Promoting Democracy
Supporting Civil Society
Protecting Human Rights
STORIES FROM THE FIELD
This publication presents local initiatives in the area of democracy and good governance, human rights protection and promotion, and dialogue building between civil society and authorities supported by the Democratization, Human Rights and Civil Society Programme in Ukraine half way through its 4-year implementation period (2013-2016).

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Promoting Democracy,
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This publication contains stories from partners and beneficiaries of the UNDP Democratization, Human Rights and Civil Society Development Programme (DHRP) made possible through the support of the Danish Ministry of Foreign Affairs. The events, testimonies, achievements and challenges described in the following pages date back to 2013 and 2014, first two years of DHRP operation, with two more years still in front of the Programme.

While going through the kaleidoscope of events and recollections, you are likely to notice the prominent role of the civil society actors in each of the narratives. It is indeed so for the Ukrainian society at large. Civic activism and expertise have so far played a phenomenal role in altering the country and moving its forwards at times of trouble and need. This path has not been easy. It has required skills to cope with revolutionary transformations, initiate and see through reforms, and be proactive at otherwise trying times of combat on Ukrainian territory. We at UNDP are proud to have made our modest contribution to strengthening the civil society and empowering it to act in the present environment.

Reading through these stories, you will also, inevitably feel the nuances of their work. Earlier work, ranging from monitoring of legislation on civic associations, through rebuilding governance structures and procedures for more transparency, and/or providing legal aid to local communities, was carried out in a time of relative calm in the country, but still carries weight of impact.

Stories from after the Revolution of Dignity of 2014 are markedly different. You will read of restoring a community of Mykolayivka after artillery shelling, channelling the energy of protesters to become volunteer election observers, assisting internally displaced persons, documenting human rights violations in the east of the country and monitoring freedoms in Crimea.

Between 2013, the year of relative stability and slow democratic degradation, and 2014 with its Maidan shootings, occupation of Crimea and combat in Donetsk and Luhansk is an abyss. Ukraine has rapidly transfigured itself, and new challenges had to be answered overnight. DHRP has been flexible and nimble enough to respond to what uncertain tomorrows always had in store.

Today, as never before in its history, Ukraine needs strength and coherence to advance and prosper. The country also requires energy, commitment, knowledge and goodwill of its citizens to revive after hard blows it has sustained. The reform agenda that has been declared is bold and revolutionary. Yet, it will need civic expertise to be effectively advanced. New challenges of human rights violations, unwitnessed before, will have to be countered. The engagement of human rights defenders, the necessary ownership, truth-finding actions are truly important if restorative processes are to be successful.

In these endeavours, UNDP through its Democratization, Human Rights and Civil Society Development Programme stands by Ukrainian people and CSO partners, government counterparts and volunteer groups to help build a more promising future, so that all stories always come to a victorious ending.
DHRP snapshot:

86 CSO initiatives supported

32,456 individuals benefited

Democratization

3,590 election volunteer civic monitors trained

1st civil society report on Ukraine’s progress against OECD anticorruption recommendations issued

18 regional initiatives on citizen participation, transparency, policy monitoring and advocacy supported

Human Rights

11 human rights monitoring reports prepared, including on freedom from torture, access to information, non-discrimination

5,597 legal consultations provided to citizens

2 strategic litigation networks established

Ombudsperson regional coordinators network established in 10 oblasts

IDPs Resource Center established

4,500 IDPs received consultations

11 monitoring reports on human rights situation in Crimea issued

14 human rights organisations united in Justice for Peace coalition to document human rights violations in the east

100 civic monitors to document human rights violations in the east trained
two years on

263 cases of rights restored

Civil Society Development

Monitoring of the civil society legislation implementation conducted

8 regional CSOs benefited from the organisational development

over 240 civic activists participated in the OGP consultations

New Challenges

11 monitoring reports on human rights situation in Crimea issued

14 human rights organisations united in Justice for Peace coalition to document human rights violations in the east

100 civic monitors to document human rights violations in the east trained

IDPs Resource Center established

4,500 IDPs received consultations
Democratization
Reshaping protest into oversight: training civic election monitors contributes to open and transparent elections

Becoming stronger: placing power in the hands of a community

Practising what you preach: internal democracy, effective fundraising and results-oriented volunteerism for regional CSO leaders
Reshaping protest into oversight:
training civic election monitors contributes to open and transparent elections

Franchise is one of the basic rights in a truly democratic society. After revolutionary events, such as those that rocked Ukraine in late 2013 and early 2014, the right to vote becomes even more crucial – heralding transition from transitional governance structures to legitimately elected institutions. Ukraine’s ousting of former President Yanukovych would not close the cycle of pro-democratic transformations if free, fair and truly popular elections did not take place promptly thereafter. The country was awaiting the presidential elections on 25 May 2014 with hope, but also with apprehension, because the way that elections would be assessed by the international community would also send a strong signal of legitimacy and global support to Ukraine’s choice.

At the same time, even with the formal change in government and its partial ‘reboot’ in February–March, the gap between the accumulated civic energy that stemmed from the Maidan and the lack of responsiveness of the governance system remained. Unable to channel their energy into effective mechanisms of citizen engagement (which had discredited themselves as a means of imitating dialogue rather than sustaining it in good faith), activists continued doing what they could to be heard. They organized protests, burned tyres and organized ‘trash-bin lustration’ rides for the officials allegedly marred in graft and corruption. However, to produce sustainable transformation, more constructive forms of civic engagement would be necessary, and civic monitoring of state processes was one of the logical choices.

The popular demand for citizen oversight and the desire to volunteer were creatively tapped into by the all-national organization Committee of Voters of Ukraine (CVU). This civil society organization believed that using as many trained volunteer election observers as possible throughout the 225 territorial election commissions and their 34,000 voting precincts would enable wide civic oversight. The connections of such newly recruited monitors to ‘professional’ CVU members, who were often just a call away from their colleagues at the OSCE election observation mission, could be considered a potent deterrent to anybody trying to steal the vote.
The CVU project, supported by DHRP, started out by recruiting potential volunteer election monitors. In a matter of several weeks, the number of individuals who registered to become volunteer monitors reached almost 3,700. To make it possible to train this many people, CVU used webinars to build the capacities of the monitors-to-be in spotting the most evident and egregious of violations, paying attention to the detail that distinguishes a legitimate procedure from fraud. A dedicated section of the organization’s website was created in advance to host the relevant guidelines, report templates, video guides, presentations and literally anything that would enable the volunteers to have their questions answered.

