

Jean P. Froehly

## OSCE/ODIHR's Responses to the Crisis in and around Ukraine

*The crisis in and around Ukraine has underlined once again the value of the OSCE concept of comprehensive security. It has clearly shown that there can be no lasting security and stability in Europe without full respect for and strict implementation of all OSCE commitments across the three dimensions of security and, especially, of those in the OSCE's human dimension of security. ODIHR proved itself relevant and operational in substantially contributing to the OSCE's responses to the crisis in and around Ukraine.*

Michael Georg Link, Director of OSCE/ODIHR

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has played an important role in the Organization's reaction to the crisis in and around Ukraine from the beginning. This contribution aims to present examples of ODIHR's activities in and around Ukraine in 2014 and 2015 as an effective response to the events that have taken place in the country since February 2014. Examples are taken out of three main areas of activities: human rights monitoring, election observation, and activities aiming to support Ukraine's reform efforts in order to enhance its ability to implement its OSCE commitments.

### *Human Rights Monitoring: ODIHR among the First International Organizations Actively Monitoring the Situation on the Ground*

This section deals with ODIHR's Human Rights Assessment Mission (March 2014), the Situation Assessment Report on Roma in Ukraine (August 2014), efforts to follow trials of Ukrainian citizens in the Russian Federation (since February 2015), and the Human Rights Assessment Mission on Crimea (July 2015).

### *Human Rights Assessment Mission (together with the HCNM, March 2014)*

Established at the request of the government of Ukraine, which issued an invitation on 3 March 2014, ODIHR, together with the High Commissioner on National Minorities (HCNM), conducted a Human Rights Assessment Mission (HRAM) in Ukraine, including Crimea, between 6 March and 17 April 2014. It took place against the backdrop of events in Kyiv from November

2013 to February 2014. In accordance with their respective institutional mandates, ODIHR and the HCNM carried out their fieldwork independently in line with their established methodologies. This was also reflected in the final report, which was made public on 12 May 2014. A total of 19 experts from ODIHR participated in various stages, working in teams of two to collect information through a total of 187 interviews with individuals, complemented by desk research and analysis of secondary sources. Among other regions of Ukraine, Crimea was covered by three ODIHR teams, the Donbas and Kharkiv by four ODIHR teams, Odessa and Mykolayiv by three ODIHR teams.

The main findings of the report were summed up by then ODIHR Director Janez Lenarčič and HCNM Astrid Thors in the covering letter on the report they sent to the Ukrainian Foreign Minister, Andrii Deshchychsia: “The HRAM conducted by ODIHR established that a number of serious human rights violations occurred during the reporting period. As a rule, these violations did not precede but rather accompanied and followed the emergence of various armed groups, first and foremost in Crimea and eastern and southern Ukraine. The targets were primarily pro-Maidan activists and journalists.

The HCNM HRAM found that the situation concerning minority rights has not changed significantly in recent months [...] The most dramatic changes in the situation of minorities and their enjoyment of human, including minority, rights have occurred in Crimea, particularly affecting ethnic Ukrainians and Crimean Tatars, who find themselves in a very precarious situation.”<sup>1</sup> The ODIHR report stated that “no increase in the manifestation of intolerance or escalation of violence against the Russian-speaking population was observed in the regions covered by the HRAM during its deployment.”<sup>2</sup>

#### *Situation Assessment Report on Roma in Ukraine and the Impact of the Current Crisis*

Upon receiving reports of attacks against Roma in Ukraine during the crisis, ODIHR’s Contact Point for Roma and Sinti Issues (CPRSI) conducted a monitoring exercise in the country in June and July 2014. The “Situation Assessment Report on Roma in Ukraine and the Impact of the Current Crisis”<sup>3</sup> was launched on 29 September 2014 at a side event during the main annual OSCE Human Dimension conference, the Human Dimension Implementation Meeting (HDIM) in Warsaw, which is organized by ODIHR. The launch was attended by Ukrainian officials and Roma civil society.

---

1 OSCE HCNM/OSCE ODIHR, *Ukraine, Human Rights Assessment Mission: Report on the Human Rights and Minority Rights Situation, March-April 2014*, The Hague/Warsaw, 12 May 2014, at: <http://www.osce.org/odihr/118476>.

