

*Strengthening dialogue among civil society
and with key government stakeholders in Ukraine
on human dimension issues*

“Civil society, democracy and human rights”

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Public lecture by
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Honorable Minister,
Excellencies,
Distinguished Guests,
Ladies and Gentlemen,

Good afternoon, and thank you for joining us today as we mark the official beginning of the civil society project that ODIHR will implement, with our Ukrainian partners, over the next two years. It is my pleasure and honor to be here with you and to be included among such a distinguished group of panelists. I would like to express my sincere appreciation to Honorable Minister Klimkin and the Commissioner on Human Rights, Ms. Lutkovska. ODIHR has long enjoyed open and constructive cooperation with you, and I am looking forward to continuing this positive engagement. We are also thankful to our Ukrainian civil society partners for years of close and excellent collaboration.

Let me thank you, professor Meleshevyh, for your opening remarks and for hosting this event at the National University of the Kyiv-Mohyla Academy. Later this year, the Academy will be commemorating 400 years of its existence. Founded by Petro Mohyla in 1615 as the Brotherhood Monastery School, it is among the oldest and most prominent centers of scholarship in Eastern Europe, distinguished by its continuous commitment to educating new generations of leaders in the spirit of the Academy's guiding principles: freedom, leadership and innovation. These principles are critical as Ukraine continues to transform its democratic institutions and strives to promote and protect human rights and fundamental freedoms of its people. The role of civil society, as a trusted and competent partner in these changes, has been continuously cherished and supported by the University.

Anniversaries like this are an opportunity to celebrate our collective purpose and achievements. They also bring reflections on challenges we face, and tasks that remain ahead. This year is special because 2015 marks anniversaries of several events that have laid a foundation for democratic governance and human rights as we know them today. As I mention those historic events, I will look at them in a broader context of crises and transitions in which they happened. It is often in such times of challenge that we are inspired to seek new opportunities and to embark on transformational changes.

Ladies and Gentlemen,

The Chinese use two brush strokes to write the word 'crisis'. One brush stroke stands for danger; the other for opportunity. Often in the recent history, wars, conflicts and dramatic changes in the political landscape brought about major advancements in democracy and human rights.

One hundred years ago, decades of relative peace and progress were interrupted by the First World War, beginning 1914, followed by thirty years of turmoil ending in the calamity of the second global conflict. As the long and bloody World War II was just coming to an end, almost exactly 70 years ago, on the 25th of April, 850 representatives of 50 states – among them the then Ukrainian Soviet Socialist Republic – gathered in San Francisco to set up an international organization that would guarantee lasting peace and security: the United Nations. The conference lasted two months and resulted in preparing and adopting the Charter of the United Nations.

The event that has later become known as the largest international conference in history was also attended by 3,500 advisers and staff, 2,500 journalists and hundreds of civil society representatives. It was only through the pressure from civil society that the UN Charter included several provisions with historic human rights implications: the principle of self-determination of states; the principle of non-discrimination on the grounds of race, gender, language or religion; the universal respect and observance of human rights and fundamental freedoms for all without distinction; and the pursuit of international co-operation to promote human rights for all people.

Chapter VIII of the UN Charter has provided the basis for the involvement of regional organizations in maintaining international peace and security for which the Security Council is primarily responsible. It is under this Chapter that the Organization for Security and Co-operation in Europe, the world's largest and most inclusive regional security arrangement, covering a region from Vancouver to Vladivostok, has been created. The process, initiated in the early 70s as an attempt to improve European security architecture that was dominated by the Cold War confrontation, culminated in – at that time – 35 countries signing, in August 1975, the Helsinki Final Act. It created the Conference on Security and Cooperation in

Europe, or the CSCE, as a multilateral forum for dialogue and negotiation between East and West. This year, we will be celebrating the 40th anniversary of the Helsinki Final Act.

The Final Act included the "Declaration on Principles Guiding Relations between Participating States" that is often referred to as "The Helsinki Decalogue". Because of their vital importance, which I will return to later, let me recall the principles here:

1. Sovereign equality, respect for the rights inherent in sovereignty
2. Refraining from the threat or use of force
3. Inviolability of frontiers
4. Territorial integrity of States
5. Peaceful settlement of disputes
6. Non-intervention in internal affairs
7. Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief
8. Equal rights and self-determination of peoples
9. Co-operation among States
10. Fulfillment in good faith of obligations under international law

The three "baskets" of the Helsinki Final Act - political and military relations, economic and environmental cooperation and cooperation in the humanitarian and other sectors - have also laid foundation for what is now known as the OSCE's unique comprehensive concept of security. The third "basket", because of its focus on human rights and freedoms, opened a new space for human rights activists. Helsinki Watch groups, later named national Helsinki Committees, were set up to follow the progress of governments in implementing the human rights stipulations in the Final Act. The Ukrainian Helsinki Group was among the first ones, established already in 1976.

