

Supplementary Human Dimension Meeting on
FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION, WITH
EMPHASIS ON FREEDOM OF ASSOCIATION
Vienna, 16-17 April 2015

Statement by the Delegation of Ukraine

**Excellencies,
Ladies and Gentlemen,**

The Delegation of Ukraine would like to commend the OSCE Chairmanship and the OSCE Office for Democratic Institutions and Human Rights for organizing this Supplementary Human Dimension Meeting and placing the topic of freedom of peaceful assembly and freedom of association high on the agenda of the human dimension in 2015.

The rights to freedom of peaceful assembly and association are a vehicle for the exercise of many other civil, cultural, economic, political and social rights, and therefore are among the most important human rights we possess. They go hand in hand with the right to freedom of expression.

For Ukraine and its people the right to freedom of peaceful assembly has a symbolic and very important meaning, as its effective exercise, especially throughout the last decade, has become a cornerstone for paving the way towards truly democratic European society, based on the rule of law, and committed to human rights and fundamental freedoms.

This is also the freedom that the Ukrainian society cherishes particularly as it allowed to clearly voice out its European aspirations and shape our country's destiny, when in November 2013 the millions of Ukrainians in different parts of the country came into the streets to peacefully express their support for Ukraine's European future, democratic values and reforms.

Distinguished participants,

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 OSCE commitments and applicable international standards, in particular the 1990 Copenhagen Document, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the European Convention on Human Rights.

The new Law of Ukraine "On Public Associations" of 2013 introduced a number of innovations in the field of public associations, improved the legal regulation of the establishment and functioning of associations in Ukraine, and was generally assessed by experts as a positive step towards further development of civil society in our country.

There is ongoing work on the relevant draft law on the freedom of peaceful assembly. The document will take into consideration previous recommendations of the Venice Commission and the ODIHR, as well as make good use of their Joint Guidelines on Freedom of Peaceful Assembly.

The Draft 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.

In this context Ukraine seeks to duly apply the extensive expertise of 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. Both documents play an important role in assisting OSCE participating States in their efforts to make their relevant legislation compliant with international standards and OSCE commitments. The recent OSCE/ODIHR Guidelines on the Protection of Human Rights Defenders also constitute a useful tool to assist participating States in the implementation of their human dimension commitments, including in the field of freedom of peaceful assembly and association.

Ladies and Gentlemen,

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

We are gravely concerned that residents of those parts of Ukraine cannot freely exercise their right to freedom of peaceful assembly, association and expression. In those regions pro-Ukrainian activists are subjected to harassment, arbitrary arrests and torture, threats and persecution. All those facts were documented by numerous independent reports of the OSCE, UN and the Council of Europe.

Ukraine strongly condemns such actions of the occupying authorities, which constitute a clear violation of fundamental freedoms and human rights, and must not be allowed to happen in the OSCE community.

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.

We reiterate the need in independent international monitoring of the situation in the occupied Crimea to assess the state of human rights and freedoms on the ground.

Distinguished participants,

The current Russian aggression against Ukraine 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 in 2014. The penalties were significantly increased and criminal liability punishable by imprisonment introduced for repeated violations of the law on public assemblies. Several protesters and civil society activists were convicted following unfair, politically motivated trials. Onerous approval procedures for public assemblies remained in place. The fact that the demonstrations to protest against the Russian

aggression against Ukraine, express disapproval over the ever largest ultra nationalist and neo-Nazi forum in St.Petersburg, or against the sentencing of opposition leader A. Navalny were brutally dispersed by the police, while the pro-Government groups are able to demonstrate freely, testify that the assemblies are entirely jeopardized in Russia.

Civil society activists continue to face harassment, public attacks on their integrity and, in some instances, criminal prosecution. Independent civil society organizations 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. NGOs that investigate Russian aggression against Ukraine and the death of Russian soldiers in Donbas face particular pressure from the Russian authorities.

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.

Dear colleagues,

Ukraine stands for maintaining high on the human dimension agenda the topic of the freedom of peaceful assembly and association in view of a number of unprecedented threats to these freedoms in the OSCE region. Ukraine is a co-sponsoring State of the last year’s draft decision “On the Rights to Freedom of Peaceful Assembly and the Freedom of Association in the OSCE Area”, and we believe that even more efforts have to be focused this year in order to allow us to achieve concrete deliverables on such an important topic at the Ministerial Council in Belgrade. We believe that all OSCE participating States should recommit to respecting the freedom of peaceful assembly and association.

Distinguished participants,

Let me conclude by reiterating that Ukraine will continue to attach great importance to the freedoms of peaceful assembly and association and meet in full its international obligations and commitments on human rights and fundamental freedoms. We also stand ready to continue our open and constructive cooperation with the OSCE/ODIHR and the CoE Venice Commission with a view to safeguarding the rights to freedom of peaceful assembly and association in Ukraine.

Thank you for your attention.