

The impact of the Helsinki Accords on civil society development and human rights observance in the OSCE region: past and present

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Introduction

On December 4th, 2024, during the OSCE Parallel Civil Society Conference, the Malta Declaration was adopted: “A stronger and reformed OSCE is needed to ensure its ability to implement its mission and effectively respond to the crisis threatening our comprehensive security”¹. The conference was organised by the Civic Solidarity Platform, established in 2011, which represents a network of more than 100 CSOs from across the OSCE region working on human rights, peacebuilding and democracy promotion.

The Declaration highlighted that “the future of the OSCE appears uncertain at a time when, more than ever in the past 50 years, our region faces multiple crises. There is an urgent need to strengthen and reform the OSCE to ensure that it is capable to effectively implement its mission on the basis of the Helsinki principles, including the establishment of new and sustainable security arrangements in the region. As the OSCE approaches the 50th anniversary of the Helsinki Accords, OSCE participating States and people in the vast OSCE region are living through the worst security crisis in many decades, encompassing all three dimensions of comprehensive security”.

The authors of the Declaration also drew special attention to the fact that “despite repeated calls issued by civil society organisations, including in the outcome documents of all previous OSCE Parallel Conferences, to OSCE bodies and participating States to take a strong action to protect civil society space and reverse the backlash against independent NGOs and civic activists, legislation and practices restricting the right to freedom of association continue to be actively developed and applied by governments in the OSCE region. Worst repressive practices aimed at curtailing independent civic participation and shutting down critical voices are being reproduced by non-democratic regimes in a growing number of participating States. A war against independent civil society aimed at its elimination is expanding”.

Essentially, this document reflects trends that civil society organisations actively involved in OSCE activities have observed for at least the past twenty years, about which they have repeatedly expressed serious concern and alarm. Moreover, this declaration was published even before a series of steps taken by the new US administration in February-March this year, which, alongside certain other events (the Russia-Ukraine war, the Middle East conflict, etc.), is leading to tectonic shifts before our eyes regarding the place and significance of the universal values of freedom, democracy, rule of law and human rights in the modern world.

As someone who grew up in the Soviet Union, but was later inspired by “perestroika”, which brought freedom, the emerging sprouts of democracy in the post-Soviet space, the beginnings of civil society, and the possibility to somehow influence the development of my country, I have the impression that we have begun moving in a downward spiral. This is because much of what is happening now, I already witnessed 35-40 years ago.

1 Malta Declaration: A stronger and reformed OSCE is needed to ensure its ability to implement its mission and effectively respond to the crisis threatening our comprehensive security.

<https://civicsolidarity.org/article/osce-parallel-civil-society-conference-called-for-reforming-the-osce-protecting-civil-society-space-and-the-mobilization-of-efforts-to-support-ukraine-and-resist-russian-aggression/>

A brief history

The adoption of the Helsinki Final Act in August 1975 represented a significant step forward, albeit declarative, in recognising the value of human rights and freedoms. Having participated in developing the Universal Declaration of Human Rights, the Soviet Union as a whole—and separately Russia, Ukraine, and Belarus—ratified the International Covenant on Economic, Social and Cultural Rights in 1968 and the International Covenant on Civil and Political Rights in 1973. These countries had thus signed legally binding documents containing guarantees for human rights observance. At the same time, there was no doubt that these socialist states would not comply with their obligations, particularly regarding political rights and civil liberties.

Therefore, regarding the Helsinki Final Act—which included respect for human rights in Section VII alongside security cooperation and economic development issues—there were also no illusions, especially since this document was not legally binding. Essentially, its adoption created a dialogue platform for discussing various issues, including human rights, despite the absence of any prospects that such dialogue on the human dimension would lead to systemic changes, given the totalitarian or authoritarian nature of political regimes entrenched in the “socialist camp” countries.

I believe we must address a fundamental “terminological” problem that persists to this day, especially when discussing human rights. The UN, OSCE, and many other global or regional organisations are routinely described as “international,” though it would be more accurate to characterise them as “intergovernmental” or even “inter-elite.” This distinction matters because democratic states have governments elected through free and fair elections (though even here certain caveats apply in some countries), thereby representing their peoples to varying degrees, or at minimum the majority that voted for them. Conversely, in dictatorships and totalitarian or authoritarian states, governments represent not their peoples but elite groups who have secured power through undemocratic procedures, relying on security structures and essentially representing only themselves on the international stage. The legitimacy of these governments remains profoundly questionable, yet existing global and regional organisations operate on the presumption that all possess equal legitimacy and can engage in meaningful “human rights dialogue.”

This March, the V-Dem Institute released its latest annual report analysing the state of democracy worldwide over the past year. For the first time in 20 years, the number of autocracies globally has surpassed democracies: 91 autocratic regimes (56 electoral and 35 closed) compared to 88 democracies (29 liberal and 59 electoral)².

This composition of “international” organisations, particularly regarding human rights, creates an utterly surrealistic landscape that Franz Kafka and George Orwell might have been uniquely qualified to describe. In the UN Human Rights Council, which examines human rights situations worldwide, some of the world’s most repressive regimes—North Korea, Eritrea, Turkmenistan, and Equatorial Guinea—have already presented three or four reports on their supposed “successes” in fulfilling international human rights obligations.

