

OSCE Project Co-ordinator in Ukraine

Statement to the Permanent Council

23 June 2022

Your excellencies, ladies and gentlemen,

You received last week the 21-page regular semi-annual report, covering a limited period of time from October last year to earlier this month. The Permanent Council has received nearly 50 such reports from this mission over a period of 23 years.

But today - where to start; 10-15 minutes to present 23 years of the Project Co-ordinator's support to one OSCE participating State. 23 years of programme delivery in all three dimensions of security, reaching literally hundreds of thousands of beneficiaries. Hundreds – about 500 in fact – of tailor-made projects successfully implemented. These projects represent 23 years of partnership - with the host country, the different Governments, the Parliament, judiciary, general public, civil society, media outlets, academia, international organizations, and of course partnerships within the Organization itself - with the institutions, the Parliamentary Assembly, the Secretariat, and last but not least, with the participating States themselves. In short, 23 years of OSCE at work, successfully implementing a mandate given by its own participating States, to support Ukraine in meeting its OSCE commitments and obligations.

My presentation today is in two parts: firstly, I will first provide an update since I last spoke on 26 May, when one participating State announced it would not support the Mission's mandate extension on 30 June. During this time, I have travelled extensively within the country (thousands of kilometres by road/rail – visiting numerous OSCE partners and beneficiaries in Kyiv, Lviv, Odesa, and also in the outskirts of Kyiv and Chernihiv, both terribly damaged by the ongoing war.

I did so because I am a firm believer in seeing things with my own eyes, so I spent time meeting long-standing OSCE partners, listening to their concerns and expectations for the future. It was obvious to me – *the need for an OSCE presence is greater than ever.*

Last week near Kyiv, I saw humanitarian demining efforts in action – an area which the Mission has been very actively engaged in over many years (for your information, today, an area of the country is contaminated by mines 1.5 times the size of Austria – and the number is growing). I spoke in Lviv at our annual Criminal Justice Forum, and met with Rectors of those universities with whom we have closely co-operated for so long; I spent time with civil society representatives (gladly donating a minibus to one very worthy NGO in Lviv) and launched an environmental monitoring platform in Lviv featuring the first batch of data of environmental losses sustained by Ukraine as a result of the Russian military action that began the 24th of February.

As an aside – at no point in the last three weeks, or over the last three and a half years in fact, did I recognize the characterization of Ukraine as a *fascist / neo-nazi* society. But I think the overwhelming majority of pS know that already.

At the same time, nearly all in this Council today are aware of the enormous value of the PCU's work over the past 23 years; you are aware of the very real impact the Mission has achieved over the years.

On Wednesday last week, while visiting the heavily damaged western suburbs of Kyiv - littered with mines and remnants of war scattered among the returning civilian population, I saw mine clearing efforts already underway, and also the site where one farmer's tractor detonated a mine while working in his field, to be blown onto a second exploding mine – only to miraculously survive. It will take many weeks to clear his cornfields and make them safe for him to harvest his crop. But the four energy company workers repairing pylons in that area were not so lucky - they too hit a mine but lost their lives. It will take literally years of painstaking demining to rid the country of this terrible threat.

I also visited Chernihiv - a journey normally taking less than 2 hours but today takes about four due to all bridges south of the city now destroyed. I saw a school devastated by shelling, a hotel in the very centre of the city - ironically called *Hotel Ukraina* and perhaps even more ironically, on the street *Bulevard Peace Prospect*. I saw dozens of family homes heavily damaged by shelling - some totally destroyed even - and the resilient owners already beginning to make repairs to roofs despite the dangers of unexploded ordnance and remnants of war. I'm telling you this because the effects of conflict are all too real. I could see first-hand that the impact of this senseless war on the population will be felt for years to come.

And as for the path we took over 23 years, the priorities we identified, and the projects we successfully implemented, twice a year we submitted our reports to the Permanent Council – with hardly any objection or negative feedback voiced by any pS; twice a year the Project Co-ordinators spoke to the

PrepCom during the OSCE's vigorous budget review process and presented an outline for the year ahead – again without any serious objections raised by any participating State.

