

VIENNA DECLARATION

PREVENTING SECURITY MEASURES FROM ECLIPSING HUMAN RIGHTS

Human Rights Are the Core of the Answer rather than an Obstacle to Addressing Terrorism

*Adopted by the participants of the OSCE Parallel Civil Society Conference
Vienna, 5-6 December 2017*

The OSCE Parallel Civil Society Conference 2017,

RECOGNIZING the significant threat that terrorism and violent extremism pose to peace, security and stability in the OSCE region as well as to the enjoyment of human rights and social and economic development;

APPALLED by terrorist attacks across and beyond the OSCE region, and affirming our solidarity with the victims of these attacks;

CONVINCED of the high priority that governments should place on devising and implementing effective counter-terrorism strategies;

CONCERNED that increasingly authorities across the OSCE region have been introducing measures that limit human rights in the context of the fight against terrorism and violent extremism, also using conflict as a pretext, including by:

- the use of prolonged 'states of emergency' to avoid accepted human rights safeguards,
- subjecting suspects to incommunicado detention, enforced disappearances or extrajudicial executions,
- employing, abetting, or not prosecuting torture or ill-treatment of terrorism suspects,
- unlawfully detaining people and keeping detainees in extended pre-trial custody, without a fair trial or without a trial at all,
- denying suspects access to a lawyer, or persecuting lawyers defending their clients,
- initiating legal reforms that threaten the independence of lawyers and thus jeopardize the protection of human rights, respect for rule of law, and access to justice,
- submitting detainees to prison conditions that violate international standards, including by disregarding gender specific needs, especially those of women with children,
- restricting the right to seek asylum,
- advancing their anti-immigration agenda by stereotyping or using stigmatizing speech to depict asylum seekers and ethnic or religious minorities as potential terrorists and a security threat, thereby fomenting xenophobia and racism,

- giving generalized permission to security agencies for the surveillance of electronic communications, and the exchange of personal data, with no or limited prior judicial oversight, rather than focusing on providing means for targeted surveillance of persons who are suspected of terrorist involvement,
- limiting the access to public space for peaceful protests and labelling participants of protests as state enemies, security threats, extremists or terrorists,
- restricting and downsizing social security policies in order to increase funds for militarization policies, at the expense of women and disadvantaged groups,
- outsourcing security and policing to private companies and thereby impeding democratic human rights based control,
- allowing law enforcement officers to engage in searches of premises without prior judicial permission,
- politically-motivated prosecution of human rights defenders, journalists, lawyers and political opposition on terrorism related charges and limiting their access to international organizations and mechanisms,
- instigating smear campaigns against critics of unlawful methods of fighting terrorism and subjecting them to harassment and persecution,
- adopting laws with vague and broad definitions of “extremism” and arbitrarily employing the ‘extremism’ concept to prosecute persons who do not call for, let alone are preparing for, violence,
- employing non-transparent policies for removal of persons from public office,
- providing law enforcement and other government agencies with insufficient guidance on human rights, gender and conflict sensitivity and against ethnic profiling.

CONCERNED that these policies are counter-productive, as they increase mutual suspicion and fear in society, undermine trust in the rule of law and marginalise vulnerable or targeted communities by expanding of unjust discriminatory practices;

CONCERNED that these policies threaten the human rights acquis built by the international community in the post WWII period, undermining the supremacy of international human rights law and eroding the rule of law and independence of the judiciary and of the legal profession;

EMPHASIZES that effective counter-terrorism strategies should give centre stage to strengthening human rights by:

- fostering a human rights culture, including by meaningful attention for human rights in formal and non-formal education,
- stimulating the democratic participation of all sectors and strata of society,
- supporting media independence and communications diversity, and maintaining the protection of sources to guarantee effective, prompt, thorough, independent, and transparent investigations by the media,
- using gender sensitivity as a preventive measure in fighting radicalisation, violent extremism and terrorism,
- elaborating and implementing specific measures to prevent the involvement of women, youth and discriminated groups in violent extremism and terrorism, including by promoting legal, economic and social equality,

- prioritizing peaceful resolution / transformation of existing unresolved conflicts as a possible contributing factor to terrorist threats,
- fighting racism and other forms of discrimination and offering access to equitable and independent justice for the entire population
- strictly following international standards for fair trials and for the treatment of detainees, including fulfilment of gender specific needs,
- including clear and narrowly phrased definitions of prohibited activities in any specific counter-terrorism legislation, with robust and transparent enforcement and independent oversight. Any restrictions on human rights (such as freedom of expression or freedom of assembly) should be proportionate and demonstrably necessary to protect the rights of others, national security or public order,
- ending impunity for violations of human rights while fighting terrorism and ensuring effective investigation of all cases of alleged violations, including those of sexual and gender based violence, and bringing perpetrators to justice;

OFFERS cooperation from civil society in designing and implementing such human rights based counter-terrorism strategies, including by contributing to needs assessments for counter- terrorism activities, by assessing their appropriateness for the local context, by accessing hard-to-reach communities, and by assisting in assessing the effectiveness of implemented activities;

NOTES that the OSCE's doctrine of 'comprehensive security' and its instruments and practical experience both in the security and in the human rights field provide a good basis for the provision of assistance in developing and implementing these strategies, also addressing the root causes of terrorism;

CALLS on OSCE participating States to ensure that sufficient resources are provided in counter- terrorism and related programmes for meaningful inclusion of human rights in these programmes by specialized OSCE institutions and units, including at ODIHR, the Office of the HCNM and the Office of the RFoM, and in its field presences;

CALLS on OSCE institutions and political bodies to review all existing OSCE documents and programmes on fighting terrorism and violent extremism to ensure that they prioritize safeguarding of human rights;

CALLS on the OSCE Chairmanship and Secretary General to prioritize safeguarding of human rights while combatting terrorism in relations and cooperation with all OSCE participating States;

CALLS on all OSCE institutions and entities to include human rights safeguards while combatting terrorism in cooperation programs with all OSCE participating States;

CALLS on OSCE participating States to prioritize safeguarding of human rights while combatting terrorism in their bilateral relations and cooperation;

CALLS for regular independent monitoring of the quality of counter-terrorism policies and practices in all OSCE participating States against OSCE human dimension commitments, as this is a matter of concern for and may have direct impact on all States.