



HUMAN RIGHTS HOUSE NETWORK

President Viktor Yanukovich
11 Bankova street
01220 Kyiv
Ukraine

17 January 2014

Refuse to adopt laws violating rights of citizens of Ukraine

Mr President,

We, the undersigned members and partners of the Human Rights House Network (HRHN), condemn in the strongest terms the adoption by the Ukrainian parliament on 16 January 2014 of a law violating most fundamental rights to freedom of expression and assembly, as well as basic rights to associate and work for a non-governmental organisation, including the right to be a human rights defender. We call upon you, Mr President, to veto the law Nr 3879.

We further condemn the excessive use of force since 28-29 November 2013 by Ukrainian authorities to disperse peaceful demonstrations.

Since the 29-30 November 2013 demonstration on the Maidan square, demonstrations are taking place throughout Ukraine, as a reaction to Ukraine's government not to sign the European Union association agreement. Peaceful protestors and journalists have been charged and are victims of brutality by police forces. We believe that use of force is indeed aimed at hurting and harming peaceful protestors, not protecting public security or even protecting the right to peaceful assembly, since the 29-30 November 2013, especially "Berkut" police unit.¹ We condemn the excessive use of force since 28-29 November 2013 by Ukrainian authorities to disperse peaceful demonstrations.

As a reaction against the peaceful protests and the assemblies throughout the country, the majority of the parliament adopted the law Nr 3879, introducing multiple restrictions on the rights to freedom of expression and assembly, as well as basic rights to associate and to the space of civil society in general, including by introducing "foreign agent" regulations inspired from legislation from the Russian Federation.²

Under the new law, the participation to peaceful protests without prior authorisation can be punished with a penalty of 1'700 to 3'400 UAH (about \$200 to \$400) or an administrative detention of 10 days. Mass riots can be punished with up to 10-15 years imprisonment. The possibility to set up tents, stages, or even a sound system, without the permission of the police would be punishable up to 15 days in jail. To participate to blocking someone's access to a residence can be punished with up to 6 years in jail. These new elements can target any and all Maidan square protestors. In addition, their aim is not to ensure public security but to create a climate of repression *de facto* banning the right to freedom of assembly. More symbolically, the law even foresees the withdrawal of the driving-licence for up to 2 years, or the confiscation of the car, for driving in an

¹ See the analysis made by the Association of Ukrainian Human Rights Monitors on Law Enforcement, available at <http://humanrightshouse.org/Articles/19903.html>.

² The law is called law "On Making Amendments to the Law of Ukraine 'On the Judiciary and the Status of Judges' and Procedural Laws on Additional Measures for Protecting Security of Citizens", available in Ukrainian at http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?id=&pf3511=49483.

organised group of 5 cars (or busses) – the aim is clearly to limit access to places where demonstrations take place.

NGOs participating in so-called political activities will have to receive a special permission from the national authorities in order to operate and to receive funds. Furthermore, **any NGO receiving funding from abroad will be considered as foreign agent** and will hence be obliged to register as such. These measures are inspired from legislation of the Russian Federation. They constitute a violation of the right to freedom of association.

Severe restrictions are also imposed to the right to freedom of expression, banning the production, possession or dissemination of so-called “extremist materials,” including through the media and the Internet. Additionally, the law puts in place a legal framework to control and limit Internet access, including the government’s right to discretionally control the access and distribution of Internet resources. Furthermore, **information agencies operating without a special license from the government will face fines and confiscation** of servers, computers and any relevant information. Amongst the other severe violations of the right to freedom of expression, the law re-criminalises slander and defamation – now punishable with imprisonment up to 2 years.

The legally justifiable willingness to limit the expression of hate speech, as foreseen in article 10 of the European Convention for Human Rights, has brought Ukrainian lawmakers to ban so-called “extremist activities”, in line with the ban of “extremist materials.” However, article 110 of the law defines extremist activities as “any unlawful interference with or obstruction of the activities of public authorities, local governments, other government entities” including the election commissions. To consider any activity voicing opposition to any authority in the country as extremist is instituting a total control of society and violating the core of the principles of a democratic society.

Since the 29-30 November 2013 events, the international community called upon authorities of Ukraine to show moderation in the use of force against protestors and to protect the right to freedom of peaceful assembly. By the adoption of this legislation, Ukraine puts itself aside of the international community and violates most fundamental rights to freedom of expression and assembly, as well as basic rights to associate and work for a non-governmental organisation, including the right to be a human rights defender. We see this as the expression to silence critical voices and public legitimate aspirations.

Even more so with the special protection offered to law enforcement agencies, including the “Berkut” police, and to the judiciary. Indeed, under the revised article 134 of the Law on the Status of Judges and the revised Law on Information Agencies, crimes committed by law enforcement forces are now protected by a complete immunity, whilst it will be illegal and punished with up to 3 years imprisonment to collect any information about “Berkut” police special forces employees, judges and other similar government workers.

The new law furthermore violates the right of a free and fair trial. The person accused of violating the new law can be persecuted in his absence, whilst no signature will be requested to prove that the accused person acknowledges the crimes and without any need of signature on the court paper to confirm their validity.