Yet today, we will hear - as we did last month - that we have failed in our mandate, that we have supported a “*russo-phobic neo-nazi state*” and must therefore close. And of course, we will close, as we must according to the rules, but again, as I have seen with my own eyes, and as 23 years of our painstaking work has proved, there is work to be done, now more than ever.

So much for the introductory part of my statement; I will now focus on what we have achieved over 23 years; I will not read it all, as it would take too long, but instead highlight some of the key areas we have engaged in. But as a record of today's PC, we will distribute this statement.

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Over the past 23 years, the Mission's tailor-made projects covered all three dimensions of security, as well as cross-dimensional issues. Since its establishment in the summer of 1999, the Project Coordinator has implemented approximately 500 projects. These have all varied in thematic focus, scope of stakeholders, size, and duration.

As our operational environment evolved over these 23 years, we adapted accordingly and ensured that through our project work, we not only promoted OSCE's core principles and values, but also applied the correct approaches and methods in doing so.

Over four years ago, we introduced strategic planning to our work in order to improve our effectiveness and ensure continued relevance, and in response to the frequently expressed desires of OSCE participating States, with the Chair's direction. We are now implementing our second internal Strategic Plan for 2022-2024 – finalized in early February this year. The Plan is based firmly on OSCE principles and commitments, host-country priorities, the Mission's mandate. This approach is reinforced through our mission-level thematic strategies, such as the *Sustainable (Green) Strategy* and the *Strategy for the Promotion of Gender Equality*.

We have continuously demonstrated our ability to respond to new challenges during the COVID-19 pandemic. This required finding a balance between remaining operational and at the same time ensuring the safety of staff and partners. We put in place safety measures, and whenever possible transformed our activities to online or hybrid format; we also provided guidance to our staff and event participants. Last year, we achieved a 98.2 per cent financial utilization rate. I mention this because this so-called pandemic period, prepared us to continue working in remote locations after 24 February,

when Russia's military action against Ukraine started. It meant we never stopped working, we just adapted accordingly.

Obviously, the most profound challenge for our 110 staff started on 24 February. The continuous armed violence has caused an enormous humanitarian crisis and has forced the widespread displacement of people – more than ten million Ukrainians have fled their homes. Although not a humanitarian aid provider *per se*, the PCU has led the OSCE's response on the ground to the immediate humanitarian needs expressed by our long-standing local partners. In particular, we were able to amplify the focus of our originally planned project activities and developed a tailored project to address clearly identified humanitarian needs – which I briefed you on at the end of May. I remain grateful to those OSCE participating States who made this possible (US, Poland, Finland, Slovakia and Luxembourg). All funds received have now been utilized.

Part II – Achievements

Allow me to highlight some of the most salient achievements in our programme areas:

Firstly, in the legal reform sphere, achievements include crucially important areas related to constitutional reform where the PCU has contributed to developing a new constitutional framework for judicial reform and constitutional justice. Our expertise in best international practice allowed for a new independent judiciary capable of delivering fair justice. In the area of **legislative quality – over a period of 18 years (2004-2022)**, we actively promoted a better legal climate, and upon request from parliamentary committees, we reviewed over **500 draft laws** and provided opinions on their compliance with international commitments. Over an 11-year period (2006-2017), we have pioneered the international community's efforts to support Ukraine in **developing a national monitoring and prevention mechanism against torture and ill-treatment** in line with the Optional Protocol to the UN Convention against Torture. Since 2006, we supported civil society and the implementation of a civil monitoring system within law-enforcement agencies. We developed the methodology and regulations for monitoring visits, and trained over **150 monitors**, and established minimum standards of detainees' treatment and conditions of detention, allowing more than **600 monitoring visits** to national detention facilities throughout Ukraine. **Over a seven-year period (2010-2017)**, the PCU supported anti-corruption reform in Ukraine. The National Agency for Corruption Prevention, which was established in 2015, benefited from methodology of evaluating the level of corruption developed and piloted by the PCU. Crucially, the PCU **helped establish the High Anti-corruption Court of Ukraine** to administer justice in high profile corruption cases. We have supported profound judicial