Moreover, to enable a maximum number of Ukrainian citizens to vote in the elections, CVU publicized flyers that detailed the steps necessary for people to check whether they were on the electoral list or would prevent those people who resettled from Crimea or arrived from Donetsk or Luhansk from being disenfranchised. The procedure for official registration as an absentee voter with a different polling station was spelled out simply and clearly to ensure maximum comfort and understanding, and over 170,000 Ukrainians appealed to the relevant registration authorities to receive such certificates before Election Day.

Election Day itself brought about multiple challenges and issues. For instance, the election commissions were put together hurriedly before the elections and had the minimum number of members. High voter turn-out resulted in long queues. The low level of qualifications of some of the commission members led to delays in counting the votes, and vulnerabilities in the national electronic system for the submission of election results from the regions led to the system freezing under hacker attacks. Polling stations in Crimea did not open due to the Russian occupation, and multiple threats to voters and commission members were voiced by terrorists in Donetsk and Luhansk regions.

Despite these challenges, the network of election volunteers trained by CVU proved to be a highly effective team. On 61 occasions the signals of volunteer observers were found to be valid, and irregularities were included in the official CVU report after thorough verification.

Regardless of the difficulties seen throughout Election Day, the OSCE election mission underlined the free and democratic essence of the elections, noting that this day was marked with a “clear resolve of the authorities to hold what was a genuine election largely in line with international commitments and with a respect for fundamental freedoms in the vast majority of the country.”

“It was great to be part of something bigger,” says Oleksiy, one of the volunteers trained by the CVU, “and also to feel that you know something, that with these skills and knowledge you serve a higher purpose. You are somewhat of a guardian, a person who protects important things. Would I do that again? Yes. But we also need you to come join us!”
The city of Trostyanets in the north-eastern part of Ukraine seems to be just another small municipality with its usual problems: roads that need mending, streetlights and building facades that could benefit from substantial renovation. Yet, throughout the last year, some important transformations have taken place. “Too often,” says Anatoliy Zayats, Head of Holos Hromady (‘Citizen Voice’) CSO, “citizens rely only on the government, on city councils, on businesses, anyone but themselves to solve local problems. There is some logic in that too. If you are not allowed to take part in decision-making, if you are kicked out of meetings or see that your proposals are ignored, you start playing the blame game. Waiting for someone to go and address the problem for you. That was what we tried to change.”

Launching its work with the Trostyanets community step by step in the aftermath of the country’s revolution, Holos Hromady activists knew that change would not happen overnight. To give Trostyanets residents a true say in local community matters, and to introduce effective mechanisms of oversight to control municipality performance, 7 neighbourhood committees and 200 street committees were formed as part of a DHRP-supported project. These building blocks for local democracy placed the power to identify and prioritize their own needs in the community’s hands. Yuriy Bova, the Mayor of Trostyanets recalls: “We systematically conducted meetings with people across the town to form street and neighbourhood committees from the most active residents representing people in each city district. Now they can make decisions on a range of services, including playgrounds, parks, libraries, housing, water supply and other grass-roots necessities.”

The concept allowed committees to decide on the issues they would like to be addressed. Then their proposals would be passed on to local authorities to be included in the municipal socio-economic development plans and backed by the municipal budget. Since the beginning of this initiative,
more than half of the proposals have been brought under the local budget, and over US$70,000 has been allocated to address citizens’ priorities. Representatives of the neighbourhood committees were empowered to monitor the performance of the city authorities against the adopted plans for social and economic development and the city budget.

As a result of the project, the housing and communal service providers and relevant city departments openly reported to the citizens on the progress made and issues already addressed within the municipal plan for socio-economic development. Eight community campaigns to clean up the city and its parks and squares were jointly organized by the municipality and the committees. Cooperative initiatives have also been established – among them a municipal government arrangement to build a water supply system, and an initiative to jointly decide on locations for kiosks and small shops.

In addition, citizens are now able to post about the problems they have encountered in the city on the Open City online platform, which enables geo-tagged appeals to go directly to the relevant city department or agency to be investigated. This means that from now on, residents will be able to click on a map online to report simple problems, check the status of the service request and even rate the outcome achieved. Over the period of one year, 288 issues were reported to the municipality, and action was successfully taken on 185 on them.

Furthermore, the established practice of publicizing quarterly public reports by local authorities and municipal services on local television, social media, mass media and city council websites has brought about opportunities for greater transparency and thus stronger partnerships between local government, service providers, CSOs and the community at large.

As a result, Trostyanets citizens have expressed a higher level of trust in the neighbourhood committee representatives: according to a local opinion poll organized by Holos Hromady as part of the project, it has grown by 10 percent since the inception of the initiative, and more and more citizens are reporting their readiness to inform the local government of the local issues that need to be addressed.

The initiative would almost sound too good to be true, if it were not for the subsequent independent confirmation of its success. Judged by the results from 2014, Trostyanets found itself among the winners of the Best Practices of Local Government competition conducted by the Association of Cities of Ukraine for effectively transforming its approaches for citizen engagement and increasing ownership of the local constituency.

Yuriy Bova, the Mayor of Trostyanets, presents the main achievements in cooperation between the community and local government
Photo: UNDP in Ukraine
Practising what you preach: internal democracy, effective fundraising and results-oriented volunteerism for regional CSO leaders

The number of civil society organizations (CSOs) in a country is, if anything, a clear testimony to the proactive stance of the citizens vis-a-vis their government and business counterparts: working for common community goals and driving change towards better governance. The USA has 46 non-governmental organizations (NGOs) per 1,000 persons, Estonia has 25, Denmark has over 14, while until recently Ukraine had 31. Indeed, quantity does not necessarily translate into quality in terms of NGOs and society at large; yet other indicators of Ukrainian civil society’s performance also testify to systemic challenges. For instance, Ukraine’s index for CSO sustainability for 2013 was at a low of 3.4, while its Estonian counterparts scored 2.0 (where smaller numbers indicate better performance and resilience).

