



The role of the OSCE in protecting civil society space in the region

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Why the OSCE should be involved in efforts to protect civil society space?

Why should we consider the Organisation for Security and Cooperation in Europe (OSCE) as an important actor in international efforts to protect civil society space in its participating states?

It appears that other intergovernmental organizations present in the region (e.g., the Council of Europe and the United Nations) offer stronger legal and political instruments and mechanisms that can be used for this purpose. Besides, is it realistic to expect any significant results of such efforts by the OSCE in the current situation, when this organization could not protect even its own staff (staff members of the Special Monitoring Mission in Ukraine who were detained by Russian forces in Donetsk and Luhansk²)?

In our view, there are at least *two main reasons* for the OSCE to be actively involved:

1. The OSCE *acquis* includes a number of specific commitments related to free and unobstructed work of civil society (provisions on freedom of expression, peaceful assembly and association, as well as activities to defend human rights), including some unique ones, having no analogues in other intergovernmental frameworks (such as special guarantees on freedom of movement for NGO representatives / HRDs involved in cross-border monitoring of human dimension conditions in the participating states).
2. Recognition of civil society actors as natural allies in upholding the Helsinki principles implies a necessity to protect them from harassment and reprisals and create favorable conditions for their work. In this logic, reprisals against civil society actors for their cooperation with the OSCE mechanisms and institutions should be regarded as an attack on the organization itself and its concept of comprehensive security.

Besides, as it was repeatedly suggested by the Civic Solidarity Platform's experts, crackdown on civil society should be perceived and treated as an early warning sign of a wider human dimension crisis.

In the context of rapidly deteriorating situation of civic space in many participating states, severely limited resources and lack of political leverage that the organization currently has, it is hardly possible

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² See: <https://www.osce.org/chairpersonship/526251>, <https://www.osce.org/chairpersonship/551758>, <https://www.osce.org/chairpersonship/566905>

for the OSCE to effectively react to all the threats to civil society in the region. This means an obvious *need to prioritize*.

In this regard, we would argue that, apart from dealing with systemic threats (such as the adoption of new repressive legislation), the *main focus of the OSCE efforts in this field* should be on the situation of: 1) those civil society actors who are directly involved in or contribute to OSCE's programs and activities in the human dimension (such as monitoring of elections, monitoring of assemblies or trial monitoring), 2) those working in the areas affected by conflicts, 3) those who are involved in cross-border monitoring of human rights, and 3) any individuals or groups that face reprisals for their interaction with the OSCE bodies and institutions (e.g., speaking at Human Dimension Implementation Meetings, providing information to ODIHR, etc.).

What has been / could be done by various OSCE stakeholders?

Below is a brief inventory of the types of actions that has been or could be taken by various OSCE structures to prevent or react to attacks on civil society space:

1. Chairpersonship:

- statements by the Chair-in-Office on specific cases of persecution and other problematic developments;
- country visits – may include meetings with civil society representatives, raising relevant issues with the national authorities, including issues related to the situation of civil society in media comments, etc.³;
- appointing a Special Representative of the Chairperson-in-Office on Civil Society⁴;
- including issues related to civil society space in the list of the chairmanship priorities – organizing thematic special human dimension events and including relevant topics in the agenda of annual Human Dimension Implementation Meetings / Human Dimension Conferences;

2. Participating states:

- individual statements at regular Permanent Council meetings – raising concerns on specific cases of persecution, repressive laws and other problematic developments;
- invoking Vienna and Moscow human dimension mechanisms – are launched in case of wider human dimension crisis, but, among others, often (e.g., in the cases of Belarus, Russia) cover issues related to attacks on civil society⁵;
- joint statements on human rights and fundamental freedoms at annual Ministerial Council meetings – starting with Hamburg, 2016⁶;
- Democracy Defender Award – annual award to honor the work of civil society groups established by a group of participating states in 2016⁷.

3. Secretary General:

- statements on specific cases of persecution, repressive laws and other problematic developments;
- country visits – may include meetings with civil society representatives, raising relevant issues with the national authorities, including issues related to the situation of civil society in media comments, etc.;

4. Office for Democratic Institutions and Human Rights (ODIHR):

³ See, for instance: <https://www.osce.org/chairpersonship/568582>

⁴ See: <https://www.osce.org/node/566635>

⁵ See: <https://www.osce.org/odihr/human-dimension-mechanisms>

⁶ See: <https://www.gov.uk/government/news/joint-statement-on-human-rights-and-fundamental-freedoms>,
<https://www.gov.uk/government/speeches/joint-osce-statement-on-human-rights-and-fundamental-freedoms>

