

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Independent Expert on the promotion of a democratic and equitable international order; the Special Rapporteur on violence against women, its causes and consequences and the Working Group on the issue of discrimination against women in law and in practice

REFERENCE:
AL UKR 5/2018

7 January 2019

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Independent Expert on the promotion of a democratic and equitable international order; Special Rapporteur on violence against women, its causes and consequences and Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 35/15, 34/18, 34/5, 36/4, 32/19 and 32/4.

In this connection, we would like to bring to the attention of your Excellency's Government allegations we have received concerning the adverse environment for human rights defenders in Ukraine, most recently illustrated by the killing of Ms. **Kateryna Handziuk**.

Ms. Handziuk was a human rights defender, who was particularly active in campaigning for civil rights and against corruption.

According to the information received:

On 31 July 2018, an attacker threw concentrated sulphuric acid on Ms. Handziuk, as she left her home in Kherson for work. As a consequence, approximately 40% of her body was badly burned and she lost sight in one of her eyes.

Ms. Handziuk was taken to a local hospital and later transferred to the burn centre of Kyiv City Hospital No. 2, where she subsequently underwent a number of surgeries.

Police immediately opened an investigation into the attack on Ms. Handziuk. They initially categorized the attack as disorderly conduct ("Hooliganism") under article 296 of the Criminal Code of Ukraine.

Shortly afterwards, police re-categorized the crime as "premeditated infliction of bodily harm with a goal to intimidate a person" under article 121 of the Criminal Code of Ukraine.

On 1 August, protests took place in Kherson demanding a thorough investigation into the attack. On the same day, a spokesperson from the Prosecutor General's Office announced that the crime had again been re-categorized as a "murder attempt" under article 115 of the Criminal Code of Ukraine.

On 17 and 19 August, the National Police together with the Security Service of Ukraine detained five persons on suspicion of organising and carrying out the attack on Ms. Handziuk. According to information received, the perpetrator and the mastermind of the attack were among the detainees. Both remain in custody, while the other three are under preventative house arrest.

On 25 September 2018, at the request of Yevheniya Zakrevska, the General Directorate of the National Police in Kherson region, "contract killing" was added to the aggravated classification of the crime (Paragraph 11, Part 2, Article 115 of the Criminal Code of Ukraine). However, the words "contract killing" still do not appear in the attackers' notices of suspicion.

Ms. Handziuk died on 4 November 2018.

There have been at least 54 unsolved attacks against human rights defenders, since 2017. According to the information we have received, the groups of activists that are particularly at risk are those involved in anti-corruption, environment/ecology, and LGBTQI.

While we do not wish to prejudge the accuracy of these allegations and take note of the measures taken by the authorities to investigate this case, we express serious concern at the death of Ms. Kateryna Handziuk. This attack appears to be related to her peaceful and legitimate work in defense of human rights, and particularly against corruption. Our concern in this case is heightened given that it appears to be part of an emerging pattern of attacks against civil society actors. This is further concerning against the backdrop of other recent attacks against human rights defenders, which have remain unsolved; this climate of impunity cannot but encourage further similar violence which may have a severe chilling effect on civil society, and in particular on the peaceful exercise of human rights.

Attacks against individuals who are exercising peacefully their legitimate political or human rights activities are in contravention to articles 6, 7, 9, 19, of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Ukraine on 12 November 1973, which states that every human being has the inherent right to life, no one shall be subjected to cruel or inhuman treatment, everyone has the right to liberty and security of person, everyone shall have the right to freedom of expression. In this regard, we are drawing the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In connection with the above alleged facts and concerns, please refer to the **Reference to International Law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on the ongoing investigations, as well as results, if available, that have been carried out into the attack on Ms. Handziuk. Please include specific information on the charges and status of investigations against alleged perpetrators.
3. Please indicate what measures have been taken, or are being taken, to ensure that human rights defenders in Ukraine are able to carry out their peaceful and legitimate work in a safe and enabling environment without fear of threats or acts of intimidation harassment, or violence of any kind.
4. Please indicate what measures have been taken to address other alleged acts of violence against human rights defenders.
5. Please indicate what measures have been taken to ensure that protection measures for women human rights defenders take into account the specific risks they face and address their particular needs.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Michel Forst
Special Rapporteur on the situation of human rights defenders

Livingstone Sewanyana
Independent Expert on the promotion of a democratic and equitable international order

Dubravka Šimonovic
Special Rapporteur on violence against women, its causes and consequences

Ivana Radačić
Chair-Rapporteur of the Working Group on the issue of discrimination against women in
law and in practice

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to articles 6, 7, 9, 19, of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Ukraine on 12 November 1973, which states that every human being has the inherent right to life, no one shall be subjected to cruel or inhuman treatment, everyone has the right to liberty and security of person, everyone shall have the right to freedom of expression.

We would like to highlight the State's duty under international human rights law to create an enabling environment for the exercise of freedom of expression. Part of this duty is reflected in the obligation to combat impunity in relation to attacks against individuals for their work in bringing into light information of public interest, such as corruption. In this connection, we deem it appropriate to make reference to Human Rights Council resolution 12/16 and subsequent resolution which calls upon States to investigate effectively threats and acts of violence and to bring to justice those responsible to combat impunity.

We remind that in its General Comment No. 31, the Human Rights Committee recalls the responsibility of State parties to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice or redress the harm caused by non- state actors (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18). A failure to investigate violations of the Covenant and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR (CCPR/C/21/Rev.1/Add.13, paras. 15). We further recall that state parties are required to take special measures of protection towards persons in situation of vulnerability whose lives have been placed at particular risk because of pre-existing patterns of violence, including human rights defenders and officials or individuals fighting corruption and organized crime (Human Rights Committee, General Comment No. 36).

We would further like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2, which states that everyone has the right, individually and in association with others to promote and to strive for the protection and realization of human rights and that the State has a prime responsibility and duty to protect, promote and implement all human rights. We would also like to draw attention to article 5, 6 and 12. Article 5 and 6 state that everyone has the right to meet or assemble peacefully and to know, seek, receive, and impart information about all human rights. While according to article 12, the state shall take all necessary measures to ensure the protection by the competent authorities of everyone, against any arbitrary action as a consequence of the legitimate exercise of their human rights.

We further refer your Excellency's Government to the principles enunciated by Human Rights Council resolution 24/5, and in particular operative paragraph 2, which reminds States of their obligation to respect and protect the right of all individuals, including human rights defenders, to associate freely, online as well as offline, seeking to promote these rights. States should take all necessary measures to ensure that any restrictions on the free exercise of the right to freedom of association are in accordance with their obligations under human rights law.

We would also like to refer to General Assembly Resolution 68/181, which urges States to acknowledge publicly the important and legitimate role of women's rights defenders in the promotion and protection of human rights, democracy, the rule of law and development as an essential component of ensuring their protection, including by publicly condemning discrimination against them. It expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective in their efforts to create a favorable environment for the defense of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies, as well as programs that support and protect women defenders. Such policies and programs should be developed with the participation of women defenders themselves.

We would also like to remind your Government of Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Ukraine on 12 March 1981 which provides that states parties will take all appropriate measures to eliminate discrimination against women in political and public life.

Also, as highlighted by the Working Group on discrimination against women in law and in practice in one of its reports (A/HRC/23/50), stigmatization, harassment and outright attacks have been used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. Women defenders are often the target of gender-specific violence, such as verbal abuse based on their sex; they may experience intimidation, attacks and death. Violence against women defenders is sometimes condoned or perpetrated by State actors.