2 Ibid., p. 9.

3 OSCE ODIHR, *Situation Assessment Report on Roma in Ukraine and the Impact of the Current Crisis*, Warsaw, August 2014, at: <http://www.osce.org/odihr/124494>.

The report aimed to assess the overall situation of Roma in Ukraine, the progress made in implementing Ukraine's national Strategy for the Protection and Integration of the Roma National Minority into Ukrainian Society up to 2020, and the impact of the current crisis on Roma. The report's key findings include the following:

In general, the situation of Roma in Ukraine remains problematic. The main challenges facing Roma include the lack of personal documents, difficulties accessing quality education and employment, inadequate housing conditions and misconduct by the police toward Roma [...]

Recent political developments in Ukraine have further negatively affected the situation of Roma, in particular of those displaced from Crimea and eastern Ukraine. [...]

Displaced Roma face particular challenges due to the lack of civil registration and valid residence registration documents confirming their displacement from eastern Ukraine. [...] There is limited awareness of specific factors that contribute to the vulnerability of Roma, and insufficient outreach activities by relevant actors to address the situation of displaced Roma, in particular Roma women.<sup>4</sup>

The report contains several concrete recommendations to the Ukrainian authorities, including to review and amend the national Strategy and the National Action Plan (NAP) on implementation of the Strategy in close consultation with Roma civil society, to create an effective interministerial coordination mechanism, to provide civil registration documents and birth certificates to all Roma, and to abolish the practice of segregating Roma children in Roma-only classrooms or schools.

In addition to its Assessment Report, the CPRSI also supported the Roma women's charity "Chirikli" in carrying out, in co-operation with its local partners and through their network of Roma mediators employed throughout the country, a comprehensive analysis of the situation of Roma and Sinti in crisis and post-crisis situations in ten regions of Ukraine (Donetsk, Luhansk, Odessa, Kharkiv, Crimea, Kherson, Zakarpattia, Lviv, Kyiv, and Zhytomyr). The analysis was published in September 2014 and confirmed the results of ODIHR's assessment.<sup>5</sup>

As a follow up to the Assessment Report, the CPRSI conducted a number of targeted activities throughout 2015 to address some of the key challenges identified. These include the organization of an expert seminar on improving access to identity and civil registration documents for Roma in Ukraine and a round-table to provide a platform for dialogue on the imple-

---

<sup>4</sup> Ibid., p. 5-6.

<sup>5</sup> Chirikli, *Monitoring the human rights situation of Roma in Ukraine*, September 2014, at: <http://chirikli.com.ua/index.php/en/library/item/93-monitoring-the-human-rights-situation-of-roma-in-ukraine>.

mentation of the national Strategy and Action Plan for Roma integration in the country.

### *Trials of Ukrainian Citizens in the Russian Federation*

ODIHR sent two representatives to attend a court hearing on 25 February 2015 related to the case of Nadiya Savchenko, a Ukrainian Air Force Pilot, who was detained in the Russian Federation in July 2014 and charged with complicity in the murder of two Russian journalists near Luhansk in June 2014.<sup>6</sup> Michael Georg Link, the Director of ODIHR since July 2014, recalled the fact that “in Moscow in 1991, OSCE participating States agreed to treat prisoners with dignity and to respect internationally recognized standards regarding the administration of justice. [...] All states should continue to work to ensure that the right to a fair trial and the right not to be subjected to arbitrary arrest or detention are respected.”<sup>7</sup> The Director also welcomed the engagement of the Commissioner for Human Rights in the Russian Federation, Ella Pamfilova, in this case.