The biggest challenge for Ukrainian CSOs is sustainability. They are characterized by a high degree of dependence on international donors, with 36 percent of budgets coming from international structures (compared with 1 percent in the Czech Republic and 5 percent in Estonia) and 66 percent of organizations lacking a fundraising plan. Insufficient outreach to communities (a maximum of 8 percent of the population involved in any civic activities) and volunteers—with 33 percent of CSOs having never had any volunteer involvement—results in weaker ties with constituencies, a lack of awareness or mistrust. Transparency is another major issue. While 80 percent of Ukrainian CSOs maintain that it is important to make financial records, plans and expenditures openly available to the community, only 5 percent actually do so. One may talk of integrity, transparency and democratization, but will one also practise what one preaches?

To nurture the CSO sector, enhance its internal democratic governance mechanisms, strengthen financial stability, upgrade advocacy skills and root the organizations more deeply in their communities through membership and volunteering, DHRP launched a support programme to Ukraine’s leading mid-size regional CSOs to help them transform internally, embody the principles they advocate and ultimately lead the way forward for other organizations. The regional focus was a deliberate choice: while organizations working in the capital are generally trying to move in the direction of better internal governance and financial sustainability—often through protracted coaching programmes offered by the international donor community—the mid-sized regional
CSOs tend to fall through the cracks and remain too big for their region, yet too small to play on the capital stage.

To identify and build up the internal resilience of the future regional leaders, the DHRP programme, launched in 2013, selected eight organizations on a competitive basis and has offered them a guided and tailored schedule of internal growth that would make internal structures and procedures stronger, governance more democratic, membership and volunteer base more versatile and reliable, and funding more diversified.

The overall growth and maturation process is scheduled to be completed at the end of 2015, making the eight regional organizations effective watchdogs in the areas of democratization and human rights and also serving as conduits of state reforms at the subnational level. While these regional CSOs still have a year ahead to work on improving their internal organization and skills, the first results have already emerged.

Kherson Community Fund “Zakhyst”, for instance, ran on a budget of US$30,000 in 2013. Having developed its fundraising strategy and restructured its organizational board to focus on fundraising activities, the Fund managed to more than double its operational budget to over US$70,000, with two thirds of resources coming from local sources, including businesses and citizens’ contributions. The role of the renewed and restructured organizational boards is well recognized by all participants in the organizational development programme. “We see the value in the renewed and independent board, where we also have representatives of the local business community. They are sometimes even more ardent advocates of our causes than we are! And a comprehensive, multilateral view on our strategy for the future is also one of the board’s strengths,” notes Larysa Polska, Head of the Fund.

While the revolutionary events of 2013–2014 and the subsequent conflict in the east of the country have increased the number of Ukrainians willing to volunteer for a cause (by 9 percent to a total of 23 percent of the population7), questions arise as to the sustainability of the flow of volunteers and the means to ensure the best possible contribution of the energy and skills of volunteers to a cause supported by the organization.

The Committee of Voters of Ukraine in Rivne knows this from its own experience. Previously relying on ad hoc calls for assistance, the organization came to understand the necessity of a more structured and regular approach to engaging volunteers. A well-advertised campaign for volunteers to join the organization’s activities was made through social networks, with over 80 persons selected to be enrolled as volunteers ready to be involved in public campaigns and one-off activities. Out of these, 20 are working consistently. The newly created volunteer database allows the organization to track the availability, interests and preferences of volunteers, to make cooperation more fruitful.

While CSOs may use a number of tactics to achieve their goals, one of the crucial skills is advocacy. Keeping this in mind, all eight organizations are being coached in effective local-level advocacy and coalition-building for common good. The Center for Civic and Cultural Initiatives “Tamarisk”, for instance, has already succeeded in advocating for the adoption of regulations allowing CSOs to effectively monitor regional government through a transparently created CSO Oversight Committee.

Ultimately, cooperation with the regional-level CSO players reconfirms a finding long proven. Your actions may be only as effective as your internal strengths. You cannot prophesy democratization, transparency and integrity in your community unless your financial reports are open, your procedures clear and fair, and your board plays the role of an independent oversight mechanism. Working on issues of human rights would be hard if the organization failed to demonstrate clear guidelines on non-discrimination and to reach out to the community to incorporate new volunteers and, possibly, members. An organization without a voice gained through advocacy or without stable financial resources rooted in the community will not become a pillar for other organizations to look up to or an effective and independent watchdog. This path is long and, these days especially, challenging. But the road yields to those who tread on it.

“At first we were sceptical about some of the elements that the organizational development work had to offer. Why fix something that is not broken, I say? At the same time, after the findings of the participatory 360-degree capacity assessment came in, and we started discussing them with the DHRP experts… it seems like we looked in a mirror anew. We thought we knew what our partners would say, our beneficiaries. We were wrong. This was a discovery in many respects — where we still have ample opportunities to grow.” – Lyubov Maksymovych, Director of the Zhinochy Perspektyvy women’s organization from Lviv
Human Rights
From retaliation and intimidation to service and protection: Lviv police progress towards a pilot for law enforcement reform

Restoring rights in protest: Ombudsperson’s Regional Coordinator acts on detentions of revolutionary activists

Assist and protect: Ukrainians benefit from free legal aid at the regional level
From retaliation and intimidation to service and protection:
Lviv police progress towards a pilot for law enforcement reform

Close to a third of Ukrainians seeing a police officer in the street would consider them a threat to their personal security rather than an agent of law and order, and only 1 percent of the population fully trusted the police as an institution in 2013. Experiences with the protection of citizens’ rights against violations by the police are also telling: a 2013 report by Amnesty International suggests that in Ukraine only 1.5 percent of all complaints submitted to the prosecutorial bodies regarding ill-treatment by the police (a total of over 110,000 grievances) were actually investigated. Violations were officially acknowledged in 0.3 percent of these instances of complaints. In this respect, it is quite symbolic that the first truly mass protests that sparked the Revolution of Dignity were an outcry against the brutal police beatings of students in the capital’s Independence Square in November 2013.