reform in the country designed to bring about civil society expectations of fair justice for all. The PCU contributed to the development of legislative framework for fair, transparent and accountable judiciary, supported the new Supreme Court's establishment and operation, reform of judicial governance bodies in concert with the international community. Reform of procedural codes brought about simplified and unified procedural rules across various jurisdictions. In the **reform of the Constitutional Court**, the new version of the Law of Ukraine "On the Constitutional Court of Ukraine", authored among others by the PCU's legal advisor, opened the venue for Ukrainians to seek justice at home via a constitutional complaint mechanism. Upon the request of the Court, the PCU delivered consultative opinions (*amicus curiae*) in **nine high profile constitutional proceedings**. The Constitutional Court also benefits from opinions delivered by the Court's special advisors recruited with the advice of the Venice Commission from retired constitutional judges of various OSCE participating States. The PCU has also initiated a flagship endeavour – the Summer School on Constitutionalism and the Rule of Law that has gathered students annually from all regions of Ukraine. Nationally and internationally recognized eminent experts, combining academic and practical experience, academia, judges of supreme and constitutional courts and the ECHR taught the Summer School programme. **Over 300 alumni** now contribute to the democratic development of Ukraine, representing yet another concrete example of the impact the OSCE can deliver. Finally, in this programme, the PCU established a platform for criminal justice stakeholders to forge consensus on criminal justice reform. **Eight Lviv Criminal Justice Forums** (the eighth I addressed only last week), have allowed national stakeholders develop concrete policies in implementing reform. I am happy to say that in recent years, the platform was actively involved in developing the new Criminal Code of Ukraine.

Secondly,

Over the years, the PCU has invested considerable effort into building Ukraine's humanitarian demining capability. The ongoing Russian military action against Ukraine has made mine action one of the PCU's absolute priorities. The Mission was earlier involved in the development of important mine action legislation and created a mine action infrastructure, clearly delineating functions of key mine action players. The OSCE has provided advice and expert support to mine action authorities over a number of years and contributed to the alignment of humanitarian demining in Ukraine with international standards.

In the jointly managed **Economic-Environmental and Politico-Military dimensions, the Mission has been heavily involved with so-called Mélange (toxic rocket fuel) disposal.** Six mélange stockpiles were left in Ukraine following the end of the Cold War. [Mélange was widely used by the armies of the former Warsaw Pact to propel short- and medium-range rockets.] Ukraine had more than 16,000 tonnes of mélange before OSCE's engagement began in 2009. The Ministry of Defence requested assistance and all mélange storage sites were cleaned by March 2014. This multi-year project

represents an **excellent example of collaboration between the OSCE Secretariat and a field mission**. The PCU provided on-the-ground support and advice to safely remove and ship mélange out of the country for subsequent disposal.

In the area of digitalization of public services, the PCU supported the host authorities in digitizing a range of public services, including a set of permits and registration documents in the construction sphere, waste management and a number of municipal services in a dozen cities throughout Ukraine. The PCU set a trend in digitalization of administrative services and received accolades from the Ministry of Digital Transformation for contributing to economic development and digital transformation of the country.

The Mission has also been engaged in boosting environmental education at the request of the Ministry of Education in 2010, when it developed a set of multi-media educational materials “Green Pack”; we trained **more than 5,000 social sciences teachers** on how to use these materials. More than **12,000 sets of these multi-media sets** were produced and distributed to all of Ukraine’s regions.

Staying with the Second Dimension, the PCU has engaged in environmental monitoring since 2014. Casualties of war, destroyed infrastructure, stifled economic development have all marked these turbulent years for the country, with environmental degradation one of the most devastating results of the war. The Ministry of Environment requested support in keeping an eye on environmental monitoring and assessing the scale of environmental threats. Following this request, the PCU created a GIS-based monitoring tool in 2018 to monitor environmental damage to inform well-grounded decision-making and policy responses. Earlier this year, the PCU initiated the enlargement of the monitoring tool to incorporate new data from the ongoing war.

