

## Human Rights for Everyone and Everywhere

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*Ceiling of the UN Human Rights Council building (<https://bit.ly/3n2cdU4>)*

December 10, 2020, International Human Rights Day. This is its 72<sup>nd</sup> anniversary and global society still agrees to create a world in which “*human beings shall enjoy freedom of speech and belief and freedom from fear*”, as noted in the Universal Declaration of Human Rights, the main guarantor to realize this highest aspiration of mankind. The rights declared by the Universal Declaration of Human Rights are as important today as they were in 1948. To present, fundamental rights are recognized around the whole world but ensuring their protection still remains one of the biggest challenges of our time.

“There should be more than one voice in a healthy society” – these words belong to Li Wenliang, the Chinese Doctor who was one of the first to warn the public at large about the spread of the novel coronavirus (Covid-19) and after which, according to international media, was banned by the Chinese government from “spreading rumors on the Internet”. Later, in February 2020, the doctor himself died from Covid-19.

“The case of Li Wenliang is a tragic reminder of how the Chinese authorities’ preoccupation with maintaining ‘stability’ drives it to suppress vital information about matters of public interest,” [reacted](#) Amnesty International regarding the death of the doctor. “China must learn the lesson from Li’s case [...] Nobody should face harassment or sanctions for speaking out about public dangers, just because it may cause embarrassment to the government.” If freedom of expression were protected in the People’s Republic of China, it’s possible the novel coronavirus would not have achieved such a large scale of spread.

Protecting basic human rights is not just a matter of one society’s choice, but rather it is the responsibility of the entire global community. Li Wenliang’s example reminds the whole world once again the importance of prioritizing issues regarding human rights in conducting international relations. I strongly believe that this is a lesson not only for China, but for global society in terms of their relations with China (and not only) and to assess why it is more important to ensure human rights protection issues than business interests and that today, conducting human rights protection -based foreign policy should not be considered by state governments around the world as only an idealist aspiration.

Our 21<sup>st</sup> century requires approaches for protecting human rights that are different from the last century. The novel coronavirus (Covid-19) has highlighted, as never before, the importance of ensuring fundamental rights such as access to education or medical services for all, which requires, first and foremost, the prompt development of public digital governance from states around the world.

At the same time, in today’s democratic systems, the protection of human rights is becoming more and more related to climate change issues and faces such invisible challenges as disinformation or hybrid threats. The existing reality requires from us to review the already adopted standards of protecting our fundamental human rights and pushes us to look for new forms to effectively ensure their defense. For example, the pandemic of the novel coronavirus has particularly highlighted the importance of threats on the freedom of thought that is associated with disinformation, or so-called fake-news. The “infodemic” related to Covid-19 has clearly demonstrated the broad nature of the disinformation mechanism. Such is used not only to achieve extremist or political goals by violating the right to a free and informed choice but also it could have a negative impact on the health of all of us. And I think it requires a relevant body of regulations both - at national and international levels by adopting common standards and/or legal mechanisms.

Ensuring the protection of human rights, including by means such as fighting against disinformation, is becoming more and more important within the European Union in its domestic affairs as well as in its external relations. Ensuring human rights protection issues was declared as one of the top priorities by European Commission President Ursula Von Der Leyen upon beginning her presidential mandate of the Commission one year ago. Results have not been delayed. Due to the rising of nationalist-populist movements, “Brexit”, and anti-western propaganda and disinformation by the Russian Federation, for ensuring the highest level of protecting human rights, to fund its member states in the frame of the

multiannual common European budget of 2021-2027, the EU has introduced a new mechanism as a precondition which takes into account the degree to which their member states respect human rights and the rule of law. Furthermore, for the first time in history of the EU, this year, the European Union has decided to adopt a consultative report which assesses the situation of human rights' protections and the rule of law in its 27 Member States which will be taken into account in conducting future relations with them.

In addition, the EU has decided to stand up for human rights also at a global level. This is confirmed by the historic decision of the European Union regarding the adoption of an analog to the Magnitsky Act within the EU and on which European leaders have reached a final agreement only a few days ago. In particular, a new regime of EU global sanctions against human rights abusers around the world will enter into force in the nearest future.

