

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on violence against women, its causes and consequences

Ref.: AL UKR 7/2021

(Please use this reference in your reply)

23 November 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 43/16, 43/4 and 41/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged threats, online harassment, and smear campaign against woman human rights defender Ms. Svitlana Blahodeteleva-Vovk.**

Ms. **Svitlana Blahodeteleva-Vovk** is a woman human rights defender advocating for academic integrity and anti-corruption, and a coordinator of Dissergate.

Dissergate is a civil initiative founded by a group of Ukrainian scholars which advocates against the lack of academic integrity in the country and holds a contest for 'Academic Indecency of the Year'.

According to the information received:

In early June 2020, Ms. Svitlana Blahodeteleva-Vovk reported plagiarism in the research of a high-profile Ukrainian official to the National Agency for Higher Education Quality Assurance and the Ministry of Education and Science of Ukraine. She also spoke publicly about the plagiarism at rallies.

Soon after that, from mid-June 2020 until March 2021, Ms. Blahodeteleva-Vovk was subjected to systematic harassment by unknown persons. There have been several attempts to hack her email accounts. On at least ten occasions, unknown persons reported her social media posts as alleged copyright infringement. As a result, the social media platform limited her ability to share information. Between July 2020 and March 2021, Ms. Blahodeteleva-Vovk received recurrent rape threats from an unknown man via email and messaging app. The messages included evidence that he was following and photographing her, and knew where she and her family lived. Ms. Blahodeteleva-Vovk also received three handwritten letters through the door of her apartment, which included death threats.

On 13 September 2020, the Darnitsa Police Department of the Main Directorate of National Police in Kyiv ("Darnitsa Police Department") opened a criminal case under Article 182 (1) ("violation of privacy") of the Criminal Code of Ukraine. It later reclassified the offence under Article 350 (1) ("threat or

violence against a public official or a citizen in the performance of a public duty”). Since February 2021, the Prosecutor General’s Office and the Department of Inquiry of the Ministry of Interior have reportedly been monitoring the investigation. However, the investigation has reportedly made little progress. As Ms. Blahodeteleva-Vovk continues to receive threats, she requested the Darnitsa Police Department to provide physical protection, however without success.

On a separate note, in October 2020, a smear campaign against Ms. Blahodeteleva-Vovk started on social media and in mainstream media, alleging that she had a criminal record for raping her husband. On 19 October 2020, Ms. Blahodeteleva-Vovk reportedly filed a lawsuit with the Pechersk District Court of Kyiv against persons and media outlets distributing the false accusations. Ms. Blahodeteleva-Vovk requested the court to order deletion and refutation of the discrediting information. In early 2021, the court allegedly dismissed the lawsuit based on improper venue. In March 2021, Ms. Blahodeteleva-Vovk filed a similar lawsuit with the Solominskiy District Court of Kyiv, but at the time of writing, no decision has been issued for the case.

Without wishing to prejudge the accuracy of the information received, we wish to express concern as to the alleged threats, online harassment, and smear campaign against Ms. Svitlana Blahodeteleva-Vovk. We are particularly concerned at the gendered nature of these attacks, and at the chilling effect that this might have on human rights defenders in Ukraine, and particularly women, discouraging them from exercising their right to freedom of expression for fear of retaliation or harassment.

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 be grateful for your observations on the following matters:

1. Please provide any additional information and comments you may have on the allegations mentioned above.
2. Please provide the details, and where available the results, of any investigation, which may have been carried out in relation to the allegations of the threats and online harassment of Ms. Svitlana Blahodeteleva-Vovk. If no investigation has taken place, or if it has been inconclusive, please explain why and how this is compatible with your Excellency’s Government international human rights obligations under the ICCPR.
3. Please provide full details of any protective measures put in place to ensure the physical and psychological security and integrity of Ms. Svitlana Blahodeteleva-Vovk and her family.

4. Please provide the details, and where available the results, of any legal proceedings related to the smear campaign against Ms. Svitlana Blahodeteleva-Vovk.
5. Please indicate what measures have been taken to ensure that human rights defenders, and particularly women, are able to carry out their legitimate work in Ukraine in a safe and enabling environment without fear of harassment, threats, attacks or acts of intimidation of any kind towards them and their families.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. 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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Reem Alsalem
Special Rapporteur on violence against women, its causes and consequences

Annex

Reference to international human rights law

In connection with the above-alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the following human rights standards:

We would like to refer your Excellency's Government to Article 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Ukraine on 12 November 1973, that guarantees the right to freedom of opinion and expression. The right to freedom of expression includes the right to seek, receive and impart information and ideas of all kinds. As interpreted by the Human Rights Committee in General Comment No. 34 (CCPR/C/GC/34), such information and ideas include, *inter alia*, political discourse, commentary on one's own and on public affairs, and discussion of human rights (Paragraph 11). Article 19 requires the States to guarantee the right to freedom of expression (Id.). It is the States' duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (Paragraph 23). An attack on a person, because of the exercise of their freedom of opinion or expression, including such forms of attack as threats to life and killing, can under no circumstance be compatible with Article 19 (Paragraph 23). All such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims be in receipt of appropriate forms of redress (Id.).