Meanwhile, recommendations to reporting states, including democratic ones, come from current Council members such as Cuba, China, Sudan, and Eritrea itself. In this environment, meaningful discussion of

2 “Democracy Report 2025: 25 Years of Autocratization – Democracy Trumped?”

https://www.v-dem.net/documents/54/v-dem_dr_2025_lowres_v1.pdf

universal values, international standards, or human rights criteria becomes virtually impossible. Even the legally binding international human rights treaties—hundreds adopted over the past five decades—function as second-class law that autocracies routinely ignore without facing consequences.

Returning to our historical context: The adoption of the Helsinki Final Act served as a catalyst for human rights defenders and activists across both Western Europe and the Soviet Union. In 1976, Yuri Orlov and fellow dissidents established the Public Group to Promote the Implementation of the Helsinki Accords in the USSR (later renamed the Moscow Helsinki Group). This group published the accords and emphasised their recognition that human rights transcend the domestic affairs of individual states. Similar monitoring groups subsequently emerged in Ukraine, Armenia, Lithuania, Georgia, as well as throughout Western Europe and the United States. This development marked the beginning of an institutionalised human rights movement across the OSCE region. Predictably, however, participants in such groups throughout the USSR immediately faced systematic repression.

It is worth noting that until 1994, today's OSCE was known as the CSCE—Conference on Security and Cooperation in Europe—reflecting its non-institutionalised format for dialogue between West and East. “Perestroika” and the subsequent collapse of the Soviet Union created opportunities for reforming and strengthening this framework.

In 1990-1991, several landmark CSCE documents addressing the human dimension were adopted. The 1990 Copenhagen Document established comprehensive standards and commitments regarding fundamental human rights, including freedom of expression, protection from discrimination, and the conduct of free and fair elections³. The 1991 Moscow Document took a decisive stance, emphasising that “the participating States stress that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order. They categorically and irrevocably declare that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned”⁴.

The 1990s witnessed the strengthening of OSCE structures, enhancing its organisational and expert capacity. A three-tiered mechanism for political consultations was established alongside the Office for Free Elections, now known as the Office for Democratic Institutions and Human Rights (ODIHR). Specialised institutions emerged, including the High Commissioner on National Minorities, the OSCE Representative on Freedom of the Media, ODIHR expert panels on freedom of religion or belief and freedom of assembly and association, among others. The OSCE's expert capacity grew significantly. Monitoring of local, parliamentary and presidential elections in OSCE participating States was established on a permanent basis.

From 1993, OSCE Meetings on human dimension began to take place, with human rights organisations also participating. But times change, and the world changes.

3 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, 1990 <https://www.oscepa.org/ru/dokumenty/election-observation/election-observation-reports/documents/2463-osce-copenhagen-document-1990-rus/file>

4 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, 1991 <https://www.osce.org/files/f/documents/8/a/14314.pdf>

Human Rights – Hostages to Geopolitical and Domestic Political Contexts

The past 25 years, including the period following Vladimir Putin's rise to power in Russia, have demonstrated the undeniable dominance of "Realpolitik" over the universal values formulated after World War II.

About fifteen years ago at a conference, I proposed the thesis that in today's world, democracy, rule of law, human rights and civil society face four "enemies": the weaponisation of oil and gas, the substitution of fighting terrorism and extremism with fighting political opposition, and civil society, and geopolitical considerations. To these we can now add a fifth enemy—disinformation and aggressive propaganda conducted by totalitarian and authoritarian states in the media, and especially in Internet spaces and social networks. All these "enemies," to varying degrees and however sad it is to acknowledge, are winning—both at international and national levels. The entire international system of security and values is cracking and disintegrating before our eyes, with human rights held hostage to these processes.

These trends have also affected the OSCE. It is sufficient to recall that for several years now, OSCE Human Dimension Meetings have not been held due to lack of consensus. Instead, the OSCE Chairperson-in-Office, with ODIHR support, organises conferences on the human dimension, which are similar in content to the previously held meetings but, of course, differ in status.

Generally, the consensus-based decision-making approach works well when all parties share common values and principles, with only differences in details requiring compromise. But when there is no general agreement on basic conceptions of democracy, rule of law and human rights, even compromise becomes impossible. The OSCE has come to resemble the UN Security Council, albeit with 57 countries possessing veto power.

A former ODIHR Director once ironically remarked to civil activists that there are two pieces of news for them: one bad and one good. The bad news was that there was virtually no chance of any breakthrough human dimension documents being adopted within the current OSCE framework. The "good" news was that the lack of consensus also prevented the revision of previously adopted documents containing human rights standards.

The advancement of OSCE commitments in the human dimension also encountered active resistance from authoritarian state authorities. OSCE field activities that existed in several countries across the region were downgraded to programme offices or closed entirely. Reports from election observation monitoring missions face harsh criticism, and their recommendations are often ignored. Authoritarian governments closely monitor human rights projects and programmes implemented or supported by the OSCE, expressing diplomatic displeasure or even blocking their implementation.

