

## **United Nation Forum on Human Rights, Democracy and the Rule of Law**

### **Written statement on violations of human rights by Ukrainian Parliament. Prepared and submitted by All-Ukrainian Human Rights Platform "Uspishna Varta", Ukraine, Kyiv**

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Parliaments can be not only key actors in the protection of human rights and the rule of law, but also a major threat to democracy. Everyone is well aware of the negative consequences of populism.

However, in those cases when the populism of parliamentarians is associated with aggressive nationalism, it is a truly explosive mixture that is used by politicians not for the benefit of the nation's development, but to justify corruption and war.

I am talking about one of the largest countries in Europe. About Ukraine, which yesterday celebrated the 5th anniversary of the events on Independence Square. For some Ukrainians, these events are called the revolution of dignity. For other Ukrainians it was a coup that led to the separation of Crimea and the war in Donbass.

And the decisions of the Ukrainian Parliament over the past 5 years are not aimed at reconciliation, but at pitting Ukrainians against each other.

None of the laws defined by the Minsk Agreements that are necessary to stop the war in Donbass - primarily on Amnesty - have been adopted. And today in Ukraine people are in particular taken hostage and then exchanged. Those who have already been exchanged still haven't been found guilty in court in Ukraine.

The Ukrainian Parliament has increased criminal responsibility for the so-called separatist articles - treason, espionage, calls to overthrow the constitutional system. They threaten people with up to 15 years of imprisonment. They have been in prison for years. Just because they have thoughts and opinions that serve as an alternative to the government's. These are the journalists Vyshinsky, Muravitsky, Vasilets, Kotsaba - more than 400 users of social networks because of their posts and shares.

The whole world is talking about the starvation of the Ukrainian Director Oleg Sentsov in Russia. But no one knows that Eduard Kovalenko - who was sentenced to 5 years in jail for participating in a peaceful protest rally, during which he voiced pacifist phrases about stopping the war - has been starving in prison in Ukraine for more than 70 days.

The Parliament banned 30% of the population of Ukraine from watching movies and TV and from reading books in their native language – Russian.

Radio stations are required to broadcast at least 60% of their programs in the Ukrainian language, and for TV channels this figure is 75%. This is contrary to article 10 of the European Convention and article 19 of the International Covenant on Civil and Political Rights, which were both ratified by the state of Ukraine. It is also contrary to the obligations of the state of Ukraine under the European Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.

The Ukrainian Parliament prohibits freedom of speech and opinion, and, contrary to the Constitution, imposes sanctions on independent Ukrainian media agencies. Draft laws on the extrajudicial blocking of Internet websites have been introduced (No. 6688). On August 28th, President Poroshenko said that he "predicts that Russia's hybrid war against Ukraine will intensify with the approach of elections" and insists that "Ukraine should prepare for this by adopting laws to limit propaganda on social networks".

Thus, draft law No. 9068 from September 7, 2018 stipulates the possibility of stripping TV and radio channels of their licenses for "inciting hatred and enmity".

On October 18, the Verkhovna Rada supported the inclusion of two draft laws prohibiting the propaganda of the so-called "Russian world" in Ukraine in the agenda of the session.

Just few days ago a new initiative was registered in the Parliament that stipulates jailing journalists for 5 years for libel.

None of these laws are, of course, discussed with civil society and human rights organizations.

***We ask the UN to pay attention and urge the Ukrainian Parliament to balance security issues with the right of citizens to freedom of expression and free media when adopting laws. Moreover, laws must be discussed with civil society, which is not the case today.***

Elections are approaching in Ukraine, and populism, along with nationalism, is only growing.

The issue of elections is also unresolved, because the Parliament has never found the political will to adopt an electoral code or a law on peaceful assemblies. More than 1.5 million internally displaced persons are still deprived of the right to vote in local elections.

And what is most worrisome is that Parliament does not prohibit or condemn the nationalist far-right groups that are actually taking power into their own hands on the streets: "C14", "National Corpus", "Right Sector", "Svoboda". Moreover, it is precisely Ukrainian parliamentarians and Ministers who provide cover for their activities.

The Parliament cannot ban the activity of the hostility-inciting "Mirotvorets" website, where people close to the Ministry of Internal Affairs publish the personal data of alleged accomplices of separatists. By the way, they included the German politician Gerhard Schröder and the Hungarian Foreign Minister Péter Szijjártó. Representatives of our organization "Uspishna Varta" is also among the people who have been illegally added to this site.

Today Ukraine is not a democracy, but an oligarchy. And flirting with populism and nationalism leads directly to an ochlocracy.

Without the restoration of the rule of law, which the Parliament has a large role in, there will be no return to democracy in Ukraine, no ways for solving the civil conflict in Donbass peacefully, and no reconciliation within Ukrainian society.

***We ask the UN to review the situation and give recommendations to the Ukrainian Parliament on how to be guided by the principles of rule of law and respect for human rights, as well as how to involve human rights experts in analyzing the legislation being drafted.***

The key to resolving the conflict in Donbass, Ukraine, and around Ukraine lies in Kiev. And the Ukrainian Parliament today is not ready to close Pandora's box with this key, but on the contrary - the closer the elections come, the wider it opens this box.

More information on web site Human Rights Platform "Uspishna Varta" <https://uspishna-varta.com/en>