The Magnitsky Act refers to a regime of sanctions adopted during the presidency of Barak Obama in 2012 against Russian citizens accused of human rights violations. It is named after Sergei Magnitsky, an auditor for the American company Hermitage Capital Management, who investigated corruption schemes by high-level Russian authorities. Magnitsky was arrested in 2009 for tax evasion and later died in prison. According to the ECHR, Sergei Magnitsky died due to insufficient medical care, among other reasons. Three years after his death, as a result of active lobbying by Bill Browder, the Chief of the Hermitage Capital, the US adopted a regime of sanctions against those who were involved in the death of Sergei Magnitsky. In 2016, the area of the Magnitsky Act was extended and also included human rights abusers of other nationalities as well. Later, regimes similar to the Magnitsky Act were adopted by Canada, Estonia, Lithuania, United Kingdom, and Latvia.

By adopting an analogue to the Magnitsky Act, the [EU Global Human Rights Sanctions Regime](#), the EU can impose a travel ban on individuals and can freeze funds of both individuals and entities. Sanctions can be imposed on both – state representatives or state entities as well as non-state actors or entities. In addition, individuals and entities from the EU are forbidden to fund any of the individuals or entities registered on the sanctions list.

The so-called European Magnitsky Act [allows](#) the EU to impose sanctions on persons and entities which are responsible for, involved in, or associated with any “genocide, crimes against humanity, inhuman or degrading treatment and other serious human rights violations and abuses” worldwide. Among other things, it includes, for example, torture, slavery, extrajudicial, and summary or arbitrary executions and killings. Sanctions may also be imposed in the case of other types of human rights violations or abuses if they are considered as widespread or systematic, or endanger common European security and foreign policy. The latter refers to protecting human rights set out in Article 21 of the Treaty on the European Union such as sexual and gender-based violence, violations or abuses of freedom of peaceful assembly and association, opinion and expression, religion, and so on.

It should also be pointed out that currently, the European analogue of the Magnitsky Act Sanctions Regime does not include issues related to corruption unlike similar legal acts adopted by the US or

Canada. It is noteworthy that civil society organizations welcome the adoption of the so-called European Magnitsky Act by the EU and at the same time, through [a joint statement](#), they urge the European Union to adopt a complementary sanctions regime targeting non-EU nationals involved in corruption related offences.

As regards to the area of the so-called European Magnitsky Act, it should be noted that it is unlike any other existing in the EU as it is not limited to a geographical area and extends worldwide. Accordingly, sanctions against individuals or entities responsible for or involved in the above-mentioned human rights crimes can be imposed under this mechanism, irrespective of where the specific crimes committed by specific individuals or entities occurred – in their own countries or in other countries.

I firmly believe that this type of sanctions adopted by the EU will be an effective tool to ensure the protection of fundamental human rights for everyone and everywhere both for its member states as well as countries across the world, to restore justice and punish relevant perpetrators which are accused of gross and large-scale human rights violations.

“To those that advocate closer ties with Russia, I say that the poisoning of Alexei Navalny with an advanced chemical agent is not a one off. We have seen the pattern in Georgia and Ukraine, Syria and Salisbury – and in election meddling around the world. This pattern is not changing – and no pipeline will change that,” [stated](#) the European Commission President Ursula Von Der Leyen before the European Parliament Plenary during her “State of the European Union 2020” address on September 16<sup>th</sup> 2020.

Yes, the gross violation of fundamental human rights and freedoms does not really change on a daily basis in integral parts of Georgia: in Abkhazia and in the Tskhinvali Region/South Ossetia illegally occupied by the Russian Federation’s military forces as well as in its adjacent areas. Despite the Covid-19 pandemic, the Russian Federation has not stopped and continues the gross violation of the fundamental rights of civilians, including by violating their right to physical or moral integrity, through the use of torture, restriction of freedom to movement, destruction of IDPs property, and so on. On the backdrop of a severe epidemiological situation, restrictions of freedom to movement have deprived civilians an opportunity to receive medical services without interruption, which has led to a number of lives lost, and continues to this day!

These destructive actions by the Russian Federation, responsible for the dire humanitarian situation in the occupied territories of Abkhazia and the Tskhinvali Region/South Ossetia representing 20% of Georgia’s internationally recognized territory and its adjacent areas as well as the above-described story of Chinese doctor Li Wenliang, hero of our modernity, clearly demonstrate the importance of more effective measures by the international community to protect our fundamental human rights. “There will never be peace on this planet as long as human rights are being violated in any part of the world,” [said](#) René Cassin, co-author of the Universal Declaration of Human Rights and Nobel Peace Prize laureate.