Thirdly, in the Democratic Good Governance programme, ‘Dialogue’ has been a central part of our work: Since 2015, the Mission has played a leading role in this field, directing its efforts at strengthening social cohesion and supporting reform implementation. To impact social cohesion processes, the PCU built capacity of local communities to prevent and resolve conflict issues, promoted dialogue among IDPs and their host communities, minorities, youth and businesspeople. To support reform implementation, the PCU has assisted a wide range of central and local authorities in engaging people in dialogue on the substance of planned changes. For that to happen, **the PCU implemented comprehensive dialogue-focused educational programmes** for public servants and reform experts, organized dialogue meetings, produced awareness raising materials and unique publications on dialogue and conflict management. In the area of civil society, in order to support effective interaction between state institutions and the public, the PCU helped build up the capacity of the Secretariat of the Cabinet of Ministers, other central and local authorities, and civil society

organizations. The Mission promoted best practices of transparency of civil society organizations' work and provided assistance to initiatives that strengthen their sustainability; the PCU has also placed a strong emphasis on **developing the youth civil society sector**. In the all-important area of **media**, in order to strengthen the development of media self-regulation in Ukraine, the PCU helped the Commission on Journalism Ethics to increase its capacity and resilience against possible lawsuits about alleged violations of ethical standards and the Code of Ethics of Ukrainian Journalists. This was done, in particular, by **developing a mediation procedure**. Also, the PCU supported several print media on transforming from state- or municipal-run to being independent, by helping them improve editorial independence and develop in the time of change. To improve co-operation between the government and media, especially in the security and law enforcement sphere, and safety of journalists, the PCU trained law enforcers in good practices of working with journalists. In the area of media literacy, the PCU contributed to conducting media literacy clubs, informational campaigns, developing of the online platform. The PCU has provided **support over the years to the Central Election Commission** to improve election administration processes by equipping election commissioners with the necessary skills, knowledge and e-governance tools, as well as supported reform of legislation and regulations in line with international standards. In particular, we helped the CEC to establish the State Voter Register and supplied equipment for it, contributed to the development of the first draft election code in the history of Ukraine, as well as helped increase transparency of election administration by enhancing CEC's IT infrastructure and developing a number of digital tools.

Fourthly, in the Rule of Law and Human Rights Programme, in order to launch an effective system of administrative justice as a key instrument for the **protection of human rights in the citizen-state relationship**, the PCU supported the development of a number of draft codes and laws. The PCU helped the National School of Judges to promote standards-based judicial education and produced **more than 20 courses**, institutionalized by the School of Judges, produced a judicial education evaluation framework and a gender competence framework for judges. The School of Judges endorsed PCU-developed recommendations on distance learning and gender issues into specialized programmes. In the field of **civil society trial monitoring over a seven-year period (2015-2022)**, we have helped to establish a baseline for measuring the progress of judicial reform. We supported criminal, administrative justice monitoring, as well as cases related to corruption, and also involving minors. Monitoring findings and recommendations, were used by the National School of Judges and the High Qualification Commission of Judges to improve training and performance evaluation of judges; the Ombudsperson's office included the findings into the annual address to Parliament. Five civil-society coalitions, who conduct regular trial monitoring, adopted PCU-support tools and methodologies on civil society trial monitoring. Over a period of nine years, the PCU has **promoted human rights-based approaches in school education** and produced research on the state of teaching

human rights in schools with a set of recommendations, developed a human rights-based law course, established a network of trainers among school educators, and produced online course on human rights, incorporated into professional retraining for educators.

I am particularly proud that the PCU was one of the key partners of the Justice Ministry in **launching court decision enforcement reform**. To reduce court decision non-enforcement, the Justice Ministry, with our support, launched the private-bailiff profession, providing expertise in drafting regulatory framework, introducing online training, producing the licensing exam, with **nine universities** introducing training programmes for prospective bailiffs. The percentage of successfully enforced judgements **tripled to 18 per cent** by the end of 2019.

The PCU supported the Education Ministry in **promoting standards-based quality legal education**. It helped to produce a strategy for legal education reform, developed new standards and curricula, and **trained more than 1,000 law professors and young legal professionals**. It also helped to launch a unified state exam for students applying for Masters programmes in law, produced a number of courses, institutionalized by leading law schools. To promote overall quality and gender-sensitive higher education with an incorporated human rights-based approach, the PCU helped the National Agency for Higher Education Quality Assurance to produce higher education institutional accreditation framework with unified standards in assessing higher institutions and best international practice in this area.

