

Delegation of the Russian Federation

**STATEMENT BY MR. ALEXANDER LUKASHEVICH,
PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION,
AT THE 1180th MEETING OF THE
OSCE PERMANENT COUNCIL**

22 March 2018

**On obstacles to conducting the Russian Federation presidential election at
Russian diplomatic missions in Ukraine**

Mr. Chairperson,

We should like to draw attention to the Ukrainian Government's actions against the electoral process, more specifically, against Russian citizens' possibility to exercise their lawful right to vote in the Russian Federation presidential election of 18 March 2018.

Russian citizens present on Ukrainian territory on that day were prevented from entering the polling stations that had been set up on the territory of Russian diplomatic missions. A decision to this effect was announced on 16 March by the Ukrainian Minister of the Interior, Arsen Avakov. The Ukrainian law enforcement agencies prevented Russian citizens from entering the territory of the Embassy in Kyiv and the Consulates General in Lviv, Odessa and Kharkiv. They even went so far as to prevent two Russian staff members at the Russian Consulate General in Lviv from entering their workplace.

The Ukrainian Government took this decision to block entry to the Russian polling stations despite the fact that Russia had sent an official note to the Ukrainian Foreign Ministry with a request to guarantee security for Russian diplomatic missions on the voting day of 18 March. Ukraine's assertions about concerns for security are pure hypocrisy. Radical nationalists were allowed through the police cordon and demonstrated right in front of our diplomatic missions. In Kharkiv, thugs stood right outside the entrance to the Consulate General.

The right to take part in free and fair elections is a fundamental human right guaranteed by international law and OSCE commitments, which are reflected in particular in the 1990 Copenhagen Document (paragraphs 5 and 24). The Ukrainian authorities are not obliged to guarantee that Russian citizens can exercise their electoral rights, but they do have a duty not to prevent them from doing so.

Organizing voting for citizens abroad, including at diplomatic and consular missions, is common practice among the OSCE participating States. Extraterritorial voting is a form of

exercising the right to free elections as enshrined in Article 3 of Protocol 1 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms. The Russian authorities do not impede organization of such voting for foreign citizens on Russian territory.

The vast majority of OSCE participating States follow this practice. According to the available information, voting in the Russian presidential election took place without serious incident at polling stations organized in OSCE participating States such as Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Macedonia, Malta, Moldova, Mongolia, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, the United Kingdom, the United States of America and Uzbekistan.

We thank the heads of the OSCE Special Monitoring Mission to Ukraine (SMM) for ensuring that the SMM's Russian monitors were able to travel to the polling stations, though because of the Ukrainian Government's decision they were not able to vote.

We thank the SMM monitors also for their visible presence near the Russian diplomatic missions in Ukraine which meant they were able to document the incidents that took place, which were published in their report on 19 March.

Not only do the Ukrainian authorities' actions violate OSCE commitments, they also violate international law. In particular they violate the International Covenant on Civil and Political Rights, Article 2 of which states that the signatories undertake "to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Article 25 of the Covenant includes under these rights the right "to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors." Judging by the Ukrainian law enforcement agencies' actions the Ukrainian Government does not consider itself bound by these obligations. This is not to mention respect for the right to freedom of movement which Article 12 of the Covenant extends to "everyone lawfully within the territory of a State". On 18 March this right was deliberately and officially trampled underfoot in Ukrainian territory.

The Ukrainian Government openly violated the right of citizens to access the embassy and consulates of the State of which they are citizens. This right is enshrined in Article 36, paragraph 1(a) of the 1963 Vienna Convention on Consular Relations and in Article 14, paragraph 1.1 of the 1993 Consular Convention between Russia and Ukraine.

The Ukrainian Interior Ministry's decision was dictated by political motives. This was an attempt, albeit senseless, to influence the electoral campaign and the results of voting and to cast doubt on the legitimacy of the Russian Federation presidential election. This gives us every ground to see the Ukrainian Government's actions as an outrageous attempt to intervene in Russia's internal affairs.

Recently we have heard repeated statements by some OSCE participating States about the unacceptability of foreign intervention in the electoral process. We hope to see from them a clear response to this particular case.

We thank the Deputy Chairperson of the OSCE Parliamentary Assembly, Marietta Tidei, and the Chairperson of the OSCE Parliamentary Assembly Common Committee on Human Rights, Ignacio Sánchez Amor, who declared to the Ukrainian Government the need to make efforts to ensure that Russian citizens could vote in Ukraine. Unfortunately, this call was ignored.

The United Nations has also responded to this situation. The UN Deputy High Commissioner for Human Rights, Kate Gilmore, speaking on 21 March at a session of the Human Rights Council in Geneva expressed regret that Russian citizens living in Ukraine were not able to exercise their right to vote in the election.

We hope also that the Office for Democratic Institutions and Human Rights will give a clear view on this issue.

In this situation we think it important that the OSCE draft additional normative documents on States' obligations to provide foreign citizens on their territory with the possibility of freely exercising their right to vote. This would guarantee universal and equal electoral rights throughout the OSCE area. We hope for a constructive approach to this proposal.