

**DIRECTORATE-GENERAL FOR EXTERNAL POLICIES**  
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**Human rights in  
Ukraine and the EU  
response, including  
relevant activities of the  
European Parliament**

**DROI**



## STUDY

# Human rights in Ukraine and the EU response, including relevant activities of the European Parliament

### ABSTRACT

The present study provides an overview of how the European Union and the European Parliament (EP) contribute to the promotion and protection of human rights in Ukraine. The analysis adopts an institutional approach, separately addressing the role of the various EP bodies involved, such as the plenary itself and the Subcommittee on Human Rights (DROI). The actions of the EU-Ukraine Parliamentary Association Committee (PAC), a parliamentary body created by the Association Agreement, as well as those of the European Parliament's Delegation to the PAC are included in this analysis. The territories controlled by the Ukrainian government and those that are temporarily occupied, namely Crimea and parts of eastern Ukraine, are addressed separately in the study. In terms of thematic focus, the EP's activities aimed at human rights promotion have been dominated by the issue of the Crimean Tatars, the Ukrainian political prisoners illegally held in Russia, and the human rights situation in eastern Ukraine. The most significant conclusion is that the more entrenched the violation of Ukraine's territorial integrity becomes, the wider the spectrum of human rights issues extends, in protection of which the EP is able to step to the fore and take action. A summary of the contents of relevant EP actions can be found in the Annex to the study, together with a graphical visualisation of key data.

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Authors: András RÁCZ, Associate Professor, Péter Pázmány Catholic University (Hungary), Narine GHAZARYAN, Assistant Professor, School of Law University of Nottingham (United Kingdom), Sergiy GERASYMCHUK, Senior Research Fellow, Foreign Policy Council 'Ukrainian Prism'.

Coordinator: Trans European Policy Studies Association (TEPSA)

Official Responsible: Marika LERCH

Editorial Assistant: Daniela ADORNA DIAZ

Feedback of all kind is welcome. Please write to: [Marika.Lerch@europarl.europa.eu](mailto:Marika.Lerch@europarl.europa.eu).

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## List of abbreviations

AA	Association Agreement
AFET	Committee on Foreign Affairs of the European Parliament
ATO	Anti-Terrorist Operations
BUDG	Committee on Budgets of the European Parliament
CFSP	Common Foreign and Security Policy
CoE	Council of Europe
CONT	Committee on Budgetary Control of the European Parliament
CSDP	Common Security and Defence Policy
DCFTA	Deep and Comprehensive Free Trade Area
DEAC	Democracy and Elections Actions Unit of the European Parliament
DEG	Democracy Support and Election Coordination Group
DEVE	Committee on Development of the European Parliament
DROI	Subcommittee on Human Rights of the European Parliament
D-RU	European Parliament's Delegation to the EU-Russia Parliamentary Cooperation Committee
D-UA	European Parliament's Delegation to the EU-Ukraine Parliamentary Association Committee
EaP	Eastern Partnership
ECHR	European Convention on Human Rights
ECRML	European Charter for Regional and Minority Languages
EED	European Endowment for Democracy
EIDHR	European Instrument for Democracy and Human Rights
ENI	European Neighbourhood Instrument
ENP	European Neighbourhood Policy
EP	European Parliament
EU	European Union
EUAM	European Union Advisory Mission
EUSR	European Union Special Representative
HCNM	OSCE High Commissioner on National Minorities
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
INTA	Committee on International Trade of the European Parliament
IPHR	International Partnership for Human Rights

JURI	Committee on Legal Affairs of the European Parliament
MoU	Memorandum of Understanding
NGO	Non-governmental Organisation
NSDC	National Security and Defence Council of Ukraine
ODIHR	Office for Democratic Institutions and Human Rights
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE SMM	OSCE Special Monitoring Mission to Ukraine
OSCE	Organisation for Security and Co-operation in Europe
PAC	EU-Ukraine Parliamentary Association Committee
PACE	Parliamentary Assembly of the Council of Europe
PCC	EU-Ukraine Parliamentary Cooperation Committee
POW	Prisoner of War
SEDE	Subcommittee on Security and Defence of the European Parliament
SMM	Special Monitoring Mission
SSU	Security Service of Ukraine
TAIEX	Technical Assistance and Information Exchange Instrument
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
VR	Verkhovna Rada (Supreme Council) of Ukraine
WHO	World Health Organisation