A number of other Ukrainian nationals remained in detention in the Russian Federation during 2015. After Ukrainian film director Oleg Sentsov and civil society activist Alexander Kolchenko were sentenced respectively to 20 years and ten years in prison on terrorism-related charges on 25 August 2015, Director Link stated that “a great deal of concern has been expressed, both at the national and international level, about alleged torture and other ill-treatment and violations of the right to a fair trial in certain recent criminal cases involving foreign national defendants. [...] I reiterate my call on the authorities of the Russian Federation to observe their obligations regarding the treatment of all detainees and the right to a fair trial.”<sup>8</sup> Both Sentsov and Kolchenko were treated as Russian citizens. Their appeals to be recognized as Ukrainian citizens were rejected by the Russian authorities. In his press statement, Director Link added that “ODIHR has expressed its willingness, in line with its mandate, to conduct an assessment of compliance with human rights standards, including the right to a fair trial, in cases of particular concern. [...] We will continue to follow these cases very closely, standing ready to assist the Russian Federation in the implementation of OSCE human rights and rule of law commitments.”<sup>9</sup> ODIHR’s suggestion that it enhance monitoring activities around the Savchenko and other cases has not resulted in an official invitation for trial monitoring from the Russian Federation.

---

6 During her detention, Savchenko became a Member of the Ukrainian Parliament and of the Parliamentary Assembly of the Council of Europe.

7 OSCE ODIHR, *ODIHR attended Savchenko hearing in Moscow*, Warsaw, 27 February 2015, at: <http://www.osce.org/odihr/143001>.

8 OSCE ODIHR, *ODIHR Director expresses concern about continued detention and sentencing of foreign nationals in the Russian Federation*, Warsaw 27 August 2015, at: <http://www.osce.org/odihr/178921>.

9 Ibid.

*Human Rights Assessment Mission on Crimea (together with HCNM, July 2015)*

Following an invitation by the government of Ukraine on 15 June 2015, ODIHR, again together with the HCNM, conducted a joint Human Rights Assessment Mission on Crimea from 6 to 18 July 2015. This mission evaluated the human rights situation in Crimea, including the situation of minority groups, as impacted by developments since the release of the previous ODIHR/HCNM report on Ukraine in May 2014.<sup>10</sup>

International institutions and independent experts from the OSCE, the United Nations, and the Council of Europe have all seen their access to the Crimean peninsula either fully or partially restricted since March 2014. Yet even though the ODIHR/HCNM HRAM was not able to gain direct access to Crimea, extensive meetings and interviews with over 100 civil society actors, Ukrainian authorities, internally displaced persons and cross-boundary travellers, meant that it received numerous credible, consistent, and compelling accounts of human rights violations and legal irregularities in Crimea – some of them of a serious nature.

The report<sup>11</sup> was presented on 17 September 2015 in Kyiv and at the 2015 HDIM in Warsaw. It stated that

the most critical human rights problems in Crimea today are largely congruent with the concerns and negative trends identified in that previous assessment [...]

[...] the changes in government and the legal framework being applied in Crimea have dramatically impacted the enjoyment of the full spectrum of human rights and fundamental freedoms by residents there [...]

Fundamental freedoms of assembly, association, movement, expression and access to information have all been restricted in some fashion – whether through formal measures, or through the sporadic targeting of individuals or communities representing opposing views, voices or socio-political structures. [...]

Re-registration requirements by the Russian Federation for non-governmental organizations (NGOs), media outlets, and religious organizations have reportedly been leveraged against those opposed to Russian rule, significantly restricting freedom of association, constricting the space for civil society, and decimating the number of independent voices in the media landscape. [...]

Through the justice system, the *de facto* authorities in Crimea have applied vague charges of “extremism” and “separatism” under criminal

---

10 Cf. OSCE HCNM/OSCE ODIHR, cited above (Note 1).

11 OSCE ODIHR/OSCE HCNM, *Report of the Human Rights Assessment Mission on Crimea (6-18 July 2015)*, 17 September 2015, at: <http://www.osce.org/odihr/180596>.

law of the Russian Federation to a wide variety of assemblies, speech and activities – in some cases retroactively [...] and/or outside of Crimea in mainland Ukraine.<sup>12</sup>

In addition, the report deals with “self-defence” groups accused of committing serious human rights abuses; with economic, social, and cultural rights linked to the imposition of Russian citizenship and laws on residents of Crimea (obstacles in reregistering and/or selling private properties and businesses, gaining or retaining employment, and in accessing education, health-care, and social services); with language teaching and native-language education in the Ukrainian and Crimean Tatar languages; with the prison system (including the medical care of prisoners); with various legal and practical problems (acquiring Ukrainian birth certificates for newly born children, the recognition of university degrees); and with the status of Ukrainian culture and language generally. In addition, the report refers to policy measures adopted by the Ukrainian government to meet the needs of its citizens remaining in, or displaced from Crimea. According to the report, “many of those citizens impacted by the political and security challenges in Crimea over the last year have called for more relief and administrative assistance from the Ukrainian government to overcome those problems”.<sup>13</sup>

A further subject of attention in the report is the exercise of political and civil rights of persons belonging to the Crimean Tatar community. The report found that the suppression of the activities of Crimean Tatar Mejlis<sup>14</sup> and the intimidation, expulsion, or incarceration of prominent leaders have had a detrimental effect on the exercise of these rights.

