

Statement by the Delegation of Ukraine

Working sessions 4-5 (specifically selected topic): Freedom of assembly and association

(Warsaw, 21 September 2016)

Dear participants,

Ukraine is fully committed to protecting and promoting the fundamental freedoms of peaceful assembly and association, guaranteed by the Constitution of Ukraine, in compliance with the OSCE commitments and applicable international standards.

The 2015 National Human Rights Strategy of Ukraine contains a special Chapter on “Ensuring the Freedom of Peaceful Assembly and Association” aimed at ensuring in law and in practice the exercise of the rights to freedoms of peaceful assembly and association. There is ongoing work on the draft law on the freedom of peaceful assembly, conducted in close consultation with the civil society and international experts. The Law of Ukraine “On Public Associations” was assessed by experts as a positive step towards further development of civil society in our country.

Ukraine closely cooperates with the OSCE/ODIHR and the Venice Commission of the Council of Europe, and we highlight the importance of the two joint OSCE/ODIHR-Venice Commission guidelines on freedom of peaceful assembly and on freedom of association. The OSCE/ODIHR Guidelines on the Protection of Human Rights Defenders also constitute a useful tool to assist participating States in the implementation of the relevant OSCE commitments.

Against the backdrop of the Russian aggression against Ukraine, we remain deeply alarmed over the systemic violations of freedoms of peaceful assembly and association by the occupying authorities in Crimea, targeting first and foremost Crimean Tatars and pro-Ukrainian activists, as well as by Russia-backed militants in certain areas of Donetsk and Luhansk regions.

Residents of these parts of Ukraine cannot not freely exercise their right to freedom of expression and peaceful assembly, and there are credible allegations of harassment, arbitrary arrests and torture targeting activists. All those facts were documented by numerous independent reports of the OSCE, UN and the Council of Europe.

The traditional commemorative events on 18 May, a day when for years people used to peacefully assemble to mourn the victims of 1944 criminal deportation of the Crimean Tatars, were banned by the occupying authorities.

Only 53 religious communities remained operational under the Russian occupying authorities in contrast to 1,400 religious communities before the illegal annexation of the peninsula by Russia that reflects the total ban of religious activities of Ukrainian churches and religious organizations in Crimea and their subsequent elimination.

Ukraine strongly condemns such actions of the occupying authorities, which constitute a clear violation of fundamental freedoms and human rights.

According to the latest OHCHR Report there is absence of open and free assemblies in certain areas of Donbas controlled by Russia-backed militants. The space to articulate alternative views is severely limited and people are persecuted if they organize protests or

assemblies against the Russia-backed militants. There are reasons to believe that few rallies that took place were organized by the militants, as all demonstrators arrived at the same time and did not appear to be informed about the substance of their demands. Civil society organizations, including human rights defenders, cannot operate freely in the territory controlled by the illegal armed groups. Some Donetsk residents informed OHCHR that they were being persecuted by the militants for their pro-Ukrainian views or previous affiliation with Ukrainian NGOs.

The current Russian aggression against my country and dire circumstances for the fundamental freedoms in the illegally occupied Crimea and conflict-affected areas of Donbas cannot be seen in isolation from the clear regress in the area of exercise of fundamental freedoms in Russia.

Both freedoms, of assembly and association, are being increasingly limited and restricted in the Russian Federation and continue to consistently decline. According to international NGOs reports, including Amnesty International and Freedom House, most of public protests were severely restricted, barred or dispersed during last years. The penalties were significantly increased. Several protesters and civil society activists were convicted following unfair, politically motivated trials.

Let me mention here the recent detention by the Russian police of five women in Beslan, the Russian Federation, on 1 September 2016 during a mourning ceremony in memory of hostage tragedy at the local school in 2004, which left 334 people dead, including 186 children, and 810 people wounded. We find appalling the fact that the mothers, who lost their children, were harshly detained by the police, promptly taken to court and sentenced to public works. What was their fault? They expressed their views over the injustice by wearing T-shirts with respective imprints and peacefully expressed protest over the scale of use of force by the Russian authorities during the so-called rescue operation and undue investigation to bring the responsible to account. Notably, the Chair of the Council on human rights under the Russian President reacted to this unacceptable situation by pointing out that “Such actions in relation to women who endured an awful tragedy cannot be justified neither from the moral, nor legal standpoints”, however the Russian authorities remained conspicuously silent on the matter.

Civil society activists continued to face harassment, public attacks on their integrity and criminal prosecution in Russia. Independent civil society organizations, including the most prominent such as Levada-Center and Memorial, face growing pressure under the so-called “foreign agents law”, which seriously impedes the activities of those working to promote and protect human rights and fundamental freedoms.

We note with concern that all the requests of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association to visit Russia remain unaddressed since 2011.

We believe that these gravely worrying trends in the Russian Federation should become a matter of serious attention of the OSCE Institutions within their respective mandates.

Thank you, for your attention.