## Executive summary

The human rights situation in Ukraine has changed dramatically following the Euromaidan events in 2014 and the subsequent swift annexation of Crimea by the Russian Federation, which blatantly violated the sovereignty and territorial integrity of Ukraine. Shortly thereafter, from April 2014 onwards, Russia-backed violent separatism has emerged in eastern Ukraine as well, and rapidly escalated into an open armed conflict that has been ongoing for three years.

Since the illegal annexation of Crimea, the Crimean Tatars have been subjected to persistent, increasingly systematic oppression and violation of their rights to expression, assembly, religion, education and media freedom. Since 2016, their sole legitimate representative body, the Mejlis, has been banned by the occupying *de facto* authorities. In eastern Ukraine, the armed conflict resulted in massive destruction and widespread, serious atrocities against the civilian population, committed mostly by the separatist forces, but also by the Ukrainian government forces. Due to the fighting, more than 1.6 million people have had to leave their homes and have become internally displaced persons (IDPs). Since 2014, the United Nations (UN), the Organisation for Security and Cooperation in Europe (OSCE), and the Council of Europe (CoE) have recorded an increasing lawlessness in the region, including targeted killings, torture and *incommunicado* detention, abduction, complete erosion of the rule of law and lack of access to redress mechanisms (United Nations, 2016, 2016a, 2016b; OSCE, 2015–2017; Council of Europe, 2016a). According to the UN data released in September 2017, during the entire conflict period, from 14 April 2014 to 15 August 2017, at least 2,505 civilians were killed (UN, 2017). The Office of the United Nations High Commissioner for Human Rights (OHCHR) recorded 34,766 conflict-related casualties among civilians, Ukrainian armed forces and members of the armed groups. This includes 10,225 people killed and 24,541 injured. No precise and reliable data are available on the scale and range of all human rights violations.

The Euromaidan events naturally led to a shift in the European Union's (EU) approach towards Ukraine, dominated by demonstrations of political support and an emphasis on security considerations. Nonetheless, the EU continued its approach of mainstreaming human rights in various areas of its cooperation with Ukraine on the basis of conditionality. Signing and ratifying the Association Agreement (AA) signalled a reinforced commitment towards human rights and fundamental freedoms, with a strong human rights clause and the creation of various forums for raising human rights concerns, including by civil society. The various institutions established under the Association Agreement (EU-Ukraine Summits, Association Council, Parliamentary Association Committee, etc.) could be used to specify and follow up on particular reforms. As for the European Parliament (EP), it reacted to the unfolding crisis in an efficient and adequate manner. As discussed in Chapter 4 and demonstrated by the graphs presented in the Annex, the EP continuously addressed the most pertinent human rights concerns through various types of actions, ranging from EP resolutions to the exchange of views with experts and politicians, from fact-finding missions to declarative statements.

In terms of thematic focus, the most frequently voiced human rights concerns in the occupied territories related to the situation of the Crimean Tatars, the Ukrainian political prisoners held in Russia, and the humanitarian situation in eastern Ukraine. As for the territories under the control of the Ukrainian government, the most frequently addressed issues included the situation of the IDPs, the fight against corruption and, recently, the freedom of the media and the restrictions on minority languages. Arguably, the final and central conclusion to be drawn from this study is that, despite their lower visibility at times due to urgent security concerns, human rights issues have been a permanent fixture of the EP's activities. To this end, the EP has been an important actor in promoting human rights in Ukraine and its occupied territories.