#### *Election Observation Activities: The Largest ODIHR Missions to Date.*

This section deals with the Election Observation Mission for the early presidential election (May 2014), the Election Observation Mission for the early parliamentary elections (October 2014), the role of ODIHR in observing local elections in certain areas of the Donetsk and Luhansk regions in Ukraine (decided upon in February 2015 in Minsk) and the Election Observation Mission for the local elections (October 2015).

In establishing its largest election observation missions to date in order to observe the early presidential (25 May 2014) and parliamentary elections (26 October 2014), ODIHR once again proved its vital operational role within the OSCE institutional family and the human dimension.

---

12 Ibid., p. 4-5.

13 *ibid.*, p. 8.

14 An indirectly elected assembly of the Crimean Tatar people founded in 1991.

*Early Presidential Election (25 May 2014)*

Following an invitation from the acting minister of foreign affairs of Ukraine, ODIHR established an Election Observation Mission (EOM) on 20 March 2014. The Mission consisted of 24 experts and 100 long-term observers (LTOs) based in 26 locations throughout the country. On election day, 1,025 long-term and short-term observers were deployed by the OSCE/ODIHR. Members of the ODIHR Mission were drawn from 46 OSCE participating States and one Partner for Co-operation country. For election day, the ODIHR EOM joined forces with delegations from the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament, and the NATO Parliamentary Assembly to form an International Election Observation Mission (IEOM). In total, over 1,200 observers from 49 countries were deployed by the IEOM.

In its Statement of Preliminary Findings and Conclusions, the IEOM noted that the election

was characterized by high voter turnout and the clear resolve of the authorities to hold what was a genuine election largely in line with international commitments and with a respect for fundamental freedoms in the vast majority of the country. This was despite the hostile security environment in two eastern regions and the increasing attempts to derail the process by armed groups in these parts of the country. The Central and other election commissions operated impartially and collegially on the whole, although a number of transparency issues arose just prior to election day and decisions taken may have been beyond their authority. The voting and counting process were transparent and largely in line with procedures, despite large queues of voters at polling stations in some parts of the country. The early stages of the tabulation process were evaluated less positively by International Election Observation Mission (IEOM) observers mostly due to technical problems.

[...] The election took place in a challenging political, economic and in particular security environment. Genuine efforts were made by the electoral authorities to conduct voting throughout the country, despite continued unrest and violence in the east of Ukraine, where anti-government forces control some areas, and the acting government is conducting counter-insurgency operations. This seriously impacted the election environment and affected the general human-rights situation there, also obstructing meaningful observation. The election did not take place on the Crimean peninsula, as it is not under the control of the Ukrainian authorities, and citizens residing there faced serious difficulties to participate in the election.<sup>15</sup>

---

15 European Parliament/OSCE PA/OSCE ODIHR/Parliamentary Assembly of the Council of Europe/NATO Parliamentary Assembly International Election Observation Mission,

Along with assessing where the presidential election met the appropriate international standards, the OSCE/ODIHR EOM's Final Report offers recommendations for addressing areas where it had fallen short. Eight of the 29 recommendations in the report were listed as priorities, focusing on the legal framework, election administration, the complaints and appeals process, special measures for voter registration, campaign finance, and the role of the National Broadcasting Council.<sup>16</sup> The Final Report and especially its recommendations were presented by ODIHR Director Link on 15 July 2014 during a roundtable event in Kyiv he attended on one of his first foreign trips as Director. The report's recommendations were at the centre of discussions between representatives of ODIHR, the Ukrainian Ministry of Foreign Affairs, the Ukrainian parliament, the Central Election Commission, civil society, and international organizations.