The procedure by which the law was adopted is also extremely worrying. Introduced in parliament on 14 January 2014 by two members of parliament, it was voted upon on 16 January 2014. The emergency by which the law was rushed through parliament highlights its aim to restrict space of civil society and silence critical voices.

We call upon you, Mr President, to veto the law Nr 3879, introducing multiple restrictions on the rights to freedom of expression and assembly, as well as basic rights to associate and to the space of civil society in general, including by introducing “foreign agent” regulations.

We further call upon you to:

- **Take concrete measures aiming at stopping the use of force by police to disperse protestors, even if they occupy governmental buildings, and to publicly acknowledge the**

right of anybody to peacefully protest and the duty of the State security forces to protect peaceful protestors;³

- **Immediately and unconditionally drop all charges against peaceful protestors and journalists, release and compensate all of them;**
- **Ensure that human rights NGOs and journalists are able to monitor assemblies and report on police violence without fearing retaliation, and that human rights defenders and activists are not charged for participating in peaceful protests.⁴**

Sincerely,

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

- Association of Ukrainian Human Rights Monitors on Law Enforcement (Association UMDPL)
- Centre for Civil Liberties
- Human Rights Information Center
- Institute of Mass Information
- Kharkiv Human Rights Protection Group
- La Strada Ukraine
- NGO “For Professional Journalism” – Svidomo
- Ukrainian Helsinki Human Rights Union

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

- Chernihiv Public Committee of Human Rights Protection
- Center of Humnistic Tehnologies “AHALAR”
- Center of Public Education “ALMENDA”
- Human Rights Center “Postup”
- Local Non-governmental Youth organizations M’ART
- Transcarpathian Public Center
- Ukrainian Helsinki Human Rights Union

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

- Association for the Protection of Women’s Rights in Azerbaijan after D. Aliyeva
- Human Rights Centre
- Institute for Reporters’ Freedom and Safety
- Legal Education Society
- Institute for Peace and Democracy
- Media Rights Institute
- Public Union of Democracy and Human Rights Resource Centre

³ In line with paragraph 7 of the United Nations Human Rights Council resolution 22/10 on peaceful protests of 21 March 2013.

⁴ In line with paragraph 6 of the United Nations Human Rights Council resolution 22/6 on protection of human rights defenders of 21 March 2013.

- Women's Association for Rational Development
- Women Crisis Centre

Barys Zvozskau Belarusian Human Rights House in exile, Vilnius

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

- Helsinki Committee for Human Rights in Serbia
- Lawyers Committee for Human Rights (YUCOM)

Human Rights House Sarajevo (on behalf of the following NGO):

- Helsinki Committee for Human Rights in Bosnia and Herzegovina

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

- Article 42 of the Constitution
- Caucasian Centre for Human Rights and Conflict Studies
- Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims

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

- FIAN Norway
- Human Rights House Foundation
- Health and Human Rights Info
- Norwegian Helsinki Committee

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

- Charitable Foundation
- Civic Initiatives Development Center
- Confederation of Free Labor
- For Ecological and Social Justice
- Free University
- Golos
- Interregional Trade Union of Literary Men
- Lawyers for labor rights
- Memorial
- Ms. Olga Gnezdilova
- Soldiers Mothers of Russia
- Voronezh Journalist Club
- Voronezh-Chernozemie
- Youth Human Rights Movement

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

- Armenian Helsinki Association
- Democracy Today
- Helsinki Citizens' Assembly – Vanadzor

- Journalists' Club "Asparez" NGO
- Real World Real People NGO

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

- Association for Promotion of Equal Opportunities for People with Disabilities
- B.a.B.e. – Be active, Be emancipated
- Centre for Peace Studies
- Documenta – Centre for Dealing with the Past
- GOLJP - Civic Committee for Human Rights
- Svitanje - Association for Protection and Promotion of Mental Health

Russian Research Centre for Human Rights (on behalf of the following NGOs):

- Human Rights Network Group
- Independent Psychiatric Association of Russia
- Moscow Center for Prison Reform
- Moscow Helsinki Group
- Mother's Right Foundation
- Non-violence International
- Right of the Child
- Right to Live and Have Civil Dignity
- Social Partnership Foundation
- Union of the Committees of Soldiers' Mothers of Russia

Helsinki Foundation for Human Rights, Poland

Index on Censorship, United Kingdom

Rafto Foundation, Norway

About the Human Rights House Network (www.humanrightshouse.org)

The Human Rights House Network (HRHN) unites 87 human rights NGOs joining forces in 18 independent Human Rights Houses in 13 countries in Western Balkans, Eastern Europe and South Caucasus, East and Horn of Africa, and Western Europe. HRHN's mandate is to protect, empower and support human rights organisations locally and unite them in an international network of Human Rights Houses.

The Human Rights House Kyiv is one of the members of HRHN. 10 independent Ukrainian human rights NGOs are members of the Human Rights House Kyiv.

The Human Rights House Foundation (HRHF), based in Oslo (Norway) with an office in Geneva (Switzerland), is HRHN's secretariat. HRHF is international partner of the South Caucasus Network of Human Rights Defenders and the emerging Balkan Network of Human Rights Defenders.

HRHF has consultative status with the United Nations and HRHN has participatory status with the Council of Europe.