# 1 Introduction

Since the onset of the conflict in 2014, Ukraine has become a country where active international engagement is of crucial importance for protecting human rights. Due to the illegal annexation of the Crimean Peninsula by the Russian Federation, as well as the ongoing military conflict in eastern Ukraine, the human rights situation has deteriorated significantly in the affected territories. Hence, the EU in general, and the EP in particular, have a key role to play in protecting and ensuring respect for human rights in the country.

The present analysis focuses on assessing the EU's human rights activities with a specific emphasis on the EP's efforts to protect human rights in Ukraine. The EU's human rights policies towards Ukraine are based on the EU Treaties according to which the Union shall uphold and promote its values, and shall be guided by its foundational principles in its foreign policy, including in its relations with the neighbouring countries<sup>1</sup>. The EU's foundational values refer to human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities<sup>2</sup>. For this purpose, the EU deploys instruments specific to democracy and human rights promotion. Even more important, however, is the mainstreaming of the human rights issues into all areas of EU external action through a wide range of instruments. For this reason, the study analyses not only EU's human rights-specific instruments deployed in relations with Ukraine, but also various other instruments which incorporate human rights elements or human rights conditionality.

The main objective of the paper is to serve policy-related purposes. In line with this task, instead of studying individual legal cases of human rights abuses and EP actions to address them, the paper concentrates on providing the necessary general background for such analyses, should the Parliament deem it necessary in the future.

The study focuses on the events that took place during the present, eighth legislature of the EP, from 1 July 2014 until 31 May 2017. However, in order to provide a sufficiently comprehensive picture, the study also considers retrospectively the period of the 2013–2014 revolution, frequently called Euromaidan, and the important events that took place immediately thereafter, such as the annexation of Crimea in March 2014.

The study is composed of seven chapters. Following the introduction, the next chapter provides a brief overview of the human rights situation in Ukraine. Reflecting the ongoing conflicts in the country, the paper summarises the human rights situation in the Kyiv-controlled and occupied territories of Ukraine separately. The study pays special attention to the situation in Crimea, in particular to that of the Crimean Tatars, who have been systematically targeted by the occupying Russian authorities. The situation of the internally displaced persons is likewise covered.

The third part presents an overview and assessment of the EU's overall approach to human rights protection in its relations with Ukraine. The chapter follows an instrumental approach, reviewing the manner in which human rights are mainstreamed in various areas of EU-Ukraine cooperation. The fourth chapter is dedicated to an overview and assessment of the EP's policy actions in addressing human rights concerns in Ukraine and the occupied territories. For this purpose, direct and indirect tools are analysed.

The fifth chapter summarises the results of the research and draws a number of general conclusions. The paper concludes with a sixth chapter containing concrete policy recommendations on how to further increase the efficiency of the EU's and EP's efforts in the area of human rights protection. The report also includes an Annex describing major EP activities addressing human rights issues in Ukraine. The Annex contains short summaries of the relevant actions and their graphical visualisation along a timeline.

<sup>1</sup> Art. 3(5), Art 21(1), (2)(a)(b), Art 8(1) Treaty on European Union [2010] OJ C326.

<sup>2</sup> Art. 2 TEU, *ibid.*

The paper examines and assesses only human rights-related actions taken by official bodies of the EP. The bodies analysed comprise the Plenary, the Subcommittee on Human Rights of the Committee on Foreign Affairs of the European Parliament (DROI), as well as the EU-Ukraine Parliamentary Association Committee (PAC), which is a body created by the Association Agreement and operated together with the Verkhovna Rada of Ukraine, with joint membership, and the European Parliament's delegation to the EU-Ukraine Parliamentary Association Committee (D-UA). The Sakharov Prize awarded by the European Parliament will also be assessed as an important symbolic tool for protecting human rights. In addition to all of the aforementioned, actions taken by other relevant EP actors involved in human rights promotion and protection, such as the EP President, will be briefly analysed in sub-chapter 4.2.7.