#### *Early Parliamentary Elections (26 October 2014)*

Following an invitation from the Ministry of Foreign Affairs of Ukraine, on 19 September 2014, ODIHR established an EOM to observe the early parliamentary elections. The Mission consisted of 21 experts and 80 LTOs, based in 23 locations throughout the country. On election day, 756 long-term and short-term observers were deployed by ODIHR. Members of the EOM were drawn from 39 OSCE participating States and two Partner for Co-operation countries. For election day, the OSCE/ODIHR EOM joined forces with delegations from the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament and the NATO Parliamentary Assembly to form an IEOM. The IEOM deployed some 930 observers from 43 countries on election day.

The IEOM noted in its Statement of Preliminary Findings and Conclusions that the elections

marked an important step in Ukraine's aspirations to consolidate democratic elections in line with its international commitments. There were many positive points to the process, such as an impartial and efficient Central Election Commission, an amply contested election that offered voters real choice, and a general respect for fundamental freedoms. [...] In most of the country, election day proceeded calmly, with few disturbances. Voting and counting were transparent and assessed positively overall. The early stages of the tabulation process

---

Ukraine – Early Presidential Election, 25 May 2014, *Statement of Preliminary Findings and Conclusions*, Kyiv, 26 May 2014, pp. 1-2, at: <http://www.osce.org/odihr/elections/ukraine/119078>.

16 Cf. OSCE Office for Democratic Institutions and Human Rights, Ukraine, Early Presidential Election, 25 May 2014, OSCE/ODIHR Election Observation Mission, Final Report, Warsaw, 30 June 2014, pp. 30-31, at: <http://www.osce.org/odihr/elections/ukraine/120549>.



were viewed more negatively by observers, with tensions in some cases. [...]

The elections took place in an increasingly challenging political and security environment, notwithstanding the September Minsk agreements. [...] Electoral authorities made resolute efforts to organize elections throughout the country, but they could not be held in parts of the regions (*oblasts*) of Donetsk and Luhansk or on the Crimean peninsula.<sup>17</sup>

*The Role of ODIHR in Observing Local Elections in Certain Areas of the Luhansk and Donetsk Regions as Tasked by the “Package of Measures for the Implementation of the Minsk Agreements” (since 12 February 2015)*

In line with the tasks assigned to it in the Package of Measures for the Implementation of the Minsk Agreements, agreed by the Trilateral Contact Group at the summit in Minsk on 11/12 February 2015, throughout 2015, ODIHR has been preparing to conduct an Election Observation Mission to observe the local elections in certain areas of the Donetsk and Luhansk regions. Thus, ODIHR, with its extensive expertise and experience in the field of elections, including elections held in conflict or post-conflict situations, supported the work of the Special Representative of the Chairperson-in-Office of the OSCE as part of the Trilateral Contact Group and the efforts of its working group on political affairs, co-ordinated by Ambassador Pierre Morel.

In addition, following an invitation from the Ministry of Foreign Affairs of Ukraine, a Security Assessment Team was deployed from 18 to 22 May 2015 with the aim of assessing the security situation in these areas and determining the security environment for the deployment of an election-related activity. In its Security Assessment Mission Report, made available to delegations on 15 June 2015, ODIHR underlined that “in order to ensure credible and effective election observation by ODIHR, a number of basic conditions underpinning ODIHR’s existing observation methodology should be in place, including a secure environment in which to operate unhindered, and having the freedom to travel in all areas without any prior notification, restriction, or escort”. ODIHR has repeatedly stressed the need for the fulfilment of these basic conditions for election observation according to OSCE and international standards ever since the adoption of the Minsk package of Measures on 11 February 2015.<sup>18</sup>

---

17 European Parliament/OSCE PA/OSCE ODIHR/Parliamentary Assembly of the Council of Europe/NATO Parliamentary Assembly International Election Observation Mission, Ukraine – Early Parliamentary Elections, 26 October 2014, *Statement of Preliminary Findings and Conclusions*, Kyiv, 27 October 2014, p. 1, at: <http://www.osce.org/odihr/elections/ukraine/126043>.

