



HUMAN RIGHTS HOUSE
FOUNDATION

5 April 2017

President Petro Poroshenko
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Civil society is an ally for Ukraine's future: It should not be targeted by measures impeding its independence

Mr President,

We, the undersigned 31 member and partner NGOs of Human Rights Houses, call upon you to take all necessary steps to revert the recent legislative steps taken impeding the autonomy of civil society in Ukraine and ultimately discrediting NGOs.

As one of the steps of its anti-corruption initiative, your government obliged State officials, including members of the parliament, and civil servants to file a public electronic declaration of their wealth.

On Thursday 23 March 2017, the Verkhovna Rada of Ukraine adopted amendments to the legislation governing the electronic declaration of wealth of State officials and civil servants (law "On corruption prevention"). The amendments to Article 3 of the law foresee that in addition to State officials and civil servants, individuals working for civil society groups will also be obliged to fill in a public electronic declaration of their wealth, if they "take part or are engaged in the actions related to prevention of and counteraction to corruption" (law Nr 6172, amending the law "On corruption prevention"). On Monday 27 March 2017, you signed the law, which is now to be enacted.

We are deeply disappointed by your decision not to veto this law and call upon you to take all necessary steps to revert this legislative step.

By co-sponsoring the Human Rights Council resolution on human rights defenders in March 2016, Ukraine committed to "promote and enable public participation, and to promote transparency, accountability and effective governance, in the prevention of and the fight against corruption involving State officials," and to protect the actors working on prevention of corruption, including human rights defenders.¹ By setting different criteria for civil society actors working on corruption, the law targets these individuals, including human rights defenders. It suggests they are less legitimate than other human rights defenders.

As also set forth by the Human Rights Council in 2013 in another resolution co-sponsored by Ukraine, reporting requirements placed on human rights defenders and their organisations should not

¹ United Nations Human Rights Council resolution 31/32, "Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights", 24 March 2016, para. 14 (UN Doc: A/HRC/RES/31/32).

inhibit their functional autonomy.² However, the signed law constitutes an infringement of the autonomy of civil society to choose their topic of work, by restricting the ability of individuals to operate free from hindrance when working for organisations focusing on corruption, compared to those working on other topics.

Civil society reports to its donors on its activities and grants. Its employees are, in any country, to abide by regulations governing revenue taxes and other taxes. Donors set their reporting requirements, often in agreement with grantees. In any country, governments must show restraint in obliging civil society to follow public transparency measures, and rather leave such measures to the initiative of non-governmental organisations themselves, as a way to prevent harming organisations working on sensitive issues.

Finally, we worry about the arbitrary nature of the implementation of the legislative measure. The broad liberty given to the government to implement the measures could lead to the government requesting registration of organisations critical towards its policies. We cannot accept that the government is given the arbitrary opportunity to choose which groups would fall under the legislation.

The fact that the amendments to the law were voted in a hasty manner, without consultation of civil society, especially human rights organisations, and signed right thereafter raises doubt about the true objective of the legislation. The legislation creates a public suspicion against civil society, in a country that should nourish civil society contribution to its development and policies.

Given the above, we worry that the aim of the legislation is to intimidate civil society working on corruption issues in Ukraine, and ultimately to discredit NGOs. We are also concerned that these legislative steps are retaliation against civil society reporting, publishing and disseminating information about corruption in Ukraine.

In the spirit and willingness to cooperate with your Office and your government on the following, we call upon you to:

- **Take all necessary steps to revert these recent legislative steps;**
- **In line with international standards in regard to freedom of association, as set forth by the Human Rights Council, ensure that reporting requirements placed on human rights defenders and their organisations do not inhibit functional autonomy and that procedures governing the functioning of NGOs are transparent, non-discriminatory, expeditious, inexpensive, and allow for the possibility to appeal to an independent authority;**
- **Use the full weight of the Office of the President of Ukraine to create and maintain a safe and enabling environment in which dissidence is fully accepted and civil society can operate free from hindrance and insecurity, and can assist Ukraine in fulfilling its international human rights obligations and commitments, whether in agreement or not with State policies.**

Yours sincerely,

² United Nations Human Rights Council resolution 22/6, “Protecting human rights defenders”, 15 March 2013 (UN Doc: A/HRC/RES/22/6).

