



Food-for-thought paper

STRENGTHENING HUMAN SECURITY AS A CORE OF DEMOCRATIC LAW-MAKING IN UKRAINE

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Ukraine faces a challenging task of performing security sector reform at the time of external aggression. Complicated dilemmas of withstanding sophisticated hybrid warfare that includes hidden threats masked as fake quasi-civil initiatives and speculations on fundamental freedoms as a camouflage for the aggressive intentions, cause temptation to postpone the human security issues to “better times” and to focus on traditional state security. However, it would be incorrect to consider human security as a kind of counterweight that limits state security. In democratic societies, human security and state security are interconnected components, and shifting attention to human security does not necessarily means replacing state security, but complementing it.

Security sector reform in Ukraine is now under way, and many efforts have been done since its beginning in stormy 2014. Documents adopted during the last three years reflect the attempts to implement modern democratic paradigm of security while simultaneously focusing on repelling Russia’s aggression and strengthening national security and defence potential.

Though the traditional threats are still vital, as Russian invasion in Ukraine clearly indicates, the human security paradigm, which puts people at the centre, should be a hallmark for the security sector reforms in the countries that chose a modern democratic model of development. It is a complicated, but simultaneously a very important task for Ukraine to avoid the limitation of the fundamental freedoms while effectively protecting nation from the external aggression, to find balance between countering aggressive propaganda and protecting freedom of speech and media, between preventing provocations and safeguarding fundamental freedoms, including freedom of thought, conscience, religion, right to peaceful assemblies, etc.

The police reform could be considered the most successful example of security sector reforming in Ukraine with a view to human security factor and democratic law-making. Law of Ukraine on the National Police (2015) determines police as “a central executive body that serves society by ensuring the protection of human rights, combating crime, maintaining public security and order”. Article 11 of the Law envisages partnership between police and communities and set the level of people’s confidence in police as the main criterion for evaluating its effectiveness. Though the experts stressed certain shortcomings of the Law on National Police, general effect from the police reform was positive that was proven by almost twice rise in people’s confidence to the new police.

One more important document to be mentioned is the National Human Rights Strategy (2015), which rightly states that under conditions of military aggression the issue of human rights is especially vital, as “the risks of disproportionate restriction of the rights and freedoms increase, which requires special control of the society”. It is stressed that along with priority tasks on strengthening national security, overcoming the economic crisis, reforming public administration and etc., “ensuring the human rights and freedoms remains the main duty of the state and should determine the content and direction of the state activity in all its efforts”. With that, the experts claim that several legislation amendments designed to facilitate combating terrorism and prosecution of crimes related to Russian aggression in the East of Ukraine, create conditions that can be used to substantially restrict human rights.

Ukraine has achieved certain progress and positive changes in democratic law-making, but still lacks the comprehensive model of effective cooperation between the civil society and authorities in security sector reform with focusing on human security as a conceptual framework. The level and effectiveness of comprehensive civil society engagement in security sector reform should be considered as an indicator of the transformation process from an elite-captured government model to a citizen-oriented one. In a

citizen-oriented state, security sector serves the population, and society both is able to hold government to account and to collaborate with government for providing common good. Democratic countries go on pushing security sector transit toward a human security model, and this is the way Ukraine should proceed. Much work has been done in security sector reform thanks to the Ukraine's cooperation with the international partners, including the OSCE.

The Project Co-ordinator in Ukraine (PCU) implements projects focusing on spreading human security norms within civilian security sector reform in Ukraine, namely: training new police patrol officers in combating human trafficking and domestic violence; improving community police approach; training the reformed neighbourhood police units; supporting human-rights-based education. The PCU assists Ukrainian Parliament, Ministry of Defence and Security Service to learn and introduce international best practices in the sphere of civilian control over the security sector and respect of security agencies for human rights. These efforts include the development of legal instruments, training courses, awareness-raising seminars and roundtables with the involvement of civil society. Significant expert assistance was provided to facilitate with reforming the Constitution and judiciary as well as integrating civil society in justice reform. The PCU performs projects aimed at confidence building measures to facilitate dialogue between the state and civil society organizations, as well as to support dialogue between different parts of Ukrainian society and from different regions of the country. The PCU published many documents with practical recommendations on improving human security situation, e.g. the Manual for specialized course on combating domestic violence for the faculties of public security policing of higher educational institutions of the Ministry of Interior of Ukraine; the Guide for precinct police inspectors on combating trafficking in human beings; the Handbook on gender equality and non-discrimination for students of higher education institution; the Handbook on conflict sensitive journalism with best practices and recommendations, etc. Thus, the initial list of possible recommendations consists of the following:

ODIHR/PCU

- Further supporting projects on developing effective public communication system timely contributing to responses to a variety of human security problems, including those related to manipulation with public opinion;
- Providing assistance in executing continuous assessment and revision of key strategic documents and consistent development of the national security and defence strategies;
- Stepping up interaction with other international field presences on implementing joint projects focused on civilian security sector reform in Ukraine;

National authorities

- Providing correct accentuation to achieve practical results of security sector reform aimed at ensuring the safety and wellbeing of every citizen and society as a whole;
- The defence component of the security sector should not be isolated from the national security system, remaining one of its important subsystem within the framework of a broad, whole-of-government and whole-of-society approach to security sector reform process.