18 Cf., e.g., the opinion piece by Director Link in the *Neue Zürcher Zeitung* on 19 May 2015: Michael Georg Link, *Die Wahlbeobachter müssen auf die Krim. OSZE-Standards*

On 19 May 2015, when travelling to Donetsk, the ODIHR security team was informed that the access to certain areas of the Donetsk and Luhansk regions that had initially been negotiated by the OSCE Special Monitoring Mission (SMM), was no longer being granted. Given that ODIHR could not access Donetsk and Luhansk, it could not assess the security environment in certain areas of the Donetsk and Luhansk regions not under the control of the Ukrainian government in June 2015. The report therefore concluded that “it is crucial to conduct a repeated security assessment under the conditions that freedom of movement is ensured before any deployment of an election-related activity for the upcoming local elections, especially in the conflict-affected areas, could be considered.”<sup>19</sup>

#### *Local Elections (25 October/15 November 2015)*

Following the 17 July 2015 decision by the Ukrainian parliament to hold local elections on 25 October 2015, the Ukrainian government invited ODIHR to observe these elections. A Needs Assessment Mission (NAM), deployed at the start of August 2015, concluded in its report that “in addition to a core team of experts, considering the complexity of local elections and importance of observing the pre-electoral stages of the process, the OSCE/ODIHR NAM recommends that 100 long-term observers be seconded by participating States. Furthermore, the secondment of 600 short-term observers will be requested from participating States to ensure a wide and balanced geographic coverage of the country for the observation of election day proceedings. The OSCE/ODIHR will observe the local elections in the territories where they are organized under Ukrainian legislation. Once a decision is taken on administrative-territorial units where elections will not be held, the OSCE/ODIHR will adjust its deployment plan accordingly.”<sup>20</sup>

The Mission consisted of 17 experts in the capital, and 80 long-term observers deployed throughout Ukraine. On the day of the first round of voting (25 October 2015), some 750 observers from 44 countries were deployed, including 675 long-term and short-term observers deployed by the OSCE/ODIHR, as well as a 57-member delegation from the Congress of Local and Regional Authorities of the Council of Europe (Congress), including 28 observers from the Congress itself, twelve from the Parliamentary Assembly of the Council of Europe, and four from the EU Committee of Regions, and a twelve-member delegation from the European Parliament.

---

verlangen volle Bewegungsfreiheit der Wahlbeobachter [Election Monitors Need to Go to Crimea. OSCE Standards Require Complete Freedom of Movement for Election Monitors], in: *Neue Zürcher Zeitung*, 19 May 2015, at: <http://www.nzz.ch/meinung/debatte/standards-nicht-zum-halben-preis-1.18544519>.

19 OSCE/ODIHR, *Security Assessment Report*, 15 June 2015 (unpublished).

20 OSCE Office of Democratic Institutions and Human Rights, *Ukraine Local Elections 25 October 2015, OSCE/ODIHR Needs Assessment Mission Report, 5-7 August 2015*, Warsaw, 8 August 2015, p. 3, at: <http://www.osce.org/odihr/elections/ukraine/177901>.

After the first round, the IEOM noted in its Statement of Preliminary Findings and Conclusions that

the 2015 local elections were widely viewed as a barometer of the authorities' intentions to maintain the positive standards achieved during the 2014 presidential and parliamentary elections. The elections were competitive, well organized overall and the campaign generally showed respect for the democratic process. Nevertheless, the complexity of the legal framework, the dominance of powerful economic groups over the electoral process, and the fact that virtually all campaign coverage in the media was paid for, underscore the need for continued reform. Additional efforts are needed to further enhance the integrity of and public confidence in the electoral process. The voting and counting process was transparent and orderly overall, despite the lack of clarity in the procedural provisions.