⁷ See, for instance: <https://oestrig.um.dk/nyheder/denmark-and-osce-partner-countries-honours-zmina-and-memorial-with-2022-democracy-defender-award>, <https://osce.usmission.gov/joint-statement-on-the-2024-democracy-defender-award/>

- statements by the Director / press-releases on specific cases and other problematic developments⁸;
- issuing guidelines for the implementation of commitments by the participating states (on the freedom of peaceful assembly, freedom of association, protection of HRDs);
- conducting assessment of draft laws (independently or jointly with the CoE's Venice Commission)⁹;
- preparing reports on the situation of HRDs in the participating states¹⁰ (discontinued - ?);
- forming the panel of experts on freedom of peaceful assembly and freedom of association¹¹ – composed of civil society experts involved in the assessment of relevant legislation, reviewing and updating the respective thematic guidelines and awareness-raising activities;
- monitoring of assemblies held in the participating states¹²;
- monitoring of trials (e.g., of politically motivated trials in Belarus in 2011¹³).

5. Parliamentary Assembly:

- adopting thematic resolutions;
- appointing a Special Representative on civil society engagement (still in place - ?);

6. Field presences:

- statements on specific cases of persecution, repressive laws and other problematic developments;
- monitoring of trials;
- monitoring of assemblies;
- meetings with civil society representatives and raising issues in meetings with national authorities;
- conducting visits to the places of detention - ?

What is a possible way forward?

Until recently the Civic Solidarity Platform (along with some other NGOs and civil society networks) have advocated for the creation of a range of new instruments and mechanisms within the OSCE for the protection of civil society space (e.g., elaboration of new guidelines, establishment of new mandates, etc.)¹⁴. It looks like now may be the time for us to focus on pushing for a better implementation / use of the tools that are already there (see the previous section). *The existing tools could be used with better effectiveness and consistency.* And if still calling for the creation of new ones, we should focus on a few that could make a real difference.

For instance, the *ODIHR Guidelines on the Protection of Human Rights Defenders* are primarily addressed to the authorities of participating states, but they could also be *directly applied by the staff of OSCE institutions and field presences in their work*. This would require making relevant institutional decisions, but also some additional awareness-raising and capacity-building efforts (e.g., similar to inclusion of modules on similar EU guidelines in the training of diplomats before their deployment to missions in third countries).

The mandate of the Special Representative on Civil Society introduced by the two last Chairpersonships (North Macedonia and Malta) following repeated calls by the CSP *should be further extended by the*

⁸ See, for instance: <https://www.osce.org/odihr/509498>

⁹ See, for instance: <https://www.osce.org/files/f/documents/b/d/569922.pdf>

¹⁰ See the last one: <https://www.osce.org/odihr/493867>

¹¹ See: <https://www.osce.org/odihr/fopa-panel>

¹² See, for instance: <https://www.osce.org/odihr/549388>

¹³ See: <https://www.osce.org/files/f/documents/b/3/84873.pdf>

¹⁴ See, for instance: https://www.civicsolidarity.org/sites/default/files/dublin_declaration_on_human_rights_defenders_final.pdf, https://www.civicsolidarity.org/sites/default/files/hamburg_declaration_dec_2016.pdf

incoming chairmanships and include assistance in protection and expansion of civil society space and the security of human rights defenders in the OSCE region.

OSCE bodies should consider establishing *a mechanism of reaction to reprisals against NGOs and activists for their cooperation with the organization*, similar to mechanisms developed in the United Nations and the Council of Europe, where this work is coordinated at the level of the organizations' Secretary Generals.

There is also a need for a clearer "*division of labor*" between various OSCE bodies and institutions in reacting to other threats to civil society space. This could be potentially solved by *developing an organization-wide strategy / action plan on the protection of civil society space* with clearly assigned responsibilities.

The concerned participating states should establish an *informal OSCE Group of Friends of Civil Society*, similar to the existing OSCE Group of Friends on the Safety of Journalists, to develop joint strategies on reversing the backlash against civil society and to expand civil society space in the OSCE region.

Besides, the quest for unity within the existing blocs of the OSCE participating states (such as the EU) should not prevent them from conducting a genuine and impartial peer review of human dimension performance by all the participating states, including on issues related to protection of civil society space¹⁵.

This list of potential solutions is clearly non-exhaustive and other ideas could be put forward and discussed.

¹⁵ See in this regard: Bernhard Knoll-Tudor, Márta Pardavi and Marta Achler. *Cartel of Silence: How the European Union Undermines the Work of its Human Rights Defenders in the OSCE* / Journal of Human Rights Practice, 2023, 15, pp. 284–302, <https://doi.org/10.1093/jhuman/huac056>