

Promo-LEX attended the Parallel OSCE Civil Society Conference in Kiev

On 2-4 December 2013 was held Parallel Civil Society Conference in Kiev, the event was convened by The Civic Solidarity Platform. Thus followed tradition of OSCE parallel civil society conferences in Astana in 2010, Vilnius in 2011, and Dublin in 2012. Civic Solidarity developed the attached policy document containing civil society analysis and recommendations on alarming human dimension issues across the OSCE region and on human dimensions issues in Ukraine, in light of the country's OSCE Chairmanship.

According to statements by the OSCE Chairmanship, a top priority in 2013 was protecting human rights and fundamental freedoms in conflict and post-conflict zones and making progress in resolving protracted conflicts. Because the human dimension is an essential part of the OSCE concept of comprehensive security, making progress on human rights in protracted conflicts is crucial for the region's security.

In 2013 a significant dialogue took place on resolving the Transnistrian conflict. Thanks to the involvement of the OSCE, the parties to the conflict continued to discuss a number of common issues, particularly socio-economic problems.

The processes occurring in the conflict regions that clearly lead to violations of the local populations' rights and freedoms cannot be treated as "political issues." The authorities involved in negotiations on the resolution of conflicts should not forget that human rights are non-negotiable and that all parties are responsible for observing human rights, including unrecognized regimes.

The use of torture and ill-treatment and the violation of

liberty and security of person are the most severe human rights problems in these regions. These problems result from the fact that there are no effective remedies to contest the actions of the unrecognized administrations ruling these regions.

Lack of official investigation of allegations of human rights violations, inefficient prosecution and bringing perpetrators to justice as well as systematic violation of the right to a fair trial of the victims of human rights abuse are of particular concern in the conflict regions because access to justice plays a decisive role in the conflict situations. Inability of the authorities to establish facts and reasons for human rights violations and ensure justice leads to the preservation of the situation when the causes of conflicts continue to exist and may lead to new instances of violence and clashes.

In those OSCE participating States that are also members of the Council of Europe, the European Court of Human Rights is essentially the only institution that can establish the facts of human rights violations and provide some remedies. For example, in 2013 the Court continued to communicate to the Moldovan and Russian governments cases from Transnistria where the applicants complained about the use of torture and the lack of an effective remedy.

International obligations assumed in the framework of regional human rights institutions are binding on the signatory states. Failure to execute decisions of the European Court not only contravenes these obligations but also creates a state of impunity and leads to continuous human rights violations. Lack of execution by the Russian Federation of the decision in the case of *Catan and others vs. Moldova and Russia*, in which the Court established violations of the right to education in the Transnistrian region illustrates this problem.

Recommendations

In the light of the existence of similar problems in conflict regions, yet different real opportunities to address them, we recommend the parties involved in the conflicts and the OSCE bodies and institutions undertake the following actions:

1. International human rights obligations and commitments should be respected by the de-facto administrations of the conflict territories and the third parties in the conflict regions on the basis of both the European Court judgments and OSCE recommendations.

2. The OSCE participating States in the conflict and post-conflict regions should accelerate their efforts in investigating allegations of violations of human rights of the local residents while ensuring adherence to international standards of investigation. In this regard, the participating States should establish accountability for perpetrators, guarantee the right to a fair trial of the victims of human rights abuses and ensure adequate remedies and compensations to victims and their families.

3. The OSCE participating States should take measures aimed at addressing the root problems of the conflicts to prevent such developments in the future.

4. Persecution and harassment of civil society activists in conflict and post-conflict regions should be stopped, and the development of strong and independent civil society there should be supported by OSCE participating States and institutions.

5. Exchanges between human rights activists in different conflict and post-conflict regions should be facilitated.

6. Unconditional access for international human rights experts to conflict and post-conflict regions should be allowed, in particular to places of detention which are not under the control of the constitutional authorities.

7. Continuous monitoring in all areas of human rights in conflict and post-conflict regions and the production of monitoring reports that should be discussed at OSCE meetings and supported.

Created in 2011 the “Civic Solidarity” Platform includes over 50 organizations from Europe and Asia and is based on values such as human rights and human dignity, non-violence and peace culture, human rights and freedoms rule against state interests.

For more detailed information please contact: Alexandru Postica, Lawyer, Human Rights Program Director, Promo-LEX Association: Tel: (22) 31 09 45, GSM: 069104851, e-mail: info@promolex.md