The elections took place in challenging political, economic, humanitarian and security environment, and against the backdrop of a constitutional reform process aiming at decentralization.<sup>21</sup>

After the second round (15 November 2015), the OSCE/ODIHR EOM noted in its Statement of Preliminary Findings and Conclusions that

the second round of the mayoral races in Ukraine confirmed the assessment of the 25 October local elections which saw business interests influencing the process in most contests. Many candidates focused their efforts on local coalition building more than on reaching out to voters. There was little active campaigning. In a positive development, debates were organized between the candidates in a number of regions. Frequent and late replacements of Territorial Election Commission (TEC) members raised serious concerns regarding their independence. Lack of confidence in the election administration and the deficient legal framework were at the root of most problems encountered during these elections, highlighting the need for an inclusive reform. Dedicated and capable polling station staff organized voting and counting in a commendable manner.<sup>22</sup>

---

21 International Election Observation Mission (IEOM), *Ukraine – Local Elections, 25 October 2015, Statement of Preliminary Findings and Conclusions*, Kyiv, 26 October 2015, p. 1, at: <http://www.osce.org/odihr/elections/ukraine/194406>.

22 OSCE/ODIHR Election Observation Mission, *Ukraine – Local Elections, Second Round, 15 November 2015, Statement of Preliminary Findings and Conclusions*, Kyiv, 16 November 2015, p. 1, at: <http://www.osce.org/odihr/elections/ukraine/200136>.

### *Programmes to Assist Ukraine in Implementing its OSCE Commitments*

This section deals with programmes aiming to assist Ukraine in the field of human dimension dialogue, promoting the security of religious or belief communities and in the field of legislative support and rule of law.

#### *Support of the Human Dimension Dialogue*

ODIHR's overall task is "to help ensure that OSCE commitments in the human dimension are implemented in the participating States. To that end, it is mandated to gather and analyse factual information [...] and to conduct programmes that assist States to develop and uphold a democratic culture that will respect and promote the ideals expressed in those commitments."<sup>23</sup>

ODIHR has come forward to assist Ukraine's reform efforts in a time of crisis and developed a large-scale programme designed to support Ukrainian civil society and key government stakeholders in enhancing multi-stakeholder dialogue and partnerships to address human dimension issues in Ukraine. The programme, entitled "Strengthening the Dialogue among Civil Society and with Key Government Stakeholders in Ukraine on Human Dimension Issues", was developed as the result of various monitoring efforts by ODIHR and after intense consultations between Ukrainian partners (e.g. Ukraine's Human Rights Commissioner) and representatives of ODIHR's five departments. The two-year project was launched at the "Kyiv-Mohyla Academy" National University on 24 April 2015, where Director Link gave a public lecture on the subject of "Civil society, democracy and human rights", which was followed by a panel discussion on the vital role civil society could play as Ukraine takes important steps to advance democracy, protect human rights, and address discrimination.

The key objectives of ODIHR's comprehensive programme in Ukraine are:

- to increase trust between Ukrainian civil society and state stakeholders at local, national, and international levels;
- to strengthen the capacity of Ukrainian civil society to identify, monitor, and report on human rights issues and to advocate for better protection of human rights;
- to ensure closer involvement of civil society in decision-making processes and effective advocacy for democratic governance reforms; and

---

23 OSCE ODIHR, *Common Responsibility. Commitments and Implementation, Report submitted to the OSCE Ministerial Council in response to MC Decision No. 17/05 on Strengthening the Effectiveness of the OSCE*, Warsaw, 10 November 2006, p. 57, at: <http://www.osce.org/odihr/22681>.

- to enhance the capacity of civil society to identify hate crimes and engage in dialogue with state structures on addressing violence motivated by prejudice.

The programme will be run until December 2016. In 2015 alone, it has brought together more than 600 stakeholders, who have participated in training human rights defenders, sharing good practices on political party legislation reform, conducting research on parliamentary ethics, supporting the collection of hate crime data, and assessing the impact of legislation on human rights. The programme also aims to foster co-operation between Russian and Ukrainian civil society on addressing pressing human rights issues and promoting peace and understanding in the region.

One part of the project focuses on enhancing the political participation of women. Since September 2015, ODIHR has served as a facilitator for the formation of an informal “Women’s Lobby” network, by uniting prominent NGOs, members of parliament, and gender advocates to develop a set of recommendations for advancing women’s political participation in Ukraine in line with OSCE commitments.<sup>24</sup> While there are many actors in the field on the governmental and non-governmental side, their efforts have often not achieved all that they could due to a lack of co-ordination or simply a lack of capacities necessary for ongoing co-ordination of their work.

