



## MY COLLEAGUE FROM UKRAINE

A blog series by our Ukrainian guest researcher  
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„Some of the adopted laws will not expire after the end of wartime“:

How Ukrainian CSOs keep being watchdogs

In this blog I would like to talk with you about some Ukrainian non-governmental organizations which are performing the watchdog role either as their main role or as a side role and to share with you how they carry this role now, in times of war. I have also asked representatives of a few organizations whether and how the monitoring role changed in these circumstances and why they think it is important to keep monitoring the authorities' decisions and initiatives.

The **Digital Security Lab** (ukr. Лабораторія цифрової безпеки) is an NGO that unites a team of specialists in the field of digital security and Internet freedom. As their main activity they help Ukrainian journalists, human rights defenders, and civil society activists to address digital security issues by conducting training and webinars as well as consultations and audits on digital security. But beside that, the organization also stands for freedom of expression and the right to privacy online, opposes unjustified restrictions, bans and blockades by the government and corporations, and offers solutions that protect human rights. It follows this mission also in war times. Thus, Digital Security Lab analyzed how the legislative changes aimed at speeding up the investigations of crimes under the martial law and namely at simplification of the access to the “digital evidence” such as information from personal devices or public video cameras created a number of risks to the protection of users' privacy rights.

Organization also reacted to the banning of the visual content depicting Russia's war crimes in Ukraine from the popular social media (Instagram, Facebook) and initiated a public statement to be joined by other CSOs claiming this to be a clear misuse of Meta community standards. In a statement Digital Lab spoke out against such moderation of this content, since it could raise awareness of the wider audiences about international crimes committed by the Russian troops and also could be used as valuable evidence for any legal action in international courts in the future.

As many other NGOs, the **Labor Initiatives NGO** (ukr. Трудові ініціативи) that deals with labor rights and freedom of workers associations has also replanned its activities because of the war and provides various humanitarian assistance to Ukrainians. For instance, the organization established a volunteer hub "Trade Union Lifeline", which involves trade union activists from all over the country. But at the same time the Labor Initiatives continues to perform its main activities. Firstly, it provides free legal aid. **Inna Kudinska**, a lawyer and a member of a team of Labor initiatives, shares that from the first days of the full-scale Russian invasion, hundreds of people began to contact the NGO hotline, as the labor market suffered significant losses during the war. Those who fled wanted to register themselves as remote workers, some asked help for terminating the employment contract with the employer who remained in the territory of hostilities and so on.

The Labor Initiatives also performs its second main mission and keeps monitoring the legal initiatives in their field of work and regularly publishes its public evaluation underlining its strong sides as well as potential dangers to the workers' rights.

“The adoption of the new laws should, above all, be aimed at increasing the state's defense capabilities, including in economic terms,” says Kudinska. “However, there are many new labor laws that are being passed today, which sometimes even contradict each other and can create problems with their implementation in practice. In addition, the danger lies in the fact that some of the adopted laws will not expire after the end of wartime but will continue to operate in peacetime”.

The organization draws attention to the fact that now employers have got more rights for unilateral decision-making, which often led to violation of the workers' rights, whose vulnerability only increases under martial law.

One of the oldest Ukrainian civil society organizations that deals with human rights, **Ukrainian Helsinki Human Rights Union** (ukr. Українська Гельсінська спілка з прав людини, UHHRU) also keeps fulfilling its mission during the war. Organization that has a profound expertise in monitoring and reporting acts of violations of rights and freedoms or dangers of these violations has not limited itself only to reporting such cases being done by the Russian army. It also keeps monitoring the newly passed laws, draft laws and other legal acts. For instance, the organization joined the critical statement of Ukrainian CSOs against the amendments to the Code of Ukraine on Administrative Offenses for “protecting the honor and dignity of citizens and law enforcement officers” (referring to police officers). A draft law that was submitted to the Ukrainian parliament on the first day of the war introduced a punishment for "insulting a police officer" that did not exist in the Ukrainian legislation before. In the statement it is explained that the possibility of subjective and arbitrary interpretation of the term "insult" in practice could lead to the unjustified persecution of the journalists and civil society activists as well as to the self-censorship of the latter. Among other organizations UHHRU is pointing out this to be an abuse of martial law that could worsen the environment for independent journalism, freedom of peaceful assembly, and freedom of expression which constituted the shared democratic values in Ukraine.