It should be mentioned that several informal groupings and individual members of the European Parliament have played an important and influential role, both during the Euromaidan events and thereafter, providing political and moral support, as well as stepping up to the plate in concrete issues. A prominent example could be the Friends of Ukraine group set up in the EP upon the initiative of Lithuanian MEP Petras Auštrevičius in December 2014 (Ministry of Foreign Affairs of Ukraine, 2014). The group has been active in many issues, including the case of Ukrainian political prisoner in Russia, Nadiya Savchenko. However, such actions taken by informal structures are outside of the focus of the present analysis. Equally, the actions undertaken by individual political groups fall outside the study's scope.

In terms of methodology, the report is based on a combination of methodological approaches. The overview of the human rights situation in Ukraine is based on empirical data obtained through mostly anonymous interviews, as well as secondary sources compiled by international and non-governmental organisations. Six semi-structured interviews were conducted in August 2017. The data is presented separately in relation to Ukraine and the territories outside of the control of the Government. In relation to the latter, a limitation should be noted whereby the data collection has been hindered by the continuous conflict in eastern Ukraine and the oppressive practices in both eastern Ukraine and Crimea. The third part of the report on the general approach of the EU's human rights policies towards Ukraine is based on the analysis of various framework and policy-specific instruments, as well as expert consultation in the EEAS, EP and the European Commission, whereby their human rights-related content, focus and continuity are used as assessment criteria. The final substantive part is based on a qualitative analysis of instruments and practices of the EP and its bodies. The main assessment criteria used for this analysis, in line with the assessment of the EU's overall human rights policies towards Ukraine, are based on the identification of the human rights related content of those instruments and practices, their respective emphasis, as well as the consistency and continuity in EP practices. The analysis is supported by the Annex, which provides a comprehensive overview of the EP activities on the basis of an actor-based approach. The graphs present a quantitative overview of the scale of the EP's involvement, its reactions to significant events and the types of actions undertaken throughout the course of the period under study.

The Ukrainian names mentioned in the text are transliterated into English based on their original spelling in Ukrainian. The views reflected here are solely the authors' own and do not reflect the official positions of any institutions, organisations or states. The authors would like to express their gratitude to Myriam Goinard, Marika Lerch, Lynn Nikkanen, Oleksandra Matviychuk, Josef Zisels, Yevhenii Zakharov, Tamila Tasheva and Kristóf Bauer for their support. Any errors that appear in the text remain the sole responsibility of the authors.

## 2 The human rights situation in Ukraine

The main activities carried out by international organisations and human rights activists in the sphere of human rights in Ukraine after Euromaidan largely overlap. Significant progress in ensuring political freedoms in the territories controlled by the Government of Ukraine is being observed. The driving force behind the improvements in the situation is civil society, which has enhanced its influence since the events of 2013–2014. International organisations (the UN Human Rights Monitoring Mission in Ukraine, the OSCE including ODIHR and HCNM, etc.) monitor the developments and report on them regularly. However, certain issues are still a cause for concern and call for further attention in order to prevent the potential deterioration of human rights standards. In line with the approach outlined in the Introduction, this chapter separately addresses the human rights situation in the territories controlled by the Ukrainian government, and in those that are temporarily occupied.

### 2.1 The human rights situation and concerns in the territories controlled by the Government of Ukraine

Generally speaking, the number of reforms implemented in Ukraine since Euromaidan has peaked in comparison to the previous years of Ukrainian independence.<sup>3</sup> Most of the reforms implemented were initiated by the national government and civil society activists, and invigorated by the international community in accordance with the provisions of the EU-Ukraine AA and the EU-Ukraine Visa Liberalisation Action Plan. The reforms are still ongoing, and tackle the fields of political rights, decentralisation, economic development, fighting corruption, police reform, and reforms in the field of justice. Civilian security sector reform is being performed with the assistance of the European Union Advisory Mission (EUAM), which is a non-executive mission of the European Union that formally began operations from its headquarters in Kyiv on 1 December 2014. The Speaker of the Verkhovna Rada (VR) has announced that the priority reforms for the autumn 2017 session of the Parliament will be educational reform, healthcare reform, reform of the court system, pension reform and reform of VR itself (Novoye Vremya, 2017).