And fifth, in the area of Human Security, over more than twenty years, this **Programme** has provided support ranging from anti-trafficking efforts, to combating domestic violence, to delivering expert support for police reform, combating cybercrime, raising awareness on cyber hygiene issues, delivering assistance to people affected by the humanitarian crisis and the promotion of gender equality in all areas.

I am proud to report that the PCU has been *at the forefront* of developing and introducing modern legislation to **ensure prosecution of traffickers in human beings** and improved the protection of victims. This included the development of a comprehensive anti-trafficking law, which helped introduce the National Referral Mechanism (NRM) based on international best practices. Since then, with the help of anti-trafficking NGOs, the PCU piloted and rolled out the mechanism across the country, **training more than 15,000 state officials (yes, 15,000)**, on how to assist victims and provide multi-agency support.

To **promote gender equality in all spheres**, the Mission has helped improve relevant legislation, policies and action plans. In particular, the PCU provided expert support for the development of the first National Action Plan to implement *UN Security Council Resolution 1325* (on Women, Peace and Security). We have also **developed training guidebooks and conducted training sessions** for law-enforcement agencies and social work providers on how to include the WPS Agenda into their everyday work. Moreover, we helped the national authorities to strengthen their response to **combating domestic violence**. The very first Ukrainian corrective programme for domestic violence perpetrators was developed with PCU support in 2010. With new legislation passed in early 2018, the PCU amended the corrective programme and **trained a pool of 480 psychologists** to implement the programme in Ukraine.

The PCU supported the National Police of Ukraine to **develop risk assessment and emergency restrictive orders**, used by police officers to ensure additional protection of victims. Specialized training courses and training facilities for police were introduced at educational institutions, including five specially equipped interactive training rooms, where more than **2,500 police officers and cadets** were trained to enhance their response to domestic violence cases using real-life based scenarios. In 2019-2022, the PCU supported the training of around **900 hot-line operators** to respond to domestic violence incidents; as a result, operators in all regions of Ukraine were equipped with skills necessary for the prompt identification and referral of domestic violence incidents.

The PCU supported the **establishment of a new police system built on a human-rights based approach**. This included support for the development of a training curriculum and inclusion of gender equality, combating domestic violence and human trafficking courses as mandatory for all police units. The PCU supported the training and re-training of **more than 15,000 patrol police officers** in 2015-2016 alone, developed educational programmes and delivered training courses for new cyber police officers, equipping specialized departments and MoI institutions with ICT tools and equipment to enhance investigation of crimes in the field of Trafficking in Human Beings.

In an area now sadly more relevant than ever, the PCU has assisted the national authorities in introducing a comprehensive system of **psychological support to the conflict-affected population**. This has included the development of a three-volume manual on psychological assistance and training sessions for psychologists, social service providers, NGOs and Ministry of Veterans' representatives on provision of social and psychological support to those in need. We also developed a course on psychological support in emergencies for Interior Ministry psychologists, and affiliated agencies.

Conclusion

In closing, I hope I have provided you with ample evidence, albeit just a snapshot of 23 years of work, of the enormous value of this small OSCE field operation, responding to the requests of one participating State, as it rose to the challenge of meeting its OSCE commitments and obligations. Despite immense challenges of war, Ukraine remains fully dedicated to democracy and human rights protection. We are proud of the over two decades of the OSCE contributing to these efforts through its presence and support in the country.

But I want to finish by paying special tribute to the staff of this small Mission, the 110 women and men, with whom I have had the enormous privilege and honour to serve. They have worked tirelessly, and selflessly these months, during the most adverse and uncertain period of their lives, scattered inside and outside of Ukraine. They have continued working, implementing and overseeing their projects.

I am confident they will succeed in life after 30 June, but for the moment, I would like to pay special tribute to them, and thank them, because, quite simply, they represent all that is best about the Organization they have served and also the country they call home.

Thank you.