Ladies and Gentlemen,

With the collapse of communist state systems in Europe in 1989 - 1990, the challenges that the CSCE was presented with underwent a radical transformation. Again, the new situation created an opportunity for a fundamental change. The creation of a genuine Trans-Atlantic system of "cooperative security" appeared possible. To symbolically close the Cold War chapter of European history and address the issues facing the "new" Europe, the CSCE States

decided to convene a second summit after Helsinki. The summit took place in November 1990 in Paris, with 34 participating States present – one less than in Helsinki 15 years previously. The two Germanys had been reunited just a few weeks prior to the summit. The participating States adopted the Charter of Paris for a New Europe; it called upon the CSCE to play its part in managing the historic change taking place in Europe and responding to the new challenges of the post-Cold War period. In the Charter, the participating States explicitly recognized the major role that civil society plays in the achievement of the CSCE objectives, and made a commitment to facilitate their work and involve civil society in the activities and new structures of the CSCE.

This year we celebrate the 25th anniversary of the Paris summit. For me personally, this “silver jubilee” is the most important one, as the Charter of Paris for a New Europe gave birth to one of the first standing institutions of the OSCE: the Office for Free Elections in Warsaw, now known as the Office for Democratic Institutions and Human Rights, which I have the honor to lead.

If I were asked to use just a couple of words to describe what ODIHR is and what it does, I would say “human dimension”, “independent and autonomous institution” and “specialized work”.

Originally, the human dimension of security, described in terms such as “human contact” and “cultural exchange”, was only vaguely linked to democracy, rule of law and human rights. But with democratic transitions in Portugal, Spain and Greece in the 70s, and with the collapse of the socialist regimes throughout Central and Eastern Europe that began in late 80s, the notion of human dimension has started to expand.

The Charter of Paris made a direct link between peace, security, justice and co-operation and the advancement of democracy, respect for and effective exercise of human rights. Consequently, the mandate of ODIHR, the primary OSCE human dimension institution, has also broadened from the initial focus on free elections to assisting participating States to "ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and ... to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society." Today, ODIHR's human

dimension portfolio covers five broad thematic areas: elections, democratization, human rights, tolerance and non-discrimination, and Roma and Sinti issues.

ODIHR is an autonomous and independent institution of the OSCE. In my capacity as ODIHR's Director, I regularly address the Permanent Council and other OSCE bodies where I can raise issues of political concern. But ODIHR's work, such as the election and other monitoring missions and reports, are not a subject of approval by the OSCE Permanent Council and its participating States.

ODIHR's autonomous status is vital in sustaining credibility and objectivity of our work. Let us remember that ODIHR activities are fully in line with the Helsinki Final Act, the Charter of Paris for a New Europe and nearly every other document pertaining to the human dimension – all of which have been based on consensual decisions by all OSCE participating States.

ODIHR is a specialized institution and a key human dimension standard-setter within the OSCE. ODIHR regularly organizes meetings and seminars concerned with the implementation of the human dimension commitments. We also provide practical expert assistance to the 57 OSCE participating States and OSCE field operations – such as the Project Co-ordinator in Ukraine – in areas where democratic institutions and human rights require external support. The project that we are launching today applies ODIHR's specialized expertise in human rights monitoring, parliamentary ethic, political party financing, women's political participation, democratic law-making and hate crimes, to contribute to and support Ukraine's democratic reforms.

Ladies and Gentlemen,

The Charter of the United Nations was based on “faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,” and aimed to “establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained”. Through the Helsinki Final Act, the participating States aimed to establish “conditions in which their people can live in true and lasting peace free from any threat to or attempt against their security”, and to this end adopted the “Helsinki Decalogue”. No miracle took place then but it was in this Helsinki spirit that a forward-looking attitude was adopted and made change

possible. The Charter of Paris for a New Europe proclaimed that "the era of confrontation and division of Europe has ended", and pledged full commitment of the participating States to the Helsinki Decalogue. Indeed, we have much to be proud of.

