalists are in detention worldwide and another 60 have been abducted. Even more alarming are features showing that half of the murders have been committed outside war zones. Both the perpetrators and those ordering the commission of the crime remain unpunished. States must end impunity and find ways for effective recourse to justice. For its part, the OSCE PA must continue to actively support the OSCE's Representative on Freedom of the Media, whose advocacy and support to OSCE countries is a particular strength of the Organization.

Moreover, a great number of **activists** are often victims of their criticism of State authorities. They are imprisoned without trial because of their peaceful protests. There are also cases of activists going on hunger strikes due to their detention in state of emergency conditions.

The *acquis* of our resolutions points out, first, that independent journalism is the cornerstone of the rule of law; secondly, that the questioning of the freedom of information puts democracy in danger; and thirdly, that a robust and professional media as part of our overall respect for freedom of expression are part of a healthy democracy.

VIOLENCE AGAINST WOMEN

Millions of women are victims of inequality and harassment, both during peace and at times of conflict. Anti-gender rhetoric continued last year. There is a great need for the combat against domestic violence to be enhanced. Regrettably, the goal of ending violence against women is still very remote. Until women and girls are able to live without fear, violence, and insecurity, the world cannot pride itself on being just and equal.

A positive development in the past year was that certain leaders, like the French President and the Canadian Prime Minister, were identified with the defence of women's rights. Indeed, Canada has linked its country's humanitarian aid to gender equality. France has announced new measures to fight sexual violence and sexual harassment. Another positive development is that Switzerland has been promoting a gender-based foreign policy, where women's rights in countries like Saudi Arabia are a priority. It is worth noting that, following struggles of activists for women's rights, Tunisia, Jordan and Lebanon have removed a provision from their penal code in which a rapist could avoid prosecution for his crime if he married his victim.

CHECHNYA

There have been widespread reports of a new wave of persecution by Chechnya's authorities, particularly against people on the grounds of their perceived or actual sexual orientation or gender identity. Murder, torture, and other human rights violations have been reported. More than 40 people have been arrested since December 2018, while two people have died from torture. Those who try to leave Chechnya are prevented by official authorities, who destroy or confiscate their passports and identification papers, blackmail their relatives for criminal prosecution, or force them to sign blank 'confession' statements. As the perpetrators are not prosecuted, they move freely, thus creating an environment of human rights violations. While the Moscow Mechanism Rapporteur undertook a thorough examination to the extent possible,

the Russian Federation must urgently co-operate with OSCE experts in order to assess this situation, which causes very serious concerns.

CONCLUSION

2019 must become a better year for human rights. The OSCE and this Assembly must redouble their efforts and act more dynamically in upholding the principles of the Helsinki Final Act towards abolishing dividing lines, bringing people closer, building bridges, opening paths, and making space for solving problems. International co-operation is as vital as oxygen for life. As long as there is international co-operation, peace stands a chance, to the benefit of people, who will then suffer less. OSCE co-operation with the UN, as well as with other international and regional organizations, multiplies the possibilities of protecting human rights and the tools to do so.

The role of parliaments, both in their legislative and oversight capacities, as well as in the field of parliamentary diplomacy, is central and should be further strengthened. With regard to the human dimension in particular, that builds the foundations for peace, parliaments must have a greater consultative role. Parliaments can provide solutions outside the formal frameworks of decision-making. Parliaments can do much more to protect vulnerable groups in conflict zones, including refugees and IDPs, which are very prone to the dire consequences of war.

Tomorrow is not self-evident unless we create it. Upholding human dignity must be the driving force of our activities. 2019 must be the year of reversal of the negative human rights trend. I maintain hope that this will be a year of greater determination to decisively and effectively pursue a positive human rights course.