#### *Promoting the Security of Religious or Belief Communities*

In January 2015, ODIHR began the implementation of a project aimed at promoting the security of religious or belief communities in the regions of Ukraine. The project is aimed at building the capacity of civil society, religious or belief communities, and relevant state institutions to implement international standards on freedom of religion or belief, identify and respond to hate crimes, and promote dialogue among confessions, religions, and between the state and religious or belief communities. Implementation is taking place in two pilot regions, and is based on three main pillars:

- seminars on freedom of religion or belief and hate crimes for local and regional authorities, staff from regional ombudsperson offices, prosecutors and police, civil society, and religious or belief communities in Odessa, Vinnitsa and Kyiv;
- training on hate crimes for law enforcement officials; and

---

24 The 2004 OSCE Action Plan for the Promotion of Gender Equality specifically tasks ODIHR with “assist[ing] participating States in promoting women’s political participation” and “developing effective measures to bring about the equal participation of women in democratic processes.” Organization for Security and Co-operation in Europe, Ministerial Council, Sofia 2004, *Decision No. 14/04, 2004 OSCE Action Plan for the Promotion of Gender Equality*, MC.DEC/14/04, 7 September 2004, Annex, p. 12, at: <http://www.osce.org/mc/23295>.

- promoting dialogue among the representatives of these groups, at both the national and regional level, through roundtables and conferences.

Nine events attended by 349 participants had been held by September 2015. ODIHR was involved in a national meeting on co-operation between state institutions responsible for the implementation of policy on religion and freedom of religion or belief (heads of local departments dealing with matters related to religion, nationalities and language policy) in Kyiv. ODIHR also organized a regional roundtable for religious or belief communities, civil society, regional state authorities, representatives of the Ukrainian Parliament Commissioner for Human Rights, and international and national experts on freedom of religion or belief on “The Role of Dialogue in Enhancing the Security of Religious and Belief Communities” in Vinnitsa.

In December 2015, ODIHR and the ministry of culture jointly organized a national meeting of religious and belief communities that gathered 160 participants. The goal was to explore the prerequisites for effective, meaningful, sustained, and inclusive dialogue and to discuss the current state of interfaith dialogue in Ukraine and the prospects for future development. This can be considered as a substantial contribution to fostering national dialogue in Ukraine. In 2016, ODIHR will be active in further facilitation of dialogue between the Orthodox churches of the Kyiv and Moscow patriarchates.

#### *Legislative Support/Rule of Law*

Following official requests from both the government of Ukraine and the Verkhovna Rada, ODIHR has reviewed draft laws on human dimension issues to assess their compliance with OSCE commitments and international human rights standards. The objects of the laws subject to review in this way have included political party and election campaign funding (jointly with the Council of Europe and its Venice Commission), anti-corruption activities, the independence of the judiciary, the powers and the structure of the police, and cybercrime. All are available to the public via ODIHR’s legislative database website, [www.legislationline.org](http://www.legislationline.org). ODIHR continues to support Ukrainian lawmakers and other stakeholders involved in the legislative process in areas such as policy-making, legislative planning, public consultation, and the evaluation of legislation.

In the field of rule of law, ODIHR focused on trial-monitoring training workshops for NGO representatives with the aim of strengthening the capacity of Ukrainian civil society actors to conduct trial monitoring to assess how well the right to a fair trial was respected in the country. The workshops dealt with trial-monitoring methodologies and specific aspects of the right to a fair trial. Based on ODIHR’s trial-monitoring methodology and wealth of practical experience with the conduct of trial-monitoring programmes across

the OSCE region, the workshops, conducted by ODIHR staff, were tailored to the needs and priorities of selected Ukrainian NGOs involved in various forms of trial/court monitoring and other human rights work related to the Ukrainian courts. The aims of the workshops were to strengthen the participants' knowledge of trial monitoring as a tool and to help them reflect on strategic approaches and best practices in this area. Discussions during the workshops highlighted the challenges monitors currently face in Ukraine in gaining physical access to courtrooms, which is a result of the high level of mistrust some judges have towards any public scrutiny of their work. So far, trial monitoring has not been conducted on a large scale in Ukraine and it will therefore be crucial to increase the awareness of the judiciary, civil society, and the wider public of the right to a fair and public trial and the potential benefits of trial monitoring processes.