But today, we are again facing the most serious security crisis in the OSCE region since the end of the Cold War. The founding principles of the UN Charter and the Helsinki Ten Principles, reaffirmed in Paris – from the respect for sovereignty, territorial integrity of States and inviolability of frontiers to refraining from the threat or use of force, peaceful settlement of disputes and fulfillment of obligations under international law – have been violated since the beginning of last year. We may be asking ourselves whether we should even celebrate all these round anniversaries when the events that laid foundation for the world's order seem to have lost relevance to today's reality. We may be questioning the very letter of the UN and OSCE charters – because today, there seems to be less room for peaceful co-operation in the spirit of respect for international law.

To those who ask such questions, I answer: Where there is danger, there is also an opportunity. Just because a principle is violated, it does not mean it becomes irrelevant. Recent events in Ukraine point to the continued applicability of the UN and OSCE charters. If properly followed by each of the 57 OSCE participating States, the Helsinki Final Act could very well be the path to continuous years of improved security and cooperation, freedom and justice for all citizens of the OSCE area. We must make all efforts to maintain and strengthen the direct link between peace, security, justice and co-operation and the advancement of democracy, respect for and effective exercise of human rights.

Ladies and Gentlemen,

ODIHR attaches great importance to its relationship with civil society. Since early years of its existence, ODIHR has been the main institutional channel for contacts between the OSCE and civil society. Strengthening civil society in countries of transition has been a key focus of our activities. In conflict-affected areas, ODIHR works to support reconciliation efforts by bringing together actors from different parties involved, strengthening awareness of national and international human rights mechanisms and building capacity of civil society to address key democratic transformation and human rights issues.

ODIHR has been involved in reconstruction in the Western Balkans and the process of democratization in the former Soviet Union that would have been unthinkable without the active participation of civil society. We encourage contribution by civil society and citizen observer groups to the conduct of democratic elections. We support the civil society's role to the processes of democratic institution building and the protection of human rights. We also seek to establish constructive dialogue between non-governmental organizations and state representatives.

Let me illustrate this with some examples:

1.

Our civil society partners from all 57 OSCE participating States regularly attend ODIHR's human dimension meetings and seminars. These events have provided NGOs with new opportunities for establishing contact and engaging in free and open dialogue and debate on States' commitments to human dimension principles. The practice of guaranteeing civil society equal access to the speakers list has contributed to more lively discussions and has focused increased attention on the concerns voiced by NGOs. We also use the events to facilitate increased networking by providing opportunities for NGOs to undertake joint lobbying.

The number of civil society organizations participating in the human dimension events has grown tremendously, from 17 at the first 1992 Seminar on Tolerance to 460 at the 2014 Human Dimension Implementation Meeting in Warsaw. In the last four years alone, almost 2,500 civil society representatives from 500 civil society organizations took part in our annual Human Dimension Implementation Meetings.

2.

ODIHR is perhaps most known for its election observation, the most visible of our activities in which the Office has developed a considerable body of experience. Established in 2001, ODIHR's Diversification Fund allows civil society representatives from 17 eligible participating States, including Ukraine, to take part in our Election Observation Missions.

Since 2010, almost 200 civil society representatives benefited from this opportunity, gaining valuable experience that they could then use in their own countries to comprehensively conduct their own election observations. Across the OSCE region, citizen observer groups

and long-standing ODIHR partners play the key role in election observation, contribute valuable expert opinion to ongoing electoral and legal reforms processes and promote transparency and inclusiveness in the law-making process.

3.

ODIHR builds capacity and supports meaningful, systemic dialogue and participation of civil society in qualitative democratic law-making process and strengthening the rule of law. We promote and support a consistent application of quality criteria for legislation that include transparency, effectiveness, enforceability, consistency and accountability. We encourage a qualitative law-making process, from a proper initial policy discussion, with sufficient consultation with all relevant stakeholders, to appropriate monitoring and evaluation of enacted legislation.

In recent years, our broad and inclusive approach has allowed us to engage civil society and governments in Serbia, Armenia, the Kyrgyz Republic and Georgia in a comprehensive assessment of the constitutional, legal and organizational framework governing the entire law-making process, and develop recommendations to improve its effectiveness, efficiency and transparency. We have seen, time and again, that the way out of a crisis is not a temporary suspension of democratic debate, but an increase in its quality and a focus on strengthening democratic institutions.

