

**Presentation by Expert on Legal Issues of Public Organization
"Antifascist Human Rights League" SVETLANA NOVITSKA
At the Plenary Session**

OSCE Human Dimension Implementation Meeting

25 SEPTEMBER 2019 (10 am - 1 pm)

(SUBJECT: HATE CRIMES)

The "Antifascist Human Rights League" monitors facts of violations of rights and freedoms in Ukraine.

In one of my previous speeches, I pointed out that Ukraine witnesses a renaissance of neo-Nazi and rightwing radical movements since 2014: many of these movements many of which simply "embedded" in governmental agencies and get financing from budgets of local self-governments or state agencies.

In Lviv region the year of 2019 was announced a year of Ukrainian nationalist Stepan Bandera. Israeli Ambassador's protest note of December 13, 2018, on occasion of this "event" went unnoticed. Lush celebration of anniversaries of persons whose collaboration with people convicted in course of the Nuremberg trial of such organizations as SS and Abwehr, is confirmed by archival documents, turned into a norm. Torchlight marches in honor of the Organization of Ukrainian Nationalists' leader Stepan Bandera (an agent of Abwehr) are held not only on his birthday and not only in Lviv – "the capital of Ukrainian integral nationalism", but also in the downtown of Ukrainian capital Kiev.

Despite the fact that Article 161 of the Criminal Code stipulates criminal liability for deliberate actions targeted at incitement if national, racial or religious enmity and hatred, the right to use this Article in the last five years resulted in persecution of journalists, bloggers and opinion leaders, who represented opposition to president and governmental forces.

As I mentioned in one of my speeches dedicated to "Rule of Law" topic, my client journalist V. Muravitsky was accused of incitement of ethnic hatred just because of writing articles dedicated to 1943 events in Ukraine that entered the history as the "Volyn tragedy".

The head of the International MIA News Agency in Ukraine K. Vishynsky was also brought to criminal liability for his journalism (besides other articles of the Criminal Code) and for actions targeted at incitement of national, racial or religious enmity and hatred.

At the same time, I was unable to find in Ukraine any data on criminal responsibility of rightwing and neo-Nazi organizations' members for incitement of ethnic hatred and racial hatred. E. Karas, the leader of neo-Nazi "C14" group in his interviews repeatedly propagates his beliefs and ideas of "patriotic nationalism". The leader of former military "Azov" (a political force now) A. Beletsky enjoyed 5 years of impunity as an MP of previous convocation of Ukrainian parliament for distributing his theory of the "White leader of the white race."

No real guilty verdicts delivered in criminal proceedings launched in cases of desecration of Jewish and Polish cemeteries, illegal demolition of monuments dedicated to the Soviet army soldiers, or case of attacks on Roma camps.

On July 4-6, 2019, the city of Melitopol conducted a festival dedicated to rabid anti-Semite and a Nazi collaborator Dmytro Dontsov. The festival was organized and funded by the Ministry of Youth and Sports of Ukraine.

On July 17, 2019, the Ministry of Education of Ukraine recommended usage of Ukrainian books with board games in Ukrainian schools: these books distort history of OUN-UPA – these books call guerrilla groups who fought against Nazis of the Third Reich "enemies", and present collaborators and accomplices of Nazi Germany as heroes.

On July 29, 2019, in Zolochiv district of Lviv region a solemn memorial service and reburial of Nazi collaborators of the SS "Galicia" Division was held (accompanied with the state anthem). The ceremony was dedicated to the 75th anniversary of the Division's defeat near Brody (Lviv region).

On August 28, 2019, Domanovsky district of Mykolayiv region, the neo-Nazis pasted a swastika on the monument to victims of Holocaust.

In last few years crimes motivated by ethnic or racial hatred became commonplace. There are contributing factors - civil conflict in the East of Ukraine, presence in the society of several hundred thousands of people who went through the military conflict and are ready to use weapons not in a combat.

Militarization of society affects behavior of people who never participates in hostilities, but are ready to use weapons and kill others on grounds of hate.

I also want to note that there is a practice of concealment of crimes motivated by ethnic and racial hatred in Ukraine, when police classifies racially motivated attacks on dark-skinned students or Arabs, committed by members of right-wing organizations as mere bullying. That happens despite the fact that victims claim that they were beaten and insulted on the grounds of their race.

All the above-mentioned cases of hate crimes are the result of a policy of impunity for members of the right-wing and neo-Nazi organizations, radical

members of religious communities. This policy is pursued by Ukraine's law enforcement agencies and courts, therefore, the mentioned crimes are only a consequence, not a cause.

I ask to include recommendations to the state of Ukraine into the general resolution that will be adopted upon completion of this Meeting: on the legislative level to appropriate weapons belonging to all persons who have no legal grounds to possess it.

All participants who wish to get a copy of monitor report on violations of human rights and freedoms in Ukraine and of access to justice can apply after completion of the Plenary Meeting.