For many years another NGO — **Laboratory of Legislative Initiatives** (ukr. Лабораторія законодавчих ініціатив) implements different projects aimed at ensuring the civil sector

participation in the legislative process. Organization that is trying to strengthen the interaction between the government and civil society and to make it more effective also monitors the parliament work, elaborates, and advocates its propositions for the law amendments. Now this organization not only keeps monitoring and analyzing the legislative activities of the parliament of Ukraine, but also monitors how this work is organized in war conditions in which established procedures of its work are not always possible to implement.

In this regard, the Laboratory of Legislative Initiatives draws attention to the fact that the organizational processes of the parliament`s work under the martial law have not been fully regulated yet. Therefore, it advocates the necessity of establishing and fixing the special procedures (such as how the bills are prepared or how the meetings are held) of the parliaments work in these circumstances so that the legitimacy of wartime decisions would not be undermined either now or in the future.

**The Institute of Legislative Ideas** (ukr. Інститут законодавчих ідей) is an independent think tank, which motto is “We find legislation which does not work for the society”. For more than 5 years this non-governmental organization has been conducting anti-corruption expertise of the draft laws to prevent the possibility of incorporating corruption schemes into the law. Through this analysis as well as elaboration and advocacy of the legislative initiatives this NGO aims at “improving legislation that will benefit society as a whole”.

**Tetiana Khutor**, chairwoman of the organization, says that in the first weeks of war most of the organization's usual activities had become not relevant.

“At that time, it would have been strange to demand from the government and society to focus their attention and resources on areas other than survival and security. Therefore, during the first three weeks of war the Institute, like most of other CSOs, had been almost exclusively concentrating on humanitarian aid. At that time, we did not know how the parliament would work, how active the legislative work would be and in which spheres mostly. Moreover, it was not clear how open the work of parliament would be. We saw the texts of the first draft laws after their adoption” says Khutor.

However soon the Institute renewed its regular activities. The Institute monitors and analyzes other new laws that regulate different spheres of life during the war and publishes brief texts and infographics to raise the public awareness of the changes.

“We understood that it would be wrong not to use the expertise we have”, says Khutor. “In particular, we started by explaining the laws passed to society. This turned out to be a useful thing because it was well received by the media, so there was a request from the public. Since the parliament started to open the texts of the draft laws, we have been analyzing them before they were passed in order to inform the public about its risks and benefits. As a result, some bills provoked considerable discussion and were not adopted. And this is despite the fact that the parliament works now in a very fast mode with minimal discussions. Thus, we saw that our work helps to draw attention to risks, sometimes to prevent the adoption of not very positive legislative ideas, and to draw public attention to the good ones.”

For instance, the Institute conducted and published an analysis of the law on the confiscation of the property of Russian and Belorussian citizens in Ukraine that was passed in Ukrainian parliament in the beginning of May. Organizations experts pointed out both advantages and disadvantages and risks of this bill and stated that confiscation of Russian and Belarusian private assets could be a legal issue. NGO also conducted a comprehensive analysis of other bills and possible models of confiscation, outlining their advantages and disadvantages. Thus, although the organization supports the government's idea of confiscation, at the same time publicly insists on the importance of choosing the right legal bases and mechanisms to use this legislative tool most effectively.

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Inna Kudinska from the Labor Initiatives believes that a reasonable critical assessment of the activities of parliament and other government institutions by the public as well as its objective coverage in the media, is necessary during the war.

“Only through joint efforts and a balanced approach to changes in labor can we ensure decent working conditions during the war and the foundation to the economic recovery of the state after it ends”, adds Kudinska.

Similar opinion is shared by the chairwoman of the Institute of Legislative Ideas:

“Now the activities of the authorities have stabilized to a greater extent and are becoming less uncertain than before, many of their functions are being renewed. At the same time, we can observe that higher-level legislation gives more discretion to lower-level bodies. Unfortunately, some officials use it for both good and bad purposes”, says Tetiana Khutor - “Therefore, at a time when the country does not have time for broad public discussions of certain legislative decisions, the function of monitoring the transparency of their implementation becomes especially important”.

It is difficult to predict what will be the other difficulties and challenges that Ukrainian society will have to overcome in the coming months of the war and after it ends. But what should not be in any doubt is that one of the key tasks of civil society remains to monitor the actions of the authorities. After all, the well-being of the Ukrainians strongly depends on what response these challenges receive at the level of legislation and its implementation.

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