Moreover, authorities in totalitarian and authoritarian OSCE participating States began employing a new "know-how"—bringing representatives of so-called "governmental NGOs", or GONGOs, to OSCE human dimension forums. These are not necessarily organisations created by the authorities themselves, but clearly pro-government public organisations whose main task is to promote state "successes" and discredit independent human rights NGOs.

Both internationally and nationally, there has been a deliberate conflation of concepts: "society" with "civil society," and "public organisations" with "civil society organisations" or NGOs.

This raises a serious conceptual question—a question of meaning—as we need to define which society we are discussing. On one hand, there is society with its traditional institutions and connections, and on the other, there is civil society as a modern concept of the existence and functioning of society's most active segment. In this latter phrase, the key word is the first one—"civil"—which defines a citizen not merely through political-legal connections to the state in the form of an identity card or passport, but additionally through civic activity as a source of power and a taxpayer who monitors and makes claims against the state when their own or others' rights and legitimate interests are infringed. These claims are directed primarily at the executive branch, as it is responsible for implementing laws and spending "public" money based on the principle that human beings, their lives, rights and freedoms are the highest values in the state.

Secondly, civil society is not simply an aggregation of NGOs, but rather a sphere or space comprising individual people, politically active citizens, civic activists, public initiatives, and numerous formal and informal groups not necessarily institutionalised as NGOs. These individuals, groups and organisations have a multitude of diverse objectives. They represent horizontal self-organisation aimed at addressing common (and not only common) problems—without the state when it is not needed, or by appealing to the state when its response and assistance are required. This is not the Soviet concept of society as a state assistant. Moreover, civil society is largely a sphere that in some ways opposes the state, based on the principle that people are the source of power, and human rights and freedoms are the highest value that should determine both legislation and the state's law enforcement practices. It is the people, in the form of voters and taxpayers, who confer authority upon state officials and provide them with funds to perform these duties, and therefore exercise oversight.

This is precisely why, despite the Soviet Union having many public organisations—women's, children's, veterans'—which "under the leadership" of the Communist Party built a "socialist future," no one called this civil society.

Generally, in dictatorships and authoritarian states, there are few or no conditions for political competition, development of political parties, independent trade unions, free media, and active civic organisations. The absence of democratic institutions and procedures makes the advancement of political rights and civil liberties extremely difficult.

This creates insurmountable obstacles to implementing the Helsinki Accords and various human dimension documents derived from them across many OSCE participating States. Over the years, the OSCE, its structures, expert panels and others have produced dozens of different guidelines, handbooks on various human rights, opinions on draft laws and existing legislation in dozens of states, election monitoring mission reports, and so forth. However, both legislation and especially enforcement practices often move in the opposite direction throughout the OSCE region.

The Helsinki Accords and the CSCE (OSCE) played their role in advancing human rights and freedoms, particularly in the 1990s, but in the first quarter of the 21st century, we are witnessing a serious rollback across the entire international human rights protection system. This presents a significant challenge to democratic states, civil societies, and activists worldwide—a challenge for which an effective response has yet to be found.

Conclusions

Over the past 15 years, beginning in 2010, the Civic Solidarity Platform (mentioned earlier) has regularly organised parallel conferences and adopted final documents (declarations) with recommendations to participating States and OSCE governing bodies on human dimension issues. These primarily addressed general questions of enhancing OSCE effectiveness and expanding space for civil society, and included recommendations regarding specific rights and freedoms—particularly freedom from torture, non-discrimination, freedom of expression, religion, assembly and association, and the rights of vulnerable groups. However, recent years have been marked by evident attacks on civil society through the adoption of “foreign agents” laws, discreditation and stigmatisation of human rights organisations, and a general retreat from universal human values under the guise of protecting so-called “traditional values.” This has forced a shift from specific issues to broader, conceptual confrontations between archaic and modern perspectives, between ideals and cynicism.

This compelled the authors of the aforementioned Malta Declaration, adopted in early December 2024 at the OSCE Parallel Civil Society Conference, to note that: “for civil society representatives, it is evident that fundamental OSCE reforms are necessary. OSCE bodies and participating States must consider what should be preserved and strengthened, what should be abandoned or radically changed, and what should be developed instead. Essentially, it is about “rethinking the OSCE” to make it fit for new challenging times.”

There are fundamental principles that must be preserved. The concept of comprehensive security, the importance of multilateral cooperation, and the unique place that the OSCE assigns to civil society remain as important today as they were 50 years ago. We need to maintain these conceptual frameworks and develop new tools that will allow the Helsinki concept to work effectively in conditions where many states are no longer like-minded.

Essentially, we face a challenge not only to the existence of the OSCE in the form it took in the early 1990s, transforming from a dialogue platform into a fully-fledged organisation, but to the very foundation of human coexistence in the 21st century, which was conceptually formulated after World War II. As I see it, this will be a difficult and lengthy struggle, although I see no alternative to freedom, democracy, and the universal value of human rights.



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