According to Freedom House, Ukraine made some progress in 2014–2015. Ukraine's political rights rating rose from 4 to 3 due to improvements in political pluralism, parliamentary elections, and government transparency (Freedom House, 2015). However, there were no significant changes in 2016; the freedom rating, political rights and civil liberties rates remained static, and the country remained in the 'partly free' category (Freedom House, 2016). This can be perceived as an indicator of a certain slowdown in the reform trajectory.

Regarding vulnerable groups, the situation concerning the LGBTI community in Ukraine has not made any appreciable progress. In 2017 the position of the Ukrainian LGBTI community and the attitude of Ukrainian society and the state towards LGBTI issues has not demonstrated any fundamental changes in comparison to the previous year. Right-wing radical nationalist forces and the religious establishment remain the main adversaries of LGBT people (LGBT Human Rights Nash Mir Centre, 2017).

Another thorny issue remains the ratification of the Rome Statute. Ukraine signed the Statute in 2000 but did not ratify it, citing the need for constitutional amendments. However, Ukraine has made two special ad hoc Article declarations under Article 12 (3) of the ICC Rome Statute, giving the ICC jurisdiction from November 2013 onwards. Civil society, which documents grave crimes committed in the country to ensure accountability, continues to call for full ratification of the Statute (Coalition for the International Criminal Court, 2017).

<sup>3</sup> A detailed analysis of the reforms by spheres can be found in the Association Implementation Report on Ukraine (High Representative of the Union for Foreign Affairs and Security Policy, 2016).

A further cause for concern is Article 7 of the Law of Ukraine 'On Education' (Verkhovna Rada, 2017d). The law envisages that all secondary education will be taught in Ukrainian. According to the Department of Secondary and Primary Education of the Ministry of Education of Ukraine, during the 2016–2017 academic year there were 581 schools (355,955 pupils) with Russian as the language of instruction, 75 schools (16,139 pupils) and 3 schools (2,693 pupils) with Romanian and Moldovan<sup>4</sup> respectively, 71 schools (16,020 pupils) with Hungarian, and 5 schools (1,785 pupils) with Polish (Ukrinform, 2017). According to statements by legislators and the Ministry of Education, the law is fully in line with Ukraine's Constitution, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, and thus Ukraine has not violated any international commitments. The apparent motivation behind the amendments is the intention to address the issue of ethnic minorities obtaining secondary and high school education in their native languages without mastering the official Ukrainian language, which is a requirement for higher education studies. However, the foreign ministers of Hungary, Greece, Romania, and Bulgaria complained to the Council of Europe and the OSCE about the violation of the rights of the respective minorities in Ukraine. The issue was discussed at Parliamentary Assembly of the Council of Europe (PACE), and the Assembly duly expressed its concerns regarding the provisions on education in minority languages. While noting that the authorities had submitted the text to the Venice Commission for an opinion, the Assembly expressed dissatisfaction with the fact that 'this step was not taken before the adoption of the Education Act'. It requested the Ukrainian authorities 'to fully implement the forthcoming recommendations and conclusions of the Venice Commission and to modify the new Education Act accordingly' (PACE, 2017).

