

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Ukraine: Amnesty International's human rights concerns ahead of the 14 April EU Foreign Affairs Council

On 21 March, the European Union (EU) and Ukraine signed the political parts of the Association Agreement. In his 9 April statement on Ukraine, President of the European Council Herman Van Rompuy stated that the signing was “a way to recognise the aspiration of the people of Ukraine to live in a country governed by values, by democracy and the rule of law”.¹

The full text of the Association Agreement between the EU and Ukraine covers political and economic relations and refers to common values including human rights. It was frustration with the lack of democracy, rule of law and human rights that brought people to take part in the EuroMaydan protests starting in November 2013. The protests led to the deaths of at least 116 people including 17 police officers.

The EU must not fail the people of Ukraine by sacrificing human rights to political expediency, and must prioritise human rights in their relations. In particular, Amnesty International calls on the EU to insist on progress being made to combat impunity for torture and other ill-treatment and discrimination, and to protect the rights to freedom of assembly association and expression throughout Ukraine.

Impunity for Torture and other Ill-treatment

The interim Ukrainian authorities have a historic opportunity to break with the legacy of the past and take effective measures to achieve lasting a reform of the criminal justice system. The numerous very public incidents of excessive use of force by riot police during EuroMaydan have highlighted this problem. The EU must encourage such reform.

As a priority, Ukraine must ensure that all incidents of use of excessive force and torture and other ill-treatment by law enforcement officers during EuroMaydan are promptly, independently and effectively investigated in line with the Ukraine's international human rights obligations. The Council of Europe International Advisory Panel, established on 9 April to oversee investigations into the violent clashes between protestors and security forces, should ensure that every allegation of abusive use of force by police officers is investigated in line with Council of Europe standards.

Additionally, to address a longstanding culture of impunity for police abuses and the persistent failure of prosecutors to investigate these thoroughly, the interim Ukrainian authorities should establish an independent agency to investigate all allegations of human rights violations by law enforcement officers.

Repeated judgments by the European Court of Human Rights have also found that Ukraine has failed to carry out effective investigations into allegations of torture and other ill-treatment. State officials responsible for such acts have routinely gone unpunished, creating a “climate of virtually total impunity for such acts”.²

¹ President Van Rompuy statement on Ukraine (09/04/2014), http://eeas.europa.eu/delegations/ukraine/press_corner/all_news/news/2014/2014_04_09_01_en.htm

² For instance see Kaverzin v. Ukraine, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-110895>

In view of the increasing tensions in eastern Ukraine, the interim Ukrainian authorities must uphold the rights of all to protest peacefully and must ensure law enforcement officers comply fully with international standards as set out in the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and thereby respect and protect the right to life, liberty and security of person.

Combating Discrimination

Amnesty International has documented the failure by Ukraine to uphold the principle of non-discrimination over many years in relation to lesbian, gay, bisexual, transgender, and intersex (LGBTI) people, and ethnic and racial minorities. LGBTI people in Ukraine continue to face discrimination, and many are targeted for violence and abuse by public officials and members of the public, yet Ukrainian legislation does not prohibit discrimination against LGBTI people, and repeated efforts by the government to introduce such a ban have been defeated by parliament.

Amnesty International believes that a closer relationship with Europe can only be built on the basis of common human rights values. As such, the EU must insist that Ukraine lives up to its international human rights obligation to prevent discrimination.

The situation in Crimea

On 18 March, President Putin signed legislation making Crimea effectively part of the Russian Federation. Russian laws subsequently took effect in Crimea, including: restrictive rules and regulations for the conduct of peaceful protests; a so called "foreign agents" law requiring NGOs that receive foreign funding to register as foreign agents; homophobic legislation restricting the rights to freedom of expression and assembly; and the criminalisation of libel.

Amnesty International has also documented numerous incidents of attacks against and abductions of journalists and human rights activists³. These occurred both before and after the Russian annexation of Crimea, seemingly intended to intimidate them. Crimean Tartars have reported growing levels of discriminatory treatment in public places, with at least one suspicious death.⁴ There are reports that significant numbers of Crimean Tartars are fleeing Crimea to other parts of Ukraine in fear for their safety. The Ukrainian authorities have an obligation to provide protection and humanitarian assistance to internally displaced persons (IDPs) within their jurisdiction, without discrimination.

Amnesty International believes that a closer relationship between Ukraine and the EU can only be built on the basis of common human rights values and makes the following recommendations to both parties.

Amnesty International recommendations to Ukraine

- Establish, as a matter of priority, a fully-resourced independent agency to investigate all allegations of human rights violations by law enforcement officers, including the police, as recommended by the Council of Europe Commissioner for Human Rights
- Ensure that all allegations of excessive use of force and torture and other ill-treatment by the police are promptly, effectively and independently investigated
- Amend the draft Law to Combat Discrimination to ensure discrimination on the grounds of sexual orientation and gender identity are prohibited within in Article 1 in the Law "On Principles of Prevention and Combating Discrimination in Ukraine"

³ On 13 March, three EuroMaydan activists, Oleksiy Gritsenko, Natalya Lukyanchenko and Sergiy Suprun were abducted as they travelled from Sevastopol to Simferopol. They were released along with other hostages on 20 March.

⁴ On 17 March, the media reported the discovery of Reshat Ametov's body, with signs of torture. He disappeared on 3 March in Simferopol.

- Ensure that Internally Displaced Persons (IDPs) are offered protection and humanitarian assistance

Amnesty International recommendations to the EU

- Insist that Ukraine lives up to its international human rights obligations and in particular press Ukraine to end impunity for torture and other ill-treatment, to combat discrimination, and respect and protect the freedom of assembly across the country
- Press for the Organization for Security and Co-operation in Europe's Monitoring Mission in Ukraine to have a strong human rights component and a permanent presence in Crimea;
- Support the Council of Europe Advisory Panel to oversee investigations into the EuroMaydan events;
- Insist that the rights to freedom of expression and assembly and the rights of minorities are guaranteed in Crimea.