We would also like to refer your Excellency's Government to Article 6 of the ICCPR that guarantees the right to life. According to its interpretation by the Human Rights Committee in General Comment No. 36 (CCPR/C/GC/36), States have a duty to protect the right to life and must enact a legal framework and other measures that ensure the full enjoyment of that right (Paragraph 18). Importantly, the duty to protect the right to life requires States to take special measures of protection for persons in vulnerable situations whose lives are at risk as a result of specific threats or pre-existing patterns of violence, including human rights defenders (Paragraph 23). States must respond urgently and effectively in order to protect individuals who find themselves under a specific threat by adopting special measures such as the assignment of around-the-clock police protection (Id.). Investigations into alleged violations of the right to life must be independent, impartial, prompt, thorough, effective, credible and transparent. Where it is found that a violation has taken place, there must be full reparation provided, including adequate compensation, rehabilitation and satisfaction in view of the particular circumstances of the case (Paragraph 28). Moreover, Article 6 reinforces the obligations of States to protect individuals against reprisals for promoting and striving to protect and realise human rights. The States must take the necessary measures to respond to death threats and to provide adequate protection to human rights defenders, including the creation and maintenance of a safe and enabling environment for defending human rights (Paragraph 53).

Moreover, we would like to remind your Excellency's Government of its obligations under Articles 14 and 17 of the ICCPR, according to which everyone has the right not to be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence, as well as to unlawful attacks on their honour and reputation, the right to the protection of the law against such interference or attacks, and

the right to a fair and public hearing by a competent, independent and impartial tribunal established by law in the determination of their rights and obligations in a suit at law.

Furthermore, we would 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 Recognised Human Rights and Fundamental Freedoms, adopted on 9 December 1998 (also known as the UN Declaration on Human Rights Defenders). Articles 1 and 2 of the Declaration state that everyone has the right to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Likewise, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 6 (a), which provides for the right to know, seek, obtain, receive, and hold information about all human rights and fundamental freedoms;
- Article 6 (b) and (c), which provides for the right to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters;
- Article 9 (1), which establishes that in the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights, everyone has the right to benefit from an effective remedy and to be protected in the event of the violation of those rights; and
- Article 12 (2) and (3), which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

The General Assembly in resolutions 74/146 (A/RES/74/146), 72/247 (A/RES/72/247), 70/161 (A/RES/70/161) and 68/181 (A/RES/68/181), as well as the Human Rights Council in resolutions 31/32 (A/HRC/RES/31/32) and 22/6 (A/HRC/RES/22/6) expressed their particular concern about systemic and structural discrimination, violence and harassment faced by women human rights defenders, including sexual and gender-based violence as well as defamation and smear campaigns, both online and offline, and called upon States to take appropriate, robust

and practical steps to protect women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights.

In the report on the situation of women human rights defenders (A/HRC/40/60), the Special Rapporteur on the situation of human rights defenders noted that women continue to face systematic discrimination, marginalisation and repression (Paragraph 107). The Special Rapporteur pointed out additional gendered risks and obstacles women human rights defenders face, including public shaming, stigmatisation, attacks on honour and reputation, the threat of violence, including sexual violence, online harassment, violence and attacks (Paragraphs 37-39, 42, 45). The Special Rapporteur recommended the States, *inter alia*, to:

- Protect the rights of women defenders, including by taking a public stand against all State and non-State actors who violate these rights, ceasing all attacks and threats against women defenders and investigating all that occur, ensuring that impunity does not prevail;
- Ensure that women defenders enjoy a safe and enabling environment to exercise their rights, considering their specific and diverse needs;
- Prioritise the protection of women defenders in online spaces and adopt laws, policies and practices that protect their right to privacy and protect them from libel and hate speech; and
- Assess protection practices for women defenders against the seven principles underpinning good protection practices and examine ways of strengthening those practices (Paragraph 108).

Finally, in the recent report on the killing of human rights defenders (A/HRC/46/35), the Special Rapporteur on the situation of human rights defenders emphasised that women human rights defenders are often attacked with gendered threats, some of which have a highly defamatory nature, often involving women's personal lives (Paragraphs 65-66). The Special Rapporteur stressed that States could and should intervene to prevent killings by responding more effectively to threats against human rights defenders; such interventions include taking action to stop vilification and threats aimed at defenders, which make them more vulnerable to attacks (Paragraph 103). The States should protect and enhance existing human rights defender protection mechanisms, and ensure that they are gender-sensitive, ensure that State officials issue regular and public recognition of the value of the work of human rights defenders, and publicly denounce threats against them, and support existing efforts to increase accountability for killings and other attacks on defenders (Paragraph 104).

We recall article 4 (b) of the United Nations Declaration on the Elimination of Violence against Women, which stipulates that States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should refrain from engaging in violence against women. Furthermore, we would like to remind your Excellency's Government that in its General Recommendation No. 35 (2017) on gender-based violence against women, the Committee on the Elimination of Discrimination against Women has clarified that, under the Convention and general

international law, a State party is responsible for acts or omissions of its organs and agents that constitute gender-based violence against women, which include the acts or omissions of officials in its executive, legislative and judicial branches. States parties are responsible for preventing such acts or omissions by their own organs and agents, including through training and the adoption, implementation and monitoring of legal provisions, administrative regulations and codes of conduct, and for investigating, prosecuting and applying appropriate legal or disciplinary sanctions, as well as providing reparation, in all cases of gender-based violence against women, including those constituting international crimes, and in cases of failure, negligence or omission on the part of public authorities.

This General recommendation also recalls State obligation of due diligence under Article 2 (e) of the Convention, which includes the obligation to take all appropriate measures to prevent, as well as to investigate, prosecute, punish and provide reparations for, acts or omissions by non-State actors that result in gender-based violence against women and girls[General Recommendation no 35, paragraph 24(2)]. In this recommendation, the Committee sets out specific punitive, rehabilitative, preventive and protective measures States should introduce to fulfil this obligation.

We would further like to refer to the report of the Special Rapporteur on violence against women, its causes and consequences, on online violence (A/HRC/38/47), in which she recommends that States, in accordance with the principle of due diligence, address new forms of online violence against women and girls as human rights violations that are interrelated with the broader framework of discrimination against women and girls, and that internet intermediaries uphold women's human rights standards.