



HUMAN RIGHTS COUNCIL - 48th SESSION

Item 10: Enhanced interactive dialogue with the High Commissioner on the oral update on Ukraine, 05 October 2021

- Background documentation: *OHCHR's 32nd report on the human rights situation in Ukraine, covering key human rights developments from 1 February to 31 July 2021*

Ms. Nada Al-Nashif - UN Deputy High Commissioner for Human Rights:

The report is based on the work of the OHCHR Human Rights Monitoring Mission in Ukraine (HRMMU). Eastern Ukraine has seen an increase in civilian casualties from active hostilities. Restrictions on freedom of movement due to COVID-19 continued to place a heavy burden on civilians. 13 cases of conflict-related arbitrary detention in territory controlled by armed groups were documented. Both self-proclaimed "republics" conducted the forced recruitment into armed groups.

OHCHR documented 22 cases of attacks against journalists and media workers, human rights defenders, environmental activists, LGBTI people, and members of national minorities. OHCHR is concerned that the decisions on governmental sanctions are not in line with the requirements of necessity and proportionality.

In territory controlled by armed groups restrictions on freedom of religion are in place (e.g., against evangelical Christians), funding from international organizations is not allowed. In Crimea and the city of Sevastopol, occupied by Russia, OHCHR continued to document violations of civil liberties and fair trial rights: chairman of the Mejlis was convicted in absentia retroactively; Crimean Tatars were issued warnings from Russian law enforcement agencies ahead of commemorative dates that they celebrate. OHCHR documented cases of torture and ill-treatment against Ukrainians in Crimea.

Ukraine, represented by Ms. Emine Dzhaparova, First Deputy Minister for Foreign Affairs of Ukraine – Speaking as the country concerned:

The human rights situation in the temporarily occupied territories of Ukraine is increasingly deteriorating; the recently detained under trumped-up charges Nariman Dzhelyalov, Eldar Odamanov, Shevket Useinov, Aziz Akhmetov and Asan Akhmetov together with hundreds hostages remain behind the Russian bars.

Russia made a new attempt to legitimize its attempted annexation of Crimea by holding elections to the State Duma on Ukraine's sovereign territory.

Ms. Dzhaparova thanked almost 50 countries and organizations who joined the Crimea Platform, a consultative and coordination format aiming to peacefully end the Russia's temporary occupation of Crimea and invited UN members to join it. She hoped that the HRMMU would continue to properly track violations in the occupied Crimea and Donbas. Ukraine is committed to continuing regular consultations with Hungary on the issues of education in minority languages.

Ms. Dzhaparova drew attention to the updated resolution "*The situation of human rights in the Autonomous Republic of Crimea, Ukraine*", to be presented by Ukraine in the UNGA Third Committee in New York. The henchmen of the aggressor state have been allowed to address the HRC as part of the national delegation of Russia, this seriously discredits this body.

Delegations that took the floor during the Interactive Dialogue (38 statements):

EU, Iceland (*on behalf of Nordic and Baltic countries: Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway, Sweden*), Liechtenstein, Germany, Finland, France, Lithuania, Switzerland, UNICEF, Norway, Albania, Netherlands, Venezuela, Russia, *Ukraine (Point of Order)*, Belarus, USA, Turkey, Czech Republic, Croatia, Denmark, Estonia, Poland, Hungary, Georgia, Latvia, Slovakia, UN Women, *Ukraine (Country Concerned)*, UK, Moldova, Bulgaria, Romania, North Macedonia, Ireland, Australia, EU (*on behalf of 27 EU Member States, Australia, Canada, Iceland, Liechtenstein, New Zealand, Norway, Switzerland, UK, USA*), Montenegro, Azerbaijan

Points that were mentioned by the Delegations most often: support to Ukraine's independence, sovereignty, and territorial integrity, within its internationally recognized borders (Iceland (*on behalf of Nordic-Baltic countries*), Liechtenstein, Finland, Lithuania, Albania, Turkey, Czech Republic, Croatia,