One of the factors hindering or slowing the pace of human rights reforms in Ukraine is linked to entrenched state practices. Most of the interviewed experts expressed their concerns regarding the inertia of the bureaucratic system and its resistance to reforms. They also complained that their participation in the EU-Ukraine Human Rights Dialogue is often limited to mere prior consultations, which do not have a significant impact. In some cases, state authorities target civil society activists and obstruct their activities, *inter alia* through engaging in discreditation campaigns against anti-corruption activists and agents of change in official institutions (*The Economist*, 2017). Experts in the field of human rights highlighted that such practices might be potentially exacerbated by creating further mechanisms for monitoring the activities of non-governmental organisations (NGOs) by state institutions. One example is the declaration for non-governmental organisations introduced by the amendments to Article 3 of the Ukrainian Law on the Prevention of Corruption (Verkhovna Rada, 2017b). The law has since been criticised by anti-corruption NGOs. It was agreed that a working group would be established with the participation of NGO representatives, legislators and representatives of the Presidential Administration with a view to elaborating the agreed amendments to this law. Another example is the proposal for new, excessively strict requirements for NGO reporting and accountability envisaged by Draft Law 6674 (Verkhovna Rada, 2017) and Draft Law 6675 (Verkhovna Rada, 2017a), submitted by the President of Ukraine to the Parliament on 10 July 2017. The latter requires NGOs to submit reports on all their subcontractors – self-employed individuals – and prescribe that an NGO will lose its non-profit status in the event of late submission. Such developments have raised significant concerns among civil society organisations and the international community wary of the potential reversal of the reforms of the past three years.

<sup>4</sup> In 1991, the Declaration of Independence of Moldova named the official language as Romanian. The 1994 Constitution of Moldova said that 'the national language of the Republic of Moldova is Moldovan, and its writing is based on the Latin alphabet'. In December 2013, the Constitutional Court of Moldova ruled that the Declaration of Independence takes precedence over the Constitution, and the state language should be called 'Romanian'.

The human rights situation in Ukraine has also been determined by the significant impact of the war. As reported by human rights activists<sup>5</sup>, there are cases where the authorities use the war as a pretext for limiting various freedoms (Human Rights Watch, 2017). For example, on 15 May 2017, President Poroshenko expanded personal economic and other restrictive measures against individuals linked to the annexation of Crimea, terrorist activities, illegal border crossing, and against 468 Russia-based or Russia-affiliated companies. Aside from blocking a number of Russian IT companies, the decision affected Russian social networks Vkontakte (VK) and Odnoklassniki (OK), as well as the Yandex search engine along with its services. The debate on this decision is still ongoing (Yanchenko, 2017).

While it is clear that human rights may be restricted in a time of war, even without official proclamations of war, this should only be done to serve legitimate aims, and only in accordance with the principle of proportionality. These restrictions must be based on a publicly proclaimed aim which cannot be attained through other means. In practice, however, the interviewees emphasised that disproportionate restrictions on rights and liberties occur in various policy areas.

Furthermore, the war has led to the deterioration of the situation as far as persons residing in the territories of the so-called 'grey' or 'buffer' zone in the East of Ukraine (the territories located close to the contact line) are concerned. The population trapped between government-controlled territory and the checkpoints of the armed groups has often been deprived of any effective administration for protracted periods of time. There are 72 settlements in this area. Most of the inhabitants often suffer from a lack of access to water and heating, and damage to electricity networks. The inhabitants in these regions live under a barrage of regular shelling, often in damaged buildings. Civilian losses are higher in those settlements where the military units are located since they are shelled by the opposite side more often. As reported by the Office of the United Nations High Commissioner for Human Rights, the contact line has physically, politically, socially and economically isolated the civilians, exerting a significant impact on their human rights (OHCHR, 2016a).

Certain violations of social and economic rights can also be explained by the impact of the war. For example, the Ukraine Government carries out checks on whether the place of registration of IDPs coincides with their place of residence. By these means, the government intends to ensure that only those registered as IDPs and living permanently in the territory of Ukraine controlled by the government have access to pension funds. However, persons registered in the territories controlled by the government are often shuttle migrants, moving between the place where they are registered to draw their pension and their *de facto* dwelling in the territories that are not controlled by the government. If the governmental inspectors discover such a state of affairs, they deny the respective citizens their right to claim a pension.

