



## Reports on the 45<sup>th</sup> session of the UN Human Rights Council

### Item 10 - Interactive Dialogue on the High-Commissioner oral update on Ukraine

01 October 2020

*[Ms. Nada Al-Nashif, Deputy High Commissioner for Human Rights – Presenting the reports:](#)*

- *13<sup>th</sup> periodic report - Situation of human rights in Ukraine (16 February – 31 July 2020)*  
*[A/HRC/45/CRP.8](#)*

Hostilities continue in Ukraine in the midst of the Covid-19 pandemic. Between January and July 2020, the OHCHR reported **107 civilian casualties**. The implementation of a package of measures in July to **strengthen the cease fire** has contributed to ease the effect of the conflict on civilians.

The combined effects of the **conflict** and **Covid-19** have been particularly difficult for those who need to cross the contact line. Further restrictions have been put in place to cross the line in response to the pandemic. The OHCHR calls on all parties to ensure the **restoration of safe crossings** with due respect to human dignity, to allow people to access basic services.

The OHCHR is concerned by **increasing violence** documented in the context of **upcoming local elections** in October. In particular attacks by members of extreme right-wing groups against peaceful political gatherings. OHCHR is further concerned that the **impunity** accompanying these acts of violence create a climate of **fear** and **self-censorship**. Preventing such attacks should be a priority for the authorities.

In the autonomous republic of **Crimea** and the city of **Sevastopol**, the OHCHR continues to document **violations of international human rights and humanitarian law**. The application of Russian anti-extremist laws in Crimea severely limited the manifestations of religious practices for several religious groups. The OHCHR also documented **attacks** against members of the media as well as against LGBTI people.

- *Report on human rights in the administration of justice in conflict-related criminal cases in Ukraine (April 2014 – April 2020)* *[A/HRC/45/CRP.9](#)*

This report is based on 6 years of human rights monitoring. It highlights **widespread human rights violations** in the **Ukrainian justice system**, in particular, **arbitrary arrests** and **detentions**, unreasonable **trial delays**, poor quality of free legal aid lawyers and the use of **torture**.

In territories controlled by self-proclaimed republics, **access to justice** remains out of reach. With the population cut off from the judicial system of Ukraine by the contact line. The report assesses how the **human rights of persons living in these territories are affected** by self-proclaimed republics exercising government-like functions.

The self-proclaimed republics fail to respect key elements of **fair trials** and related **human rights**. Individuals are often subjected to **torture** and **ill-treatment** in order to **extract confessions**. The report details **violations in Crimea by the Russian Federation** as the occupying power, such as retro-active application of criminal law and failure to address credible complains of torture and ill-treatment

The two reports contain **recommendations** addressed to the government of **Ukraine**, to the parties to the conflict in Eastern Ukraine, to the **Russian Federation** and to the **international community**.

*[H.E. Ms. Emine Dzhaparova, Deputy Minister for Foreign Affairs of Ukraine \(country concerned\):](#)*

The findings presented here demonstrate the ongoing consequences of the **Russian armed aggression** against Ukraine. Over 40.000 people wounded, over 14.000 killed, 1.5 million fled their homes. This is a bleeding wound on Ukraine body.

The situation in **occupied Donbass** is the continuation of Russia's aggression, which started with the **annexation of Crimea**. Continued cross-border inflow of weapons and fighters from Russia have a direct

impact on all human rights of individuals living in Donbass. Russia's military aggression is the root cause of the **dire humanitarian situation in the region**. Russia also targets **human rights activists, journalists and religious minorities**. We observe **racial discrimination** under the name of fight against terrorism.

We repeat our commitment to the **cease-fire regime**, despite provocations committed by Russian forces. OHCHR and ICRC continue to be denied access to the occupied Donbass. We hope that the ongoing international efforts at the UNGA will contribute to restore respect for international law and order.