Barys Zvozkau Belarusian Human Rights House in exile, Vilnius (on behalf of the following NGOs):

- Human Rights Centre “Viasna”
- Belarusian Association of Journalists
- City Public Association "Centar Supolnaść"
- Law Initiative

Human Rights House Belgrade (on behalf of the following NGOs):

- Lawyers Committee for Human Rights YUCOM
- Belgrade Centre for Human Rights
- Civic Initiatives
- Helsinki Committee for Human Rights in Serbia
- Policy Centre

Education Human Rights House Chernihiv (on behalf of the following NGOs):

- NGO MART
- Center of Civil Education "Almenda"
- Chernihiv Public Committee for Human Rights Protection
- Ukrainian Helsinki Human Rights Union
- Center for humanistic technologies AHALAR

Human Rights House Oslo (on behalf of the following NGOs):

- Human Rights House Foundation

Human Rights House Tbilisi (on behalf of the following NGOs):

- Article 42 of the Constitution
- Caucasian Centre for Human Rights and Conflict Studies (CAUCASIA)
- Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims (GCRT)
- Human Rights Centre (HRIDC)
- Media Institute
- Union Sapari - Family without Violence

Human Rights House Zagreb (on behalf of the following NGOs):

- B.a.B.e.
- CMS - Centre for Peace Studies
- Civic Committee for Human Rights
- Documenta - Centre for Dealing with the Past

Other organisations:

- Center for Civil Liberties
- Human Rights Information Centre, Ukraine
- Assembly of Pro-democratic NGOs, Belarus
- Human Rights in Mental Health, The Netherlands
- European Initiative for Human Rights in the former USSR, The Netherlands
- Foundation to Preserve the History of Maidan

Copies to:

- Office of the Prime Minister of Ukraine, Mr Volodymyr Groysman
- Office of the Minister of Foreign Affairs of Ukraine, Mr. Pavlo Klimkin
- Verkhovna Rada of Ukraine
- Office of the Commissioner for Human Rights of the Council of Europe
- Private Office of the Secretary General of the Council of Europe
- Parliamentary Assembly of the Council of Europe
- United Nations Special Rapporteur on the situation of human rights defenders, United Nations Special Rapporteur on the rights to freedom of association and peaceful assembly
- United Nations Human Rights Monitoring Mission in Ukraine
- Cabinet of Commissioner Johannes Hahn for European Neighbourhood Policy and Enlargement Negotiations
- Delegation of the European Union in Ukraine
- European Parliament
- Diplomatic community in Kyiv, Brussels, Geneva, New York, Strasbourg, and Vienna
- Various ministries of foreign affairs and parliamentary committees on foreign affairs

**About the Human Rights House Foundation and Human Rights Houses
(www.humanrightshouse.org):**

Human Rights House Foundation (HRHF) protects, supports and empowers human rights defenders and their organisations. To accomplish this, HRHF brings organisations together in Human Rights Houses, and unites the Houses in an international network. HRHF advocates with partner organisations to promote the freedoms of assembly, association, and expression, and the right to be a human rights defender – to ensure that individuals and organisations can work freely and openly to protect human rights at home and abroad.

Today, more than 100 independent human rights organisations work together in 16 Human Rights Houses. HRHF is based in Oslo, with an office in Geneva and representation in Brussels and Tbilisi. The Houses are located in Eastern & Western Europe, the Caucasus and the Balkans.

HRHF is the international partner to a project on human rights in Crimea led by People in Need, in cooperation with Ukrainian human rights organisations.

Since 2013, the Educational Human Rights House in Chernihiv is one of the Human Rights Houses, officially inaugurated in autumn 2015. The establishment of the Educational Human Rights House in Chernihiv gives the opportunity for implementation of consolidated educational campaigns for target groups from all over Ukraine aimed at raising awareness about human rights and fundamental freedoms.