Another significant issue concerning the protection of human rights is linked to the delayed reform of the secret services. As reported by human rights activists, the Ukrainian Security Service remains the least reformed law enforcement institution in the country, with a high rate of human rights violations (Zakharov, 2017). Such an assessment by human rights activists is corroborated by the evaluations of international organisations. As noted by the OHCHR, 'elements of the Security Service of Ukraine appear to enjoy a high degree of impunity, with rare investigations into allegations involving them' (OHCHR, 2015). As Bugriy rightly points out, 'The Security Service of Ukraine (SSU) Reform Concept was drafted in July 2016. But despite numerous subsequent announcements of its imminent approval, that process has been hampered by continuous foot dragging from both the NSDC [National Security and Defence Council of Ukraine] and the presidential administration' (Bugriy, 2017). The involvement of battalions of volunteers (Donbas, Azov, Aydar, Dnipro, Ukraina, etc.) in the armed activities in eastern Ukraine also raises important questions.

<sup>5</sup> During the background research for the present study, the authors interviewed the following Ukrainian experts on human rights: Oleksandra Matviychuk – Head of the Board of the Centre for Civil Liberties, Democracy Defender Award winner in 2016; Josef Zisels – leader of the Congress of National Communities of Ukraine; Yevhenii Zakharov – Co-Chairman of the Kharkiv Human Rights Group; and Tamila Tasheva – Founder of CrimeaSOS.

While they operated nominally under the command of the Ministry of the Interior or the Ministry of Defence, they enjoyed a large degree of autonomy in their operations (OHCHR, 2014a). Certain positive trends have been recorded in this area, however. In particular, the Tornado battalion was dissolved in 2015, and former Tornado troops were charged and sentenced to different terms of imprisonment in 2017 for various crimes (including those that violated human rights) and misconduct (Ukraine Crisis Media Center, 2017).

Paradoxically, the impact of the war and the increased number of IDPs from occupied territories did not lead to an increase in xenophobia. There are only a few examples of the host community manifesting an intolerant attitude towards IDPs, including their slow integration from Crimea into the villages of the Kherson *oblast*, and the intolerant attitude towards vulnerable minorities, such as the Roma people. The fact that Roma families tend to be large and move in groups, sometimes as large as 50 people, including many children, all of whom need to be housed together, causes additional complexities (OHCHR, 2014a).

The government aims to tackle the emerging problems that IDPs face at the legislative level. Certain important legislative initiatives have been undertaken, including the adoption and subsequent amendment to the law on ensuring the rights and freedoms of internally displaced persons (Verkhovna Rada, 2015a). There is still room for improvement, however. According to the CoE, there is a need to improve legislation in terms of ensuring regular payments to IDPs, and their right to register in their place of residence; to define and amend the laws and other legislative norms that violate the constitutional rights of IDPs; to ensure their right to vote; to enhance consultations with IDPs on the policies that impact their everyday lives, and so forth (Council of Europe, 2016a). On 17 March 2017, a methodology for monitoring the human rights of IDPs was launched in a test mode (Council of Europe, 2017a). The latter was elaborated by a group of experts jointly selected by the CoE project 'Strengthening the Human Rights Protection of Internally Displaced Persons in Ukraine', the UNDP project 'Strengthening Capacities of the Ukrainian Parliament Commissioner for Human Rights Office' and the Ukrainian Parliamentary Commissioner for Human Rights Office and relevant key civil society organisations.

Some of the governmental interventions are particularly subject to criticism. For example, the human rights activists criticise the changes to the procedure for electing a human rights commissioner in Ukraine. The new procedure is defined by the law 'On the Constitutional Court', which was adopted on 13 July 2017 (Verkhovna Rada, 2017c). According to the latter, the Commissioner for Human Rights should be appointed and dismissed by the Verkhovna Rada (VR) through an open (non-secret) majority vote. This means that the members of parliament have abolished the procedure for electing an ombudsman by secret ballot, creating scope for political preferences to impact the appointment of the human rights commissioner, instead of the appointment being based on professional criteria.