To help uncover some of the more systemic issues pertaining to the work of police forces (especially their detention and interrogation practices), as well as possible ways to introduce quick fixes or chart longer-term strategies for transformations and improvements, DHRP supported civic monitoring of 26 district police departments in the Lviv oblast of Ukraine from the beginning of 2014. The project’s civil society partner, Nashe Pravo CSO, conducting the monitoring, concentrated on issues to prevent torture and inhuman and degrading treatment of detainees, as well as overall considerations of rule of law which would ensure their due protection. The spotlight was on the right to a lawyer, the right to notify relatives of detention, and the right to a medical examination by an independent physician, to name a few.

Quite predictably, the monitoring discovered a few systemic problems. For instance, the police failed to promptly inform relatives or other close contacts that someone had...
been detained in a remarkable two thirds of cases. The 30 in-depth monitoring visits discovered cases when ‘hidden detention’ was used, as an individual would be interrogated without a lawyer, and pressure would be applied to this person to change his or her status from a witness to a suspect. Structural problems were also discovered, such as the absence of dedicated premises for private meetings between a lawyer and the detainee, and the failure to publicly display information on legal aid for detainees.

Based on the results of the monitoring, the Nashe Pravo specialists moved on to working hand in hand with the Lviv oblast police. The results of the monitoring and subsequent collaboration were launched at a time when, after the revolution, the Ministry of the Interior demonstrated its receptiveness to change and, finally, extended a hand of cooperation to the civic expert community and citizens at large.

As a result of the monitoring findings, since August 2014 all 32 police departments in the Lviv oblast have been equipped with information boards that explain detainees’ rights, making them aware of what needs to happen when they are detained (access to a lawyer, notification of detention etc.). Awareness-raising efforts have targeted over 200 police officers, and an estimated 10,000 individuals have been informed of their rights through the newly available materials.

Recognizing the role that Nashe Pravo played in not only uncovering systemic problems but also in starting to act on them, the Minister of the Interior ordered the launch of a full-scale pilot to systemically reform the police force in Lviv oblast, and included two experts from the organization in the reform working group. This group is currently developing a comprehensive model for police performance. The intention is to complete the model in the spring of 2015 and, subsequently, launch its implementation, while also including successful practices in the national police reform agenda.

“The best indicator of our success, in the longer term, would be trust,” emphasizes Andriy Hnyda, a Nashe Pravo expert. “Once, the Minister was referring to a paradigm change: from retaliation and intimidation to service and protection. Now it’s a task for all of us to make it happen!”
“Everyone has the right to protect his or her rights and freedoms from violations and illegal encroachments… the right to appeal for protection of his or her rights to the authorized Human Rights Representative of the Verkhovna Rada of Ukraine” – these words on the pages of the Ukrainian Constitution are carefully underlined. The book closes, and Valeria Lutkovska, the Ombudsperson of Ukraine, looks up from the table. “But how can you ever be available for over 46 million people on a 24/7 basis and do your job well? Not a trivial task, wouldn’t you agree?”

Human rights are indeed enshrined in the Constitution of the country, as is the right to appeal for protection and justice in interactions between the State and the citizen. Yet, no matter how proactive the state human rights defender is, how dedicated and resourceful her staff, there will always be a lack of connection between the centrally positioned Ombudsperson’s Office in the capital city and the furthest locations on the map of Ukraine.

If the Ombudsperson visited every city, village and settlement in the country for half a day to listen to people’s concerns and grievances, she would spend 40 years (weekdays and weekends) on such a journey, and that is without factoring in any travel time between locations.

To tackle this challenge of regional representation, DHRP worked directly with the Office of the Ombudsperson, which had approached the programme with an idea for a mechanism of better outreach to the regions to be able to track the human rights situation in situ and deliver the information gathered at the regional level to the central Office for due consideration and an appropriate reaction.

This model was approved in 2013, with locally involved civic experts in seven different oblasts of Ukraine coming to serve as the Office’s ‘eyes and ears’ to monitor the human rights situation and bring the institution of the Ombudsperson closer to its subnational constituencies. The civic experts were, on the one hand, considered locally trusted sources for channelling the information to the central level and, on the other hand, taken seriously by the local authorities as holding the Ombudsperson’s mandate to verify human rights compliance. Thus the system of Ombudsperson’s Regional Coordinators for human rights was born.

As the protests in all regions of Ukraine started to multiply at the end of 2013, there were increasing indications that human rights violations (including denial of the right to assembly) were on the rise, but no one seemed to be prepared for what came in early 2014. The system of Regional Coordinators was to be severely tested – a test that ultimately determined the viability...
of the cooperation and solidified a foundation for addressing other emergency situations.

“It was a particularly cold day in the city, 23 January,” recalls Volodymyr Batchayev, Ombudsperson’s Regional Coordinator in Cherkasy, a town in central Ukraine and capital of the oblast of the same name. “Despite the -10°C we saw over 20,000 people gathering near the Oblast State Administration to demand the resignation of the regional government: you see, by that time the first protesters had already been shot in Kyiv. Tyres were burning there – close to the government quarters. The protesters in Cherkasy were in solidarity with people in the capital, the rest of the country. They spoke and tried to act. Then the beatings and detentions began.”

The protests quickly turned into a stand-off with law enforcement officers, who snatched people from the crowd, chased them and packed them into detention centres. The tactics, used elsewhere in Ukraine, could lead to a lack of information on detentions, with people going missing and reappearing in court with prefabricated charges against them. Some of the protesters would never reappear at all.