4.

ODIHR's work on political parties and parliamentary ethics is centred around core principles on public accountability and political integrity that all OSCE participating States have subscribed to in the Charter of Paris for a New Europe. The 2013 Euro barometer surveys have documented a steady decline of public trust in national parliaments in the European Union, from 57 per cent in 2007 to 25 per cent in 2013. According to the Razumkov Center data from March 2015, only 1.7 per cent of Ukrainians fully trust the Parliament of Ukraine and less than 1 per cent of Ukrainians have full trust in political parties.

The development of standards that define parliamentarians' ethical and professional conduct is essential for public trust in a democratic system, and for building a culture of public service that prioritizes public interest over private gains. Since 2011, ODIHR has been providing expertise on parliamentary ethics and public integrity to parliaments in a dozen of the OSCE

participating States. In seven of them – Sweden, Albania, Serbia, Montenegro, Bosnia and Herzegovina, Estonia and Georgia, with ODIHR’s assistance the parliaments have already drafted or adopted their codes of ethics. Our Background Study: Professional and Ethical Standards for Parliamentarians offers practical measures that the OSCE participating States can take to promote ethical parliamentary behaviour.

Political parties are rightfully referred to as gatekeepers of democracy: they provide avenues for ensuring citizen participation in political life and for the expression of the will of the people. ODIHR supports efforts to establish well-functioning regulatory frameworks for political parties, allowing them to perform their democratic functions. Together with the Council of Europe, in 2010 we have developed Guidelines on Political Party Regulation to support formulating legal frameworks for the establishment, development and functioning of political parties, aligned with OSCE commitments and international standards. In recent years, we have supported significant improvements in political party regulations in Georgia, Moldova, Serbia, Albania and Sweden, to name just a few.

5.

This year marks the 15th year anniversary of the UNSC Resolution 1325 “Women, Peace and Security”, and the 20th anniversary of the adoption of the Beijing Declaration and the Platform for Action at the United Nations Fourth World Conference on Women. These important documents have built a foundation for gender balance and women’s political participation that are essential to upholding and promoting democratic values.

We can be proud of how much has been accomplished in these spheres in the OSCE region in the last two decades. But we also have to be mindful of remaining challenges. The Beijing target for women’s political participation was set at 30 per cent and the recommended Council of Europe’s target is 40 per cent. Yet, the current rate of women’s representation in the OSCE region is still below those standards: at 25.3 per cent. In Ukraine, only 11.8 per cent of members of the Verkhovna Rada are women. If current trends persist, it is estimated that it will take at least 50 years – two generations – to reach gender parity, unless we collectively address the problem of women’s under-representation.

ODIHR works to increase women’s participation in political and public life by identifying discriminatory laws and policies and sharing good practices for women’s engagement in

democratic processes. ODIHR promotes women's participation in parliaments, in political parties and in local governance, and their participation as voters, candidates and elected representatives. Through gender equality training for parliamentarians and civil society, ODIHR supports effective institutions, policies and programs that reflect equally the needs and interests of men and women.

In 2011, ODIHR published a baseline study *Gender Equality in Elected Office: a Six Step Action Plan*. We have also developed a range of tools to support our work: the *Handbook on Promoting Women's Participation in Political Parties*, the *Handbook for National Human Rights Institutions on Women's Rights and Gender Equality*, and the *Handbook for Monitoring Women's Participation in Elections*, to name just a few.

6.

ODIHR has a considerable expertise and experience in carrying out human rights monitoring. A year ago, together with the OSCE High Commissioner for National Minorities, we carried out a Human Rights Assessment Mission in Ukraine, including in Crimea. ODIHR reports are recognized as meeting high standards of accuracy, impartiality and objectivity. They have been useful sources of information for ODIHR, the OSCE and other actors, and have been used to devise targeted programs of assistance.

ODIHR believes that allowing the voices of human rights defenders and civil society to be heard – even when these are uncomfortable voices – is at the basis of a well-functioning democracy. We offer targeted training and education to human rights defenders and civil society to monitor, and advocate with governments, on a broad spectrum of topics, ranging from freedom of religion or belief, migration related issues, freedom of assembly and association to human rights monitoring and reporting. In 2014, we published the *Human Rights Defenders Guidelines*, a publication intended to promote security for human rights defenders who face increasing risks in carrying out their work. In the last six months, we organized two safety and security training courses for human rights defenders from Ukraine's regions.