Denmark, Georgia, Latvia, Slovakia, Bulgaria, Ireland, Australia, Montenegro, Azerbaijan); **non-recognition of the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by Russia** (EU, Iceland (*on behalf of the group of countries*), Liechtenstein, Germany, France, Lithuania, USA, Slovakia, Romania, Ireland, Australia); **condemnation of elections to the State Duma held by Russia in Crimea** (EU, Iceland (*on behalf of the group of countries*), Lithuania, Albania, Latvia, Ireland); **taking note of the work of Crimean Platform** (Germany, Albania, USA, Turkey, UK, Australia); **concerns regarding conflict-related civilian casualties in Ukraine** (EU, Germany, Finland, Lithuania, Switzerland, Hungary, Moldova, Romania, North Macedonia, Montenegro); **call on to implement the Minsk Agreements** (EU, Iceland (*on behalf of the group of countries*), Liechtenstein, Germany, Finland, Croatia, Denmark, Romania); **call for the full access for international monitoring missions to the whole territory of Ukraine** (Lithuania, Switzerland, Netherlands, Czech Republic, Croatia, Poland, Georgia, Latvia, Slovakia, UK, Moldova, Bulgaria, Romania).

Other points that were highlighted by the Delegations: the **European Union** expressed concerns about the deteriorating human rights situation in Eastern Ukraine not controlled by the government of Ukraine, and in illegally annexed Autonomous Republic of Crimea and the city of Sevastopol by Russia (*countries that aligned themselves with the EU Statement: Germany; France, Lithuania, Croatia, Poland, Latvia, Slovakia, Bulgaria, Romania, Ireland*). **Albania:** the crisis in Ukraine is not only a European concern, but at the same time it constitutes a direct challenge to international security. **UNICEF:** commended Ukraine for progress in keeping schools safe and preventing and responding to GBV. **Venezuela:** the HRC is not the ideal place to resolve territorial issues. **Turkey:** Crimea and well-being of the Crimean Tatars are of constant interest for Turkey. **Czech Republic:** called on Russia to immediately release all Ukrainian political prisoners. **Croatia:** reaffirmed full support to the work of the Normandy Format and the Trilateral Contact Group. **Hungary:** Ukraine's State Language Law (2019), the Law on Education (2017) and the Law on Secondary Education (2020) restrict already acquired minority rights. **UN Women:** concerned about the protection of victims of domestic violence in the temporarily occupied territories. **Moldova:** welcomed the establishing a compensatory mechanism for civilians whose housing in government-controlled areas were destroyed. **North Macedonia:** encouraged Ukraine to adopt new national legislation for protection of minority groups

Russia: during the delivery of the Statement, the Delegation of Ukraine exercised the Point of Order two times, according to the Ukrainian Delegation individual who was attempting to deliver the statement on behalf of Russian Delegation was a so-called "official" of occupational administration in Crimea, complicit in gross violation of human rights and directly involved in Russian aggression against Ukraine, his participation would constitute a clear violation of the relevant UNGA resolutions. Ukrainian Delegation protested his participation and demanded to strict the speaker to speak on behalf of the national delegation. **President of the HRC** said that according to the Rules of Procedure States the Bureau and the Council have no power to consider whether persons are eligible or not to deliver statements on behalf of a State, so two times she resumed the speech of the Representative of Russia. **European Union (on behalf of a group of countries):** regarding the statement delivered on behalf of Russia by the representative of the administration of illegally occupied Autonomous Republic of Crimea and the city of Sevastopol: the countries do not recognise illegal occupation of Crimea by Russia; Russia was urged to refrain from letting any representative of the administration on illegally annexed territories to intervene on its behalf in the HRC as well as any other international fora.

Questions by asked by the Delegations: **European Union:** how can the international community support persecuted, arbitrarily detained, or arrested persons, including Crimean Tatars, in areas of Eastern Ukraine currently not controlled by the government of Ukraine, and in the illegally annexed Crimea? **Germany:** how can international community support the implementation of the report's recommendations? **Finland:** what steps should be taken to combat arbitrary detentions? **Lithuania:** how to protect human rights of those living in the conflict area? **Switzerland:** what can the international community do to ensure that the observer mission obtains the access to places of detention in areas not under Ukrainian government control in Luhansk and Donetsk? **Norway:** is there more information on freedom of religion in non-government-controlled areas in Donetsk and Luhansk? **Netherlands:** what measures should be taken to protect and advance the freedom of opinion and expression in a hostile and polarized environment? **Belarus:** why does OHCHR not publicly respond to facts of human rights violations in Ukraine, as it does in other cases? **USA:** how can the Crimean Platform be used to improve human rights conditions in Crimea? **Denmark:** what can



the international community do to ensure accountability for the suspected perpetrators of human rights abuses in Eastern Ukraine and illegally annexed Crimea? **Poland:** how can the HRMMU cooperate with international mechanisms dedicated to protection of indigenous people's rights with a view to continue strengthening protection of Crimean Tatars? **Latvia:** what can the international community do to support civil society and religious and ethnic minorities in the illegally annexed Crimea? **UK:** what more can the international community do to challenge the mistreatment and arrests of Ukrainian citizens, particularly Crimean Tatars and religious and ethnic minorities, in illegally annexed Crimea? **Ireland:** what further practical support can the international community provide to help protect human rights in illegally occupied Crimea? **Australia:** would welcome updates on HRMMU access to Crimea to facilitate reporting?

