



Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights

The Director

Warsaw, 30 August 2017

Mr. Ihor Lvovich Rainin
Head of the Presidential Administration of Ukraine
Kyiv

Dear Mr. Rainin,

I am writing to you with respect to two Draft Laws (Nos. 6674 and 6675) which contain provisions that introduce new reporting and disclosure requirements on certain Ukrainian public organizations.

In this context, I would like to reiterate the importance of ensuring the compliance of all legislation with OSCE human dimension commitments and international human rights standards. OSCE participating States have acknowledged that all forms of associations are crucial to a vigorous democracy and have committed to guarantee the right to freedom of association (OSCE Copenhagen Document (1990)). As stated in the *2015 OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association*, “[r]eporting requirements, where these exist, should not be burdensome [and] should be appropriate to the size of the association and the scope of its operations” (par 225) and “[a]ll regulations and practices on oversight and supervision of associations should take as a starting point the principle of minimum state interference in the operations of an association” (par 228).

Let me also emphasize that, as stated in the Guidelines, associations should always be consulted about proposals to amend laws and other rules that concern their status, financing and operation and play an active part in such processes, in the spirit of the 1990 Copenhagen and 1991 Moscow OSCE Documents.

Based on these considerations, the OSCE/ODIHR strongly advocates against measures that introduce new reporting requirements which impose an undue burden on associations and are not justifiable according to international human rights standards, and that have not been subject to inclusive, extensive and meaningful consultations, including with civil society representatives.

At the same time, the OSCE/ODIHR does welcome the Ukrainian government’s intention through Draft Law No. 6674 to re-consider and remove the requirements for annual e-declaration of private assets and property that were introduced in March 2017 for employees of public organizations carrying out anti-corruption work, given their potential negative effects on civic anti-corruption activities.

As you are aware, the OSCE/ODIHR provides legislative assistance as part of its wider mandate to assist OSCE participating States in implementing OSCE human dimension commitments. If you deem it useful, the OSCE/ODIHR stands ready to prepare, upon your request, a legal opinion on the two draft laws in question to assess their compliance with international human rights standards and OSCE commitments.

Please accept the assurances of my highest consideration and I look forward to future opportunities for co-operation.

Yours sincerely,



Ingibjörg Sólrún Gísladóttir

cc: Mr. Andriy Volodymyrovych Parubiy, Chairman of the Verkhovna Rada of Ukraine
H.E. Ambassador Ihor Prokopchuk, Permanent Representative of the Republic of Ukraine to the OSCE
H.E. Ambassador Vaidotas Verba, OSCE Project Co-ordinator in Ukraine
H.E. Ambassador Ertugrul Apakan, Chief Monitor of the OSCE Special Monitoring Mission to Ukraine