That night Batchayev was contacted by a woman, who reported a large number of relatives of missing protesters gathering near the detention centre and asking the police to tell them whether their loved ones were in custody and needed medical attention after police beatings in the square. “You can imagine the way those people mobbed me when I arrived at the centre – demanding to know whether their loved ones were in there,” recalls the Regional Coordinator. That night did not bring many hours of sleep, but a lot of practical results. Using the delegated mandate of the Ombudsperson, Volodymyr Batchayev entered the detention facility, had a personal meeting with over 40 detained activists, recorded their personal data, ensured that those of them with injuries received relevant medical care, and took this information to the agitated relatives and friends waiting outside. “This was the least I could do that evening,” notes the Coordinator, “...but that was something. That mandate allowed me to identify people, calm their relatives and start negotiations with the police.” While it was impossible to release the detainees immediately, the Coordinator negotiated a separation of ‘political’ detainees from criminal suspects, ensured that everyone within the detention centre had a lawyer, and served as a bridge between the detained protesters and their relatives.

Five days later, most of the activists were released either without charge or with a ‘guilty’ verdict but no actual prison penalty. Yet, as the revolution ended and some of the former detainees wanted to move on to other things in life, two of them discovered that nullified court verdicts actually remained in the official records, and thus their rights were limited, as they officially had a criminal record. In both cases, an appeal to Batchayev allowed the rights of the former protesters to be restored and obsolete criminal records from winter 2014 to be removed from the court system.

As occupation of the Autonomous Republic of Crimea and fighting in Donetsk and Luhansk oblasts fills the news, the Regional Coordinator system is again facing new challenges that it is likely to need months to deal with. From the rights of internally displaced persons to the rights of military recruits and volunteers, humanitarian issues and children’s rights in conflict – all these are new issues that demand immediate attention and an immediate response, at both the national and subnational levels. Nonetheless, as the first test has shown, the Regional Coordinator team is ready to tackle whatever the future has to offer.
When Serhiy left the penitentiary he was faced with an unpleasant surprise. His passport, which should have been returned to him after his release, had been lost somewhere in the files and could not be retrieved. “I felt cornered in a way. Officials like to play football with you – kick you out as a ball from their offices and say that first, before coming to them, you should have papers that you cannot get because you lack other papers. It is a labyrinth.” He laments the state he used to be in. With the help of a qualified lawyer from the free legal aid centre, Serhiy and 37 other applicants in a similar situation in 2014 were able to restore their identification documents.

This kind of situation is just one of a number of legal conundrums that Ukrainians are facing. In the absence of highly skilled legal advisers who would be able to deliver their services for free, most of them would either remain facing their problem or continue bickering with the State with varying degrees of success but, invariably, for protracted periods of time. Although the right to free primary legal aid and advice is stipulated by Ukrainian law, in most cases such services are provided ad hoc by either CSOs or pro bono lawyers. With the estimated need for legal advice at the level of almost 11 million citizens, no development actor would be able to continuously satisfy this demand. Responding to this challenge and realizing that short-term solutions could bring only so much relief, the DHRP launched a pilot initiative to institutionalize free legal aid at the local level.

In the course of 2013 and 2014, DHRP supported six CSOs that deal with legal aid provision in different regions of Ukraine. Throughout their regular operations, these CSOs have been able to deliver legal advice and counsel to over 4000 individuals on a wide variety of themes, and restore rights in 113 cases. These providers have offered their consultations and capacitated the citizens to correctly defend their rights before state bodies, courts, state or private entities and other individuals. They have assisted their clients in correctly filling out papers and responding to arguments put forward by authorities that are unwilling to take the citizen’s side.

“In a lot of cases dealing with restoration of identification, or when the authorities just bluntly refuse to help,” says Inga Dudnik, whose organization helped Serhiy reclaim his rights for an ID, “we
would go as far as delegating our lawyer to the local police station or immigration service responsible for issuing the papers, together with the client. They know that we are aware of the rules and the law. Situations would somehow immediately turn for the better and, voila, the case is done. Ultimately, our State respects those who can defend themselves!"

With DHRP support, partner CSOs were empowered to go one step further. Realizing that technical assistance cannot continue indefinitely, the partner legal aid centres were encouraged to lobby with their local authorities for the incorporation of a dedicated budget line for funding legal aid provision that would be free for the clients. Despite the troublesome financial climate and bureaucratic hurdles, two such pilots have been successful in securing local government funding for uninterrupted delivery of free legal aid.

"The negotiations have not been easy, I must admit," smiles Andriy Maletyn, head of the Stanislaviv Human Rights Group CSO, “but, in the end, it is hard to argue with professional lawyers, isn’t it?" The Stanislaviv Human Rights Group, one of the successful pilot models, liaised with the district council to advocate for the adoption of a district programme for legal aid provision for 2015. The local council’s decision envisages an open and transparent competition for local lawyers to be contracted to deliver free legal aid for the residents of their locality. Moreover, the contracts to be awarded would oblige the lawyers to not only provide their services in the larger local cities but also make scheduled visits to the villages to ensure that the right to free legal aid is available to those living in settlements off the beaten track, people with limited mobility and other vulnerable groups. The US$9000 programme may not sound like a large investment, but for a rural western Ukrainian district of Dolyna this is a major breakthrough.

While reform of the justice sector nationally is a slow and cumbersome task, local communities are already beginning to grasp the win–win situation that free legal aid may bring to both citizens and the authorities. By being more proactive in defending their own constituents, local governments are scoring popularity points and building more trust and acceptance among the community. Local citizens, on the other hand, manage to save their time, resources and energy by obtaining answers to their questions, receiving clarifications and — in a lot of cases — avoiding costly and nerve-wracking litigation, which may often be avoided if they receive qualified legal help early on. And for the most vulnerable community members, such as Serhiy, proper assistance brings hope of a new life, employment and integration into society.
Civil Society Development
Have your say! Consultations on OGP plan result in a shared vision for the future.

Putting rules to the test: support for monitoring civil society law implementation in Ukraine.
Growing from eight founding members in 2011, the Open Government Partnership (OGP) has so far united 64 participating countries. These nations have officially committed to disclosing ever more information on government operations, supporting meaningful civic participation, enhancing principles of accountability, preventing corruption, implementing the highest standards of integrity in public service, as well as using information and communications technology (ICT) as a tool to ensure more openness and accountability.

