

UN: respect for human rights is critical for peace, justice and inclusive society in Ukraine

KYIV (17 December 2018) – Systemic impunity for human rights violations and lack of effective remedy for civilian victims of the armed conflict hinder prospects for peace and stability, says a report published today by the United Nations Human Rights Office.

The report covers the period between 16 August and 15 November 2018 and details violations committed in Ukraine, including on both sides of the contact line and in the Autonomous Republic of Crimea and the city of Sevastopol, occupied by the Russian Federation. Within this period, the United Nations Human Rights Monitoring Mission in Ukraine documented 242 violations.* The Government of Ukraine was responsible for 147 violations of those recorded, while 28 violations were attributed to the self-proclaimed ‘Donetsk people’s republic’ and the self-proclaimed ‘Luhansk people’s republic’. The Russian Federation was responsible for 32 of documented violations, all of which occurred in Crimea.

Despite the decreasing numbers in civilian casualties, people continue to be killed and injured in the hostilities and mine incidents**. Within the reporting period, 14 civilians were killed and 36 were injured, a 52.4 per cent decrease compared with the preceding three-month period.*** 36 per cent of civilian casualties were caused by shelling or light weapons fire: the majority of these were recorded in armed-group controlled territory. Mine-related incidents accounted for 34 per cent of civilian casualties: among them six killed and 11 injured, including an incident of 30 September in which three boys were killed and one was injured near armed-group controlled Horlivka in Donetsk region, and an incident of 18 October in which a man and a woman were killed in ‘no man’s land’ in Zolote-4 in Luhansk region. For the first time since the beginning of the conflict, two civilians were injured in an aerial attack by an explosive dropped from a self-modified commercial drone.

The report highlights how over four million people suffer from the immediate effects of the armed conflict, including over 1.5 million internally displaced persons (IDPs). Their enduring insecurity is aggravated by certain discriminatory policies, such as the absence of compensation mechanisms, disproportionate restrictions on freedom of movement, the continued practice of linking access to a pension with IDP registration, and by disrupted access to water and heating. All of these have far-reaching consequences on human rights. While the report notes certain positive developments, it gives specific recommendations on many more steps to be undertaken to alleviate the suffering of people and to lay a foundation for durable peace.

Over the reporting period, the UN Human Rights Monitoring Mission in Ukraine documented 40 human rights violations that involved arbitrary detention, torture, ill-treatment, sexual violence and/or threats to physical integrity committed on both sides of the contact line. Out of these 40, six violations occurred within the reporting period and the remainder occurred previously. The report reiterates that it takes time for survivors of sexual violence, torture and ill-treatment to be located or to speak about what happened to them.

The report speaks about 32 violations of fair trial rights in conflict-related cases, including physical attacks on lawyers, forced confessions and prolonged pre-trial detention used as a means of exerting pressure.

In territory controlled by the self-proclaimed 'Donetsk people's republic' and the self-proclaimed 'Luhansk people's republic', people are subject to the decisions and structures of administration of justice imposed in violation of the Minsk agreements and the Constitution of Ukraine.

The report provides an overview of highly restricted civic space in territory controlled by the self-proclaimed 'Donetsk people's republic' and the self-proclaimed 'Luhansk people's republic'. No public events were reported apart from those initiated by the 'authorities', evangelical Christian denominations were classified as extremist organizations, and a journalist detained in June 2017 remains deprived of his liberty by the 'ministry of state security' of the self-proclaimed 'Donetsk people's republic'. The report reiterates the need for regular, unimpeded and confidential access to detainees for international observers, as an essential safeguard.

Given the ongoing restrictions on operations of the UN Human Rights Office by the self-proclaimed 'Donetsk people's republic' and the self-proclaimed 'Luhansk people's republic', allegations of human rights violations in areas under their control are currently being documented remotely until operations resume.

The report welcomes some progress in investigation of one incident during the 2014 Maidan protests. An internal troops' sniper suspected of shooting a protester on 20 February 2014 in Kyiv was identified and charged with his killing. The report stresses, however, that no one has been held accountable for any of the violent acts that led to the death of 48 people in Odesa on 2 May 2014.

Increasingly bold and visible attacks against media professionals, civil society activists and those representing alternative social and political opinions are highlighted in the report. Such attacks fuel intolerance and discrimination, attempt to stifle freedom of expression and risk compromising the rule of law, which is particularly essential in the context of forthcoming elections. Within the reporting period, the UN Human Rights Monitoring Mission in Ukraine documented 59 human rights violations in relation to freedom of opinion and expression, peaceful assembly and association, religion or belief, as well as the right to non-discrimination and equal protection under the law. This is a 31 per cent increase in documented attacks compared to the previous reporting period. The persisting lack of accountability in these cases is of particular concern, the report concludes.

With regards to the progress of draft legislation setting out a new state language policy, the report encourages its review to ensure a fair correlation between the preservation of the state language as a tool for integration within society and the protection of the rights of minorities.

In Crimea, where the Russian Federation continued applying its laws to the residents of the peninsula disregarding its obligations as an occupying power, the human rights situation remains a major concern. The report indicates that 44 violations were documented within the reporting period, including unjustified restrictions on freedoms of opinion, expression and association, freedom of movement, violations of the right to maintain one's identity, culture and tradition, and property rights. Crimean Tatars remain disproportionately affected by occupation. At least five Crimean residents, all Crimean Tatars, were sentenced under extremism-related charges for possessing material or posting information on social media deemed 'extremist' or 'terrorist'. These violations were documented through remote monitoring as the Russian

Federation, the occupying power in Crimea, has not granted the UN Human Rights Office access to the peninsula in line with applicable UN General Assembly Resolutions.****

In recalling human rights obligations of the Government of Ukraine, all parties involved in the hostilities in the east, and the Russian Federation, the report ends with a set of recommendations.

* This represents an increase compared to a number of violations documented during previous reporting period. Between 16 May and 15 August 2018, the United Nations Human Rights Monitoring Mission in Ukraine documented 162 violations.

** From 1 January to 15 November 2018, UN Human Rights Office recorded 267 conflict-related civilian casualties (53 killed and 214 injured), a 51.8 per cent decrease compared with the same period of 2017 when 554 civilian casualties (108 killed and 446 injured) were recorded.

*** During the entire conflict period, from 14 April 2014 to 15 November 2018, UN Human Rights Office recorded 3,020 civilian deaths (1,791 men, 1,045 women, 98 boys, 49 girls and 37 adults whose sex is yet unknown). With the 298 deaths on board of Malaysian Airlines MH17 flight on 17 July 2014, the total death toll of the conflict on civilians has been at least 3,318. The number of injured civilians is estimated at 7,000 to 9,000.

**** UN General Assembly resolution 68/262, reaffirming the territorial integrity of Ukraine, General Assembly resolution 71/205, recognizing Crimea as a territory of Ukraine which is temporarily occupied by the Russian Federation, and General Assembly resolution 72/190 urging the Russian Federation to comply with its obligations as an occupying power in Crimea.

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To read the full report **in English**, please visit:

https://www.ohchr.org/Documents/Countries/UA/24thReportUkraineAugust_November2018_EN.pdf

In Ukrainian:

https://www.ohchr.org/Documents/Countries/UA/24thReportUkraineAugust_November2018_UKRANIAN.pdf

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