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Conflict in eastern Ukraine has dire impact on human rights

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Strasbourg, 8 December 2014 – “The armed conflict in eastern Ukraine has had devastating effects on the human rights of the population. The humanitarian situation is also extremely difficult and people continue to suffer greatly” stated today Nils Muižnieks, Council of Europe Commissioner for Human Rights, following a visit to Ukraine from 30 November to 5 December which included the capital Kyiv, as well as the eastern regions of the country, where he visited Dnipropetrovsk, Dniprodzerzhinsk, Kurakhove and Krasnoarmiysk. The latter two towns are situated 15 and 30 kilometres, respectively, from the front line of fighting.

“Numerous serious human rights violations have occurred, as reported by the United Nations Office of the High Commissioner for Human Rights (OHCHR) and others, implicating primarily the rebel forces, but also governmental forces and volunteer battalions fighting alongside them,” stressed the Commissioner, referring to the hundreds of cases of unlawful killings, abductions and enforced disappearances, as well as torture and ill-treatment. “The need to ensure accountability for such grave crimes has been one of the key messages I have been giving during each of my four trips to Ukraine in the course of this year.” He once again underlined that effective investigations should be conducted, incorporating the criteria of the European Court of Human Rights, and reiterated to the Ukrainian authorities the importance of cooperating fully with the International Advisory Panel established by the Council of Europe Secretary General, tasked with reviewing the investigations into the Maidan and Odesa events. The Commissioner discussed these matters in detail with Prosecutor General Yarema and Foreign Minister Klimkin, who agreed with the importance of sending a signal that those responsible should be held to account, irrespective of the side of the conflict on which they stand. Certain steps have been taken in this regard and a large number of criminal proceedings have been initiated by the Ukrainian prosecutorial authorities.

The Commissioner also looked into the situation of internally displaced persons (IDPs), whose number within Ukraine is at least half a million. The Commissioner visited places of accommodation and/or registration for IDPs in the Kyiv region and in the other locales noted above. “I was informed by civil society organisations that 70-100 people continue to arrive daily in Dnipropetrovsk from the conflict zones and territories in the Donetsk and Luhansk regions outside the control of the Ukrainian authorities, whereas at the height of the hostilities in August the daily influx of IDPs was between 300 and 350”, he noted. “Volunteers, local and regional authorities, and business leaders have been making considerable – and laudable – efforts and investments to meet the needs of IDPs, but many localities are overburdened and it is essential to have high-level involvement and coordination by the national authorities.” The Commissioner welcomed the adoption of the law on IDPs and pointed out that there was a need to address some specific obstacles to its implementation at local level. In this respect, he recommended that the national authorities rapidly look into developing a detailed plan for the implementation of the new IDP law, find solutions for the long-term integration of IDPs who are unable or unwilling to return to their homes and consult civil society, local actors and the United Nations High Commissioner for Refugees (UNHCR) when taking policy decisions in this area.

Pension payments have been suspended to persons residing in the territories outside the control of the Ukrainian authorities. The Commissioner expressed great concern in this regard and warned that this is leading to further isolation of those regions and exacerbating

the hardship of the populations therein, who have already suffered considerably from the active hostilities, the destruction of infrastructure, and lawlessness. "Many of the IDPs I met endured five months without running water and electricity. Moreover, I have been alarmed by reports about extreme hardship – even hunger – experienced by vulnerable groups in the Donetsk and Luhansk regions, including the elderly, persons with disabilities, and persons living in prisons and psychiatric hospitals." The Commissioner encouraged the Ukrainian authorities to adopt a flexible approach in paying pensions to persons travelling from the conflict areas and to work in close cooperation with international organisations and humanitarian groups to find a solution and to reach people in need.

When talking to various interlocutors on the ground, including many ordinary people who were displaced or otherwise experienced severe hardship due to the conflict – as well as the local authorities and civil society organisations working to help them – the Commissioner frequently heard appeals for peace and an end to the fighting. "A peaceful solution must be found to end the fighting and violence and prevent further violations."

Pending a solution to the present conflict, steps can nevertheless be taken with a view to ensuring better human rights protection in Ukraine over the longer term. To this end, the Commissioner organised, in partnership with UN OHCHR, a meeting which took place on 1 December in Kyiv on developing a national action plan for human rights in Ukraine. The situation of IDPs and other vulnerable groups should be at the core of the action plan. "I believe it is essential to place human rights at the heart of democratic governance, and I am encouraged by the determination expressed by the Ukrainian Government in this regard" concluded the Commissioner.

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The Commissioner for Human Rights is an independent, non-judicial institution within the Council of Europe, mandated to promote awareness of, and respect for, human rights in the 47 member states of the Organisation. Elected by the Parliamentary Assembly of the Council of Europe, the present Commissioner, Mr Nils Muižnieks, took up his function on 1 April 2012