Ukraine was among the first to join this international club and commit to the principles stipulated in the Open Government Declaration; yet the Ukrainian government’s initial approach to the national action plan for the OGP was not inclusive.

A window of opportunity to collaboratively develop a well-consulted plan opened up in the wake of presidential elections at the end of spring 2014. At the invitation of the Government Secretariat, DHRP assisted with organizing a consultative process to assess the first proposed version of the action plan, gather proposals and feedback, and ensure better awareness of the OGP commitments at the subnational level.

A strategy was devised with a three-tiered approach to consultations. First, the draft action plan would be put online on government and NGO resources for real-time electronic comments, and sent out through the network of local CSO partners. Second, regional cluster consultations through face-to-face meetings would be launched through a partner network of DHRP-supported regional leader CSOs. The outreach stage of the consultations would culminate in a wide round table in Kyiv that would not only summarize the suggestions received so far but also serve as an extended consultative mechanism and an opportunity for individuals and organizations to voice their concerns or share their proposals for the framework under discussion. Finally, the third tier of the consultations would include expert deliberations with the wider participation of civic experts who would give feedback on the plan’s wording and be able to produce a final version to be submitted to the Cabinet of Ministers for consideration and adoption.

The digital consultations, launched a week before the regional meetings, received 153 responses, with 73 percent coming from established CSOs, 11 percent from individual activists or citizens, and 16 percent from local government bodies. The comments and responses provided to the evaluation questionnaire equipped the fieldwork team with some
understanding of the areas that produced the most interest or concerns, as well as some of the ideas that could be discussed as additional items at the regional consultations. Within one week, a group comprising representatives of the Government Secretariat, civic experts and UNDP representatives conducted three one-day consultations in the cities of Lviv (west), Kherson (south) and Dnipropetrovsk (centre) with 142 participants – on average three quarters of them being civil society or local community representatives and one quarter representing local government bodies.

“Such consultations are crucial,” states Oleksiy Khmara, Executive Director of Transparency International Ukraine and long-standing advocate of OGP as a tool to bring more integrity into public service. “It is not always easy; you may have to answer uncomfortable questions, do a lot of explanations and, in all honesty, put your patience to a challenging test. But in the end you do get what you came for – feedback, interesting ideas and a feeling of whether you are looking in the right direction.”

He is echoed by Volodymyr Shcherbachenko, leader of the East-Ukrainian Center for Civil Initiatives, who was one of the proactive participants in the consultations both at the regional level and through expert discussions in Kyiv: “When I looked at the plan at first, I was surprised – to say the least. The first version of the document had the access to information part reduced, shrunk and merged with other priorities. So we decided to campaign against this. One of the areas where our organization works is the access to public information, including geospatial data, and city master plans – so that citizens know whether the planned construction site close to their home will be a school, a shopping centre or a power plant. So, for us it was almost personal.” Volodymyr took part in drafting the extended section on improving access to information for the subsequent version of the national action plan.

The process of multi-tiered consultations, therefore, produced a much more coherent vision of the action plan than could have been achieved without such proactive outreach. The 2014-2015 version of the plan, signed into operation in November 2014, while emphasizing the priority areas of the OGP (citizen participation, access to information, anti-corruption and integrity, service provision, ICT for democracy), was much more practically worded than its predecessor. General formulas and overarching promises were substituted by concrete commitments, legislative initiatives and outcome indicators.

These consultations are testimony to the propensity of Ukraine’s civil society, as well as the community as a whole, to effectively participate in the joint design of national policies and plans. The more such participatory mechanisms are put in place, the more opportunities appear for genuine shared ownership of roadmaps and decisions rooted in the community. The chance for people to have a true say in policy elaboration may finally become common practice in Ukraine.
Putting rules to the test:
support for monitoring civil society law implementation in Ukraine

Imagine it is 2011. You want to contribute to your community, start up a charity or address another socially important issue by operating a civil society organization (CSO) in Ukraine. No problem. Yet, before you start, you will need to gather at least 28 people from no fewer than 14 different regions of Ukraine, who will run regional offices of your organization (that is, if you want to operate anywhere in the country), pay a registration fee and wait for a minimum of 30 days for your registration. You may also find yourself among the 50 percent of the start-up organizations that were denied registration without any explanation. If you make it, and decide to help organize an international conference or forum outside Ukraine, beware. This may be interpreted as expanding activities to a foreign territory, thus obliging you to register as an international organization and pay the State an additional US$250. If you fail to do so? Sanctions appear promptly. On the other hand, maybe you should start a business instead… Then you would only need one founder, and the whole process would take up to three days. The choice is yours, obviously.

The 2008 ‘Koretsky and others v. Ukraine’ decision of the European Court of Human Rights ruled the existing legislation of Ukraine obsolete and overly restrictive, preventing Ukrainians from exercising their rights to association, and demanded change to the existing regulatory practices. Nonetheless, the response of the State did not come until spring 2012 when, after an exhausting multi-year campaign, new legislation came into effect, removing the majority of the bottlenecks and creating an enabling regulatory environment for CSOs to emerge and run their activities. Yet, being well aware of the abyss that usually lies between what is set out on paper and what happens in real life, the DHRP supported a group of Ukrainian CSOs from various regions of the country to track actual implementation of this progressive law, assess its effectiveness and inevitable complications and chart recommendations for improvement.

These 27 organizations covering the whole territory of Ukraine launched their monitoring of the
implementation of the law in the autumn of 2013 and completed the review in 2014, having produced a comprehensive vision of the law’s application. “Such independent assessments are critical to stimulate proper implementation of the law. Being in compliance with European standards, the new law, 20 years overdue, is an important piece of legislation governing the legal status of civil society organizations,” maintains Anastasiya Shymchuk, an expert from the Ukrainian Centre for Independent Political Research, one of the two lead think tanks to produce the final report as a result of the assessment.

