

**Statement by the Delegation of Ukraine
On Freedom of Peaceful Assembly and Association, Working Session 4**

(Warsaw, 23 September 2015)

**Excellencies,
Ladies and Gentlemen,**

Ukraine has aligned itself with the statement, made by the European Union, which we fully support. At the same time the Delegation of Ukraine would like to make some additional remarks in the national capacity.

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 remains 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.

The National Human Rights Strategy, approved by the President of Ukraine in August 2015, contains a special Chapter "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.

Among the expected outcomes of its implementation, in particular, are:

- positive commitments of the state with regard to the freedom of peaceful assembly, in particular to providing their security, are determined and observed;
- unreasoned and disproportional limitation of the right to peaceful assembly is made impossible;
- government intervention in the establishment, operation and termination of non-governmental organizations through registration procedures is minimized;
- equal and transparent access of non-governmental organizations to budget funding is secured.

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.

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 parts 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.

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

Distinguished participants,

The on-going Russian aggression against my country 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 Russia. Several protesters and civil society activists were convicted following unfair, politically motivated trials. Onerous approval procedures for public assemblies remained in place. The demonstrations to protest against the Russian aggression against Ukraine, or to express disapproval over the ever largest ultra nationalist and neo-Nazi forum in St.Petersburg and many others were brutally dispersed and activists detained by the police.

Russian NGOs that investigated Russian aggression against Ukraine and the death of Russian soldiers in Donbas faced particular pressure from the Russian authorities. Independent civil society organizations faced 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.

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.

Thank you for your attention.