## INTERACTIVE DIALOGUE

*35 delegations took the floor during the interactive dialogue.*

It is worth noting that, **out of the 35 speakers, only one was not a member of either the Western European and Others Group (WEOG) or the Eastern European Group of countries**. It means that this interactive dialogue was **very specific to the European geographic region** and that not a single country from Africa, Asia, Pacific or Latin America participated in the debate.

The vast majority of delegations were concerned by the **human rights violations** committed in Ukraine by all parties to the conflict, especially in **Crimea** and in the eastern region of **Donbass**. Violations include: **arbitrary detentions, enforced disappearances, sexual violence, attacks against LGBTI communities, attacks against journalists, hate speech, violations of children's rights including attacks against schools, attacks against members of the Roma community, suppressions of the right to freedom religion and belief, civilian casualties, torture**.

The majority of delegations were concerned over the **denial of access for international human rights monitoring mechanisms**, including the OHCHR and NGOs, in certain parts of Ukraine non-controlled by the government, especially in **Crimea** and **Eastern Donbass**. They urged the authorities in control of these territories to allow unhindered access to the human rights monitors.

Several delegations showed their support for **Ukraine's territorial integrity and its sovereignty** over its recognized borders (Finland, Australia, Austria, Lithuania, Latvia, Bulgaria, Croatia, Montenegro, Albania, Denmark, Turkey, Iceland, Georgia, North Macedonia, Azerbaijan, Moldova, France).

A high number of delegations stated that the **annexation of Crimea by the Russia Federation was illegal** and thereby **refused to recognize it** (European Union, Finland, Canada, Germany, Estonia, Czech Republic, Austria, Latvia, Bulgaria, Slovakia, Romania, Ireland, France).

Among other **ethnic and religious minorities**, the **situation of the Crimean Tatars**, victims of discrimination, arbitrary arrests and ill treatment, was regularly raised (Estonia, Czech Republic, Australia, Netherlands, Croatia, Albania, Poland, United Kingdom, Turkey, Romania).

Several delegations mentioned the **Minsk agreement** as the way forward. The Agreement, if implemented, would be the **key to respect a cease fire** and strengthen sustainable peace in Ukraine.

Many delegations emphasized that the **Covid-19 pandemic** was exacerbating the human rights and humanitarian crisis, especially in conflict affected areas (European Union, Canada, Germany, Japan, Norway, Montenegro, United Kingdom, Denmark, Slovakia, Hungary, Ireland).

*7 NGOs and 1 National Human Rights Institution (Ukraine) took the floor.*

The civil society was concerned over the **human rights violations committed in Ukraine**, especially in occupied **Crimea** and **Donbass**. Speakers also raised the issue of **persecutions of religious and ethnic minorities**, including the **Crimean Tatars**, the **Ukrainian Roma** community and the **Orthodox Christians**.

Civil society organizations denounced the **hindered access to Ukraine for human rights monitoring mechanisms** and raised the issue of **attacks against journalists and human rights defenders**, especially in areas non-controlled by the Ukrainian government.

**[Delegations that took the floor during the Interactive Dialogue \(35 delegations\):](#)**

**Human Rights Council members:** Germany, Estonia, Japan, Czech Republic, Australia, Austria, Denmark, Netherlands, Poland, Slovakia, Ukraine, Bulgaria.

**Observer states:** European Union, Finland, Canada, Norway, Switzerland, Lithuania, Latvia, Croatia, Montenegro, Russian Federation, Albania, United Kingdom, Turkey, Hungary, Romania, Sweden, Ireland, Georgia, North Macedonia, Azerbaijan, Moldova, France, UNICEF

**[Civil Society Organizations and NHRIs that took the floor during the Interactive Dialogue \(8 speakers\):](#)**

Ombudsman Office of Ukraine, Human Rights House Foundation, Public Organization "Public Advocacy", Minority Rights Group, International Fellowship of Reconciliation, United Nations Watch, Amnesty International, World Federation of Ukrainian Women's Organizations.

**[CLICK HERE](#)** to access the full webcast of the interactive dialogue.