The monitoring included field research in 25 regions, over 150 interviews, visits to state registration facilities and even analysis of the court practices regarding appeals connected to CSO registration cases. The findings of the monitoring have, for the first time in Ukraine, given a 360-degree view of the registration process and have, generally, assessed experiences with the registration process as being resolutely better than under the previous legislation. Thus, for instance, registration of a civic association (organization, association, network) is supposed to take up to 7 days (instead of 30 previously), and in 55 percent of the cases this target was met. Another 30 percent of CSOs were registered with a slight delay – still not perfect, but a drastic improvement from previously prevalent practices. In addition to this, civil servants no longer demand additional documents, certificates and explanatory notes from the applicants but instead adhere to the exhaustive list of papers listed in the law – another concrete improvement. The registration fee was removed not only on paper but in practice as well.

As with any roll-out of new regulations, the monitoring also revealed issues that need to be addressed for CSOs to enjoy all the benefits of straightforward registration and operation. Among the areas for improvement identified were better organization of information regarding the registration process on the websites of relevant registration units and pending changes to the Tax Code which, unless addressed, effectively prevent CSOs from receiving proceeds from small business operations, channelling these funds to the organizations’ statutory goals and thus retaining their not-for-profit status.

While no perfect solutions have emerged from the introduction and practical testing of the current frameworks for the operation of Ukrainian CSOs, they are favourable to sustain the civic momentum that became most evident throughout the winter of 2013–2014. Equipped with the results of the comprehensive assessment and using the momentum for change, Ukrainian CSOs are now working hand in hand with relevant government counterparts to make the right to association a practicable and easily exercisable reality for a renewed country. The baseline has been set, and so progress is expected to come.
New Challenges
Brick by brick: dismantling walls, building bridges and bringing a community together through art and action

First things first: responding to the immediate needs of IDPs through the Resource Centre

No peace without justice: human rights organizations form coalition to document human rights violations in the east
Brick by brick: dismantling walls, building bridges and bringing a community together through art and action

In the summer of 2014, residents of the city of Mykolayivka in Donetsk oblast watched helplessly as residential and community buildings came down under artillery shelling. The local school #3 was no exception. Scars on the building facades only showed the surface of the damage done to the community. People’s hearts and minds hardened; where small disagreements were before, now lay deep mistrust and suspicion. The hot air of August reverberated with tension. The stereotypical ‘east–west divide’ was palpable in this community of 16,000 citizens, as in many other places in eastern Ukraine where the clashes sprang up.

Shaking off the first shocks after the liberation of their city by Ukrainian troops, its residents have discovered the necessity of dealing with their traumatic legacy and moving on with community life. Yet the way forward was uncertain, and the community needed a catalyst to start restoring itself both in terms of infrastructure and human connections.

In Kyiv, 650 km to the northwest, a group of over 20 artists, cinematographers, performers, educators and psychologists came together as members of the New Donbas initiative, united with one goal: to help restore communities in the liberated territories of the Donbas region through art and assistance to the restoration of the local infrastructure.

The group was looking for partners to show that common values and joint action could melt the ice of mistrust and counteract the destructive narratives that helped instigate conflict in the first place. This team approached DHRP for support and guidance, having already raised funds for construction materials and equipment. Agreement was reached within hours, and the preparations began.

The project group aimed at empowering the local citizens to help themselves recuperate from their traumatic experiences. It also wanted the locals to feel their connection to the rest of country.

50 local residents engaged in restoration of the school

over 20 volunteers joined the initiative

over 300 children participated in art, film, acting, plastics, pantomime, and therapy classes
Interaction with the children of Mykolyivka became the departure point for this trust-building exercise. Reaching out to them through theatrical play, workshops, movie screenings, street art and many other engaging modalities, the ‘cultural troopers’ started taking down the walls of separation one brick at a time: first through children and then with their parents and the older generations.

At the same time, to bring about community mobilization and unity through a common goal, this same group worked with the local residents to rebuild the local school. The volunteers, artists, actors and actresses, designers, educators and psychologists would join forces with the local community in renovating the school premises throughout the day, and in the evening cultural activities would entertain the community with creativity and fun.

As the school premises underwent restoration, debris was cleared and new furniture and equipment were brought in, the attitude of the city residents also changed. Outreach to the children and a common goal of restoring the school slowly turned into dialogue that had been missing for the preceding 23 years between this small community and the rest of the country. *Ad hoc* cultural and exchange arrangements have sprung up as a result of interaction between the local residents and the ‘cultural volunteer’ group. Thus, for instance, in an initiative led by a well-known Ukrainian actress, 10 school students, for the first time in their life, went on a tour from the Donbas region to the western area of Zakarpattia. They learned about west Ukrainian culture and traditions and, after that, became young ambassadors of mutual understanding and unity within Ukrainian society in their own community.

Apart from producing a tangible result (restoring the right of Mykolyivka’s children to education), the New Donbas initiative has once more proven that efforts to find commonalities between regions and people, constructive thinking and mutual trust are building important bridges both between people and across the country. Damaged communities will take time to restore themselves, and hundreds of days will pass before suspicion gives way to acceptance, but even the longest of journeys starts with one step. The residents of Mykolyivka have already taken it.
First things first: responding to the immediate needs of IDPs through the Resource Centre

Time is ticking away. Natalia looks at the clock-face with a mind set to distant thoughts and then, as if emerging from a daydream, continues: “…so if you think about it, it is already as if a huge megapolis was forced to live – each woman, man, child. There are over 920,000 people, only by official accounts! Hundreds – forced to leave occupied Crimea, killed and tortured in the east, thousands of homes destroyed in combat, and these hundreds of thousands relocated, seeking shelter. With every minute there are more.” Natalia is one of the early resettlers from the first wave who left Crimea after the occupation with her husband and two children. They consider themselves lucky compared to others who have to flee the east to the sounds of mortars and machine guns.

Ukrainian territorial integrity and peace were put to a strenuous test in 2014. The occupation and illegitimate secession of Crimea was followed by fighting that flared up in the east of the country. The unprecedented scale of the problem and challenges unmet before have put a strain on Ukraine recovering from the revolutionary events and attempting to set itself on the road to reform. The Crimea, Donetsk and Luhansk regions have seen thousands of people leaving and then requiring assistance with resettlement, searching for jobs and housing, restoring documents and, as of late, humanitarian assistance.