7.

Hate crimes are criminal acts motivated by bias or prejudice towards particular groups of people. To be considered a hate crime, the offence must meet two criteria. The first is that the act constitutes an offence under criminal law. Secondly, the act must have been motivated by bias. Even though the issue of bias-motivated violence had been discussed since the time the Charter of Paris for a New Europe was drafted, it took almost 30 years to adopt, in 2009, this common, internationally recognized definition of hate crimes.

ODIHR recognizes the danger that bias-motivated violence can rapidly escalate into broader social unrest damaging the trust among communities. We assist participating States in establishing effective mechanisms and structures to prevent and respond to hate crimes, such that allow victims to report hate crimes and receive adequate support; ensure adequate capacities of law-enforcement, prosecution and judicial officials to deal with hate crimes; provide effective penalties; guarantee that the public is aware and knowledgeable of the issue, and that civil society contributes to monitoring and reporting hate-motivated incidents and hate crimes.

Our Office publishes an annual Hate Crime Report, an overview of information from governments, international organizations and civil society, released on 16 November - the International Tolerance Day. Last year, 109 non-governmental organizations, including several from Ukraine, submitted information for the report. We also support civil society organizations in monitoring hate-motivated incidents, and offer regular capacity building activities. In 2014, 190 civil society representatives from 32 participating States completed training on how to recognize hate-motivated violence.

Ladies and Gentlemen,

These are only a few highlights from the countless activities we conduct. I have chosen these examples because they reflect well the scope of the Ukraine civil society project that we are officially launching today.

I can assure you that the conflict in and around Ukraine remains at the center of our attention. But we cannot forget that peace and security are intrinsically linked with justice and co-operation, the advancement of democracy, and respect for and effective exercise of human

rights. OSCE participating States made this link explicit in the Helsinki Final Act and the Charter of Paris. Our Ukrainian partners consulted for the project's 2015 work plan repeatedly said that comprehensive, cooperative, equal and indivisible security cannot be achieved at the expense of human rights and fundamental freedoms.

Where there is danger, there is also an opportunity. Here in Ukraine, we see this more clearly than anywhere else. Ukraine's new government is the most reform-oriented government in the country's history. Working under very challenging circumstances, it is engaging with civil society as it takes critical steps to tackle corruption, strengthen governance and maintain stability.

We are committed to work together with our Ukrainian government and civil society partners to further build on this strong foundation. In our project, we are using ODIHR's experience and expertise to enhance the important role civil society can play in the environment of transition and change, and particularly at the regional and local levels.

We will work closely with the Ukrainian Parliament Commissioner for Human Rights and other partners to assist human rights defenders, through training and support in networking and collective action, to monitor and report on the human rights situation, including in Crimea and the East of Ukraine.

We will work with civil society, the Parliament of Ukraine and other partners on the development of a "model parliamentary ethics regime", on advancing women's political participation and on political party legislation and financing. We will support the Anti-Corruption Bureau of Ukraine to learn from Poland's good practices in financial reporting, disclosure, monitoring and oversight functions of political finance regulators. We will also support civil society, the Commissioner for Human Rights and the Parliamentary Committee for Human Rights to develop a checklist for assessing human rights impact of key policies and draft legislation.

We will offer training and opportunities for dialogue and joint initiatives to our civil society and criminal justice partners on identifying and addressing hate crimes and on reliable hate crime data collection.

Through these activities, we will strive to enhance effective mechanisms of multi-stakeholder dialogue, with civil society as a competent and trusted actor, to address key human dimension issues in Ukraine, in line with OSCE commitments and international standards.

Ladies and Gentlemen,

In a multi-player environment such as that of today's Ukraine, ODIHR believes that strategic partnership is an imperative for effective management and impact. Therefore, we focus strongly on partnership, collaboration and co-ordination with those who, like ODIHR, are committed to support Ukraine through the times of transition: other members of the OSCE family, the United Nations agencies, the Council of Europe and many others.

Our project is not an end in itself. We are committed to ensure that our activities are reinforcing those of others, and that together they all support Ukraine along the road of transforming the country into a stable and prosperous European democracy.

As our predecessors said in the Charter of Paris, "Ours is a time for fulfilling the hopes and expectations our peoples have cherished for decades: steadfast commitment to democracy based on human rights and fundamental freedoms; prosperity through economic liberty and social justice; and equal security for all our countries".

I thank you for your attention.