NHRIs and NGOs that took the floor during the Interactive Dialogue (10):

Ukrainian Parliament Commissioner for Human Rights, International Fellowship of Reconciliation (*IFOR*), Human Rights House Foundation (*HRHF*), Minority Rights Group, Advocates for Human Rights, International Commission of Jurists (*ICJ*), Ingénieurs du Monde (*Joint Statement with UN Watch*), United Nations Watch, International Council of Russian Compatriots (*ICRC*), World Federation of Ukrainian Women's Organizations (*WFUWO*).

Ukrainian Parliament Commissioner for Human Rights Ms. Liudmyla Denisova: citizens of Ukraine on the occupied territories are being prosecuted by Russia; concerns about the militarization of Crimea, forced Russian passportization of Ukrainian citizens in Crimea and their forced participation in Russian elections; called on international community to use all means to influence Russia to stop the repression against Ukrainian citizens and to restore territorial integrity of Ukraine. **IFOR:** concerned about the militarization in the country. **HRHF:** what additional steps Ukraine could take to increase protection for human rights defenders, both in the territory it controls and in territories currently outside its control? **Minority Rights Group:** highlighted the issues regarding human rights of the Roma population in Ukraine. **Advocates for Human Rights:** domestic and sexual violence in Ukraine remain serious issues. **ICJ:** deplored the political interference with judicial and lawyer's independence. **Ingénieurs du Monde (Joint Statement):** when will this HRC take action for the victims in Crimea? When will we see accountability for the perpetrators of these grave abuses? **United Nations Watch:** concerned by the impact of Russian aggression in occupied Crimea. **International Council of Russian Compatriots (ICRC):** Crimea has survived five blockades arranged by Ukraine (after this statement President of the Council required all delegations to adhere to the UN terminology and standards when referring to countries and territories). **WFUWO:** called on OHCHR to increase technical cooperation with the Government of Ukraine.

Final Remarks by Ms. Nada Al-Nashif, Deputy High Commissioner for Human Rights: to EU and Finland: OHCHR reports outline number of steps that could prevent arbitrary detentions; international community should continue to call on Russia to grant access to Crimea to monitoring missions. **To HRHF:** effective investigation of attacks targeting human rights defenders is necessary; diplomatic community should help to advocate for the rights of human rights defenders in non-government-controlled areas (NGCA). **To USA:** OHCHR gives recommendations regularly on Crimea. **To Australia:** no changes in the situation with the access to Crimea; asked to use all available channels to advocate for the access. **To Ireland, Latvia, UK:** each reports includes recommendations to Russia on improving human rights situation in Crimea; they are not fully implemented at all and partly implemented only 3%. International community can advocate for their implementation and give technical support to Russia; urged Russia to comply [with ICJ decision on provisional measures](#). **To Poland:** UNESCO is the led agency for the [Decade of Indigenous Languages](#); OHCHR works with UNESCO on Crimea. **To Lithuania:** parties to the conflict should adhere to the ceasefire agreement. **To Netherlands:** international community can advocate and shed light on personal cases. **To Norway:** right to freedom of religions is very restricted; evangelical communities banned, some of their books are recognized as extremists. **To Switzerland:** international community can advocate for the access; for accountability we need monitoring and for monitoring we need access. International community should urge Russia to sign the [ICED](#). **To Germany:** important to reiterate OHCHR's recommendations to all actors while working with them bilaterally; to provide countries with assistance, exchange of practice, support funding of NGOs including grass-roots initiatives. **To Belarus:** OHCHR publicly react on all human rights issues it identifies. HRMMU is presented in Ukraine since 2014, the report details many concerns regarding human rights situation in GCA of Ukraine.

Full video recording of the meeting is available on the UN Web TV: [Part 1](#) and [Part 2](#).