Working in close cooperation with both the Office of the Parliamentary Commissioner for Human Rights (Ombudsperson) and the volunteer movements aimed at addressing the challenges of internally displaced persons (IDPs), DHRP has supported the start-up phase of the Resource Centre for IDPs, a joint project of 11 leading civil society organizations, charitable foundations and initiatives that work alongside the specialists of the Office of the Ombudsperson to assess the situation, monitor needs and devise strategies for joint action for IDPs.

Since October 2014, the Resource Centre has carried out monitoring visits to 31 IDP compact living settlements in over 10 regions of Ukraine, reaching out to 1919 IDPs for needs assessment purposes. The monitoring reconfirmed lack of employment, unsecured housing,
scarce household appliances and issues with documentation and receiving social assistance as priority challenges. In 3 months since its start, the Centre assisted over 4,500 IDPs by providing psychological and legal counselling, rendering consultations on employment to 2,130 resettlers, accommodation and general questions to 2,023 persons, and legal issues to 75 individuals. Moreover, the Centre has supported the provision of humanitarian aid to IDPs, benefiting more than 2,600 people by the end of 2014.

The start-up work of the Centre has also stimulated change within the Office of the Ombudsperson itself. Despite budgetary constraints, the Office has recently decided to single out the issues related to IDP rights into a separate unit that would dedicate its attention exclusively to monitoring of the situation with rights of the resettled people. “Before this, several departments of the Office were dealing with IDP rights as silos: some of them with rights of children, some concentrating on social protection and still others – with healthcare. From now on, there is one centralized unit,” notes Valeriya Lutkovska, the Ukrainian Ombudsperson. The work started up by the Resource Centre has served a catalyst for creation of the new unit, and will continue contributing to operations of the Office of the Ombudsperson – not only through direct assistance to the internally displaced persons, but also through analysis of the existing laws and regulations that may affect IDPs, helping develop amendments to existing regulatory provisions.

While many issues will remain on the government’s agenda even after the families and individuals manage to successfully complete their move to the new host community, right now the core needs of IDPs have to be addressed, their rights protected or restored and doors to a life in the new setting kept open. The Resource Centre will have a lot of work in the upcoming months, but its team is ready and energized for action. “First things first,” noted the Centre’s specialists, “…as we weather these challenges, things will ease up, but our place is here and now. And we are ready.”
No peace without justice: human rights organizations form coalition to document human rights violations in the east

According to UN official estimates, over 4,300 people have been killed and more than 10,000 injured as a result of the conflict in the east of Ukraine, while many battle sites have not yet been searched and thus could hold more evidence of deaths. The use of cluster munitions has been recorded in multiple witness accounts, photos and video footage, including by international human rights organizations such as Human Rights Watch and Amnesty International. Not surprisingly, the report of the UN Committee Against Torture at the end of 2014 specifically noted the replacement of the rule of law with “rule of violence in the Donetsk and Lugansk regions, notably in places under the control of armed groups”. Accounts from the Human Rights Monitoring Mission in Ukraine include the presence of foreign fighters, a dramatic increase in the number of casualties and the use of heavy weaponry and indiscriminate shelling, and the absence of accountability for the crimes committed. Armed groups, it is emphasized, continue to carry out abductions, physical and psychological torture, ill-treatment and other serious human rights violations, resulting in a reign of fear and intimidation.

Responding to the growing need to record human rights violations in the east of the country, DHRP supported a number of civic human rights monitors and investigators to ensure that at least some of the cases of grave human rights violations would not go unaccounted and would be investigated officially later. Believing that the culture of impunity would bring about more and more breaches, two civil society organizations (CSOs) — the Center for Civil Liberties and the Luhansk Human Rights Defense Group — launched their human rights monitoring and documentation projects. These covered the liberated territories in Donetsk and Luhansk oblasts. Around 100 trained monitors and journalists gathered evidence (including interviews, photos and video footage, as well as their own observations) through 27 monitoring visits to over 50 cities and villages, ensuring that aggregate findings and individual
cases are documented for possible further use by national and international justice mechanisms.

International consultations and a skills-building workshop organized with DHRP-commissioned experts who had undertaken first-hand documentation of human rights violations during the Balkan crises have further emphasized the dire need for unified approaches to documenting human rights violations, efficient communications between documenters, and the avoidance of overlaps. Apart from the new skills and information received from the workshop, the participating CSOs emerged with an understanding that disparate initiatives would sink under the volume of work necessary to be performed in a standardized manner, and the idea of a powerful coalition was born. Within weeks, DHRP and its partner, the International Renaissance Foundation, were approached by a group of CSOs ready to form a coalition to consolidate efforts focused on cataloguing and systematizing accounts of human rights abuses in armed conflict in eastern Ukraine.

The major areas of the coalition’s work would include the collection and protection of raw data on cases of human rights abuses, systematization of such data for quick access and perusal, the launch of impartial and coordinated reporting on cases of human rights violations, monitoring the right to a fair trial, preparing reviews of the facts of human rights violations and disseminating those reviews to national and international institutions. The 14-strong coalition called Justice for Peace in Donbas has united organizations based both in Kyiv and in the combat-affected oblasts, thus benefiting from both capital-level access to institutions, organizations and bodies and the local-level knowledge of the situation and connections to the grass roots, thus generating trust in findings at both the national and regional domains. “While each member seeks to take a lead in documenting violations, the Coalition adds value in bringing a more comprehensive picture of the human rights violations in the east,” notes Volodymyr Shcherbachenko, elected Coordinator of this coalition.

The immediate plans of Justice for Peace in Donbas include launching a protected database of human rights violations which will enable information to be recorded, stored and analysed. This will mean that alleged cases may be investigated and justice may be brought to the affected regions, including under pressure from the human rights CSO community. The name of the coalition and its core mission is just that: to bring about reconciliation through the purifying process of truth-finding and justice. Much hard work lies ahead, but willing dedication and powerful tools may be able to start doing the job now.
Endnotes


