

Statement of the Delegation of Ukraine

At the Working Session 2 “Fundamental freedoms I, including: Freedom of peaceful assembly and association. National human rights institutions and the role of civil society in the protection of human rights” of 2017 Human Dimension Implementation Meeting

Mr.Moderator,

Distinguished participants,

The rights to freedom of peaceful assembly and association are among the most important human rights we possess.

These rights are a vehicle for the exercise of many other civil, cultural, economic, political and social rights. They go hand in hand with the right to freedom of expression.

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

Ukraine remains deeply alarmed over the systemic violations of freedoms of peaceful assembly and association by the occupying authorities in Crimea and city of Sevastopol, 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 those parts of Ukraine cannot freely exercise their right to freedom of expression and peaceful assembly, and there were credible allegations of harassment, arbitrary arrests and torture targeting activists.

We reiterate our protest against the ban by the occupation authorities of the Mejlis, which is for Crimean Tatars a traditional institution of an indigenous people: its members, forming an executive body, were elected by the Kurultai, the Crimean Tatars’ assembly. In addition to the national Mejlis - which has 33 members - there are about 2,500 regional and local Mejlis members in Crimea. Any other Crimean Tatar organization cannot be considered to have the same degree of representativeness and legitimacy as the Mejlis and Kurultai.

The occupation authorities banned the traditional ceremonies in connection with anniversaries of the deportation of the Crimean Tatar people, peaceful assembly on the Crimean Tatar Flag Day, annual rally on the International Day of Human Rights and other events. A demonstration of the Ukrainian flag or laying flowers to the Ukrainian monuments can easily become the reason for a criminal or administrative charge. That was the case for Kurseit Abdullayev, Leonid Kuzmin and Olexander Kravchenko who were detained and found guilty for displaying the Ukrainian flag and inscriptions “Crimea is Ukraine” which the so-called “court” considered to be symbols of extremist organizations.

According to UN HRMM, the rights of individuals in territory, controlled by Russia-backed armed groups in Donbas to form, to join and not to join associations, including civil society, human rights, humanitarian, and religious organizations, continues to be limited. Moreover, the right of existing associations to pursue their activities has been consistently violated. OHCHR continued to observe the expansion of associations in which civilians are often involuntarily included or mandated to participate by the armed groups (Mir Luhanshine, Donetsk Republic). The illegal armed groups have continued to establish youth organizations which have expanded in membership in the last six months, raising concerns that children and youths are also subjected to mandatory membership in armed group-affiliated associations, violating their rights to free and voluntary association. UNHRMM also found that employees of public 'budget-funded' institutions, as well as students and school graduates are obliged to participate in demonstrations that take place there.

At the same time, independent civil society, including humanitarian organizations, remained unable to freely operate in territory controlled by armed groups. Restrictions also severely impacted the exercise of freedom of religion or belief, limiting the activities of minority Christian communities.

We reiterate that the right to freedom of peaceful assembly and association should be fully restored and measures should be taken to protect that right in practice and to ensure that organizations and individuals may hold events including commemorations and demonstrations freely and without hindrance.

Dear colleagues,

Ukraine consistently underscores its deep concern over the human rights situation in Russia and its significant departure in the past years from implementation of respective OSCE commitments.

Russia's regress in the area of respect for human rights is registered and documented by numerous authoritative international non-governmental organizations. In particular, the recent report of the Amnesty International concluded that "restrictions on rights to freedom of expression, association and peaceful assembly increased".

It is important that despite the environment of the authorities' clamp-down on human rights and freedoms in Russia, numerous members of the civil society and professional community show resolve to defend their human rights. 10 members of the Council on Civil Society Development and Human Rights under the President of the Russian Federation released their public statement pointing out to the unfounded denials of the right to peaceful assembly, abuse by the authorities of their powers and unwillingness to grant equal political opportunities to their opponents, short-sightedness of instigation of clashes between the citizens, exercising their Constitutional right, and the police, executing the orders.

Members of the Council emphasized the number of the detained citizens that had exceeded one thousand in one day of 26 March 2017 as unprecedented in the last decades. Against this background the comments by the Russian police generals about "loyal and minimal" reaction of their subordinates can only further aggravate

concerns regarding the direction in which the Russian authorities have chosen to move the country.

We all agreed upon the OSCE commitments and responsibility to uphold them as adherence to these commitments provides the basis for participation and co-operation in this organization. The guiding principles and common values of the Helsinki Final Act and the Charter of Paris embody the responsibilities of States towards each other and of governments towards their people.

Ukraine repeatedly encouraged the Russian Federation to consider inviting an OSCE Human Rights Assessment Mission to thoroughly examine the situation and elaborate respective recommendations in line with the OSCE commitments and international standards. Besides, we also appealed to the OSCE Chairmanship and the OSCE autonomous Institutions to use all available assets and instruments to monitor and react to the developments in Russia. These appeals remain highly relevant.

I thank you, Mr.Moderator.