## 2.2 Territories of Eastern Ukraine not controlled by the Ukrainian government

The status of the territories of the Donetsk and Luhansk *oblasts* that are not under governmental control is regulated by the 2015 Decree of the Verkhovna Rada of Ukraine 'On recognising certain regions, cities and villages of the Donetsk and Luhansk *oblasts* as temporarily occupied territories' (Verkhovna Rada, 2015). According to the latter, the territories are recognised as temporarily occupied. The interviewed human rights activists stress that in the case of occupied territories in the East of Ukraine, they do not have any access for the purposes of monitoring the human rights situation.

The general political situation according to reports by inhabitants in the respective area can be described as a military dictatorship. As a direct consequence of the political and economic hardships, as well as the destruction caused by the war, the humanitarian situation in Donbas is grave. The average pension in the occupied Eastern regions according to the human rights activists is no higher than RUB 2000/UAH 700,

which is lower than the minimum pension in Ukraine, while prices for food and other goods are much higher than in the rest of Ukraine. Only fuel and bread cost less than in the rest of Ukraine, and tariffs for commodities such as electricity and gas also remain lower. Meanwhile, there are continuous shortages of medicines, baby food, and other basic goods.

As assessed by human rights NGOs, the most vulnerable groups in Donbas are those who have proven or alleged pro-Ukrainian positions. Notably, certain attributes are used by the occupation authorities as indicators of such positions, such as experience in working for the Ukrainian authorities in the past, or belonging to the Kyiv Patriarchy, as distinct from the Moscow Patriarchy. For instance, on 15 May 2014, the Ukrainian Orthodox Church of the Kyiv Patriarchy condemned the violence and threats to the life and health of the clergy and the faithful of eastern Ukraine by armed groups (OHCHR, 2014b). Another vulnerable group includes bloggers and other activists who continue to provide the outside world (including the Ukrainian authorities) with information about life in Donbas. If their actions are assessed negatively by the occupation authorities, this can lead to detention and various types of oppression. For instance, on 14 July 2017 the occupying authorities of Donetsk announced that they had arrested blogger Stanislav Aseev (Radio Svoboda, 2017) and that he was facing 12 to 14 years in prison; while on 3 July 2017 the occupation authorities in Luhansk sentenced blogger Eduard Nedeliayev to 14 years in prison (Novynarnia, 2017). Although there have been recorded cases of serious human rights violations in the aforementioned territories, there are no official channels for launching any complaints. Blatant violations of such political freedoms as freedom of assembly are a common occurrence; any protest actions are prohibited in accordance with the 'martial law' announced by the separatist authorities.

The scope for the involvement of civil society and humanitarian activities has diminished significantly, impacting vulnerable groups and those with scant economic resources. Access by humanitarian organisations to those in need of assistance in the territory controlled by armed groups has been seriously hindered by an 'accreditation' system imposed by the latter. Humanitarian and human rights activists operating in the government-controlled territory have also faced problems at checkpoints. The OSCE Special Monitoring Mission to Ukraine (SMM) also reported restricted access in the disengagement areas and elsewhere, including in a heavy weapon holding area in an area not controlled by the Government of Ukraine in the Donetsk region (OSCE SMM, 2017).

A group that faces significant challenges in terms of the protection of human rights, but one that is often overlooked, includes imprisoned persons who remain in the prisons/colonies in the occupied territories of the Donetsk and Luhansk *oblasts* (numbering approximately 30,000). The Ukrainian legislation and Ombudsman are powerless to offer them any assistance. An illustrative example in this regard is the case of Alexander Khlebik. A Ukrainian national, Khlebik was convicted in April 2013 by a court in the Luhansk region of banditry and armed robbery, among other things, and sentenced to eight years and nine months in prison. His appeal against this conviction was still pending when the hostilities erupted in eastern Ukraine in April 2014. He remained in detention in Starobilsk remand prison, awaiting a review of his appeal, located in the part of the Luhansk region controlled by the Ukrainian Government. However, his case file remained with the Court of Appeal in Luhansk, which is not under the control of the government. Khlebik asked the Ukrainian Ombudsman for assistance, but was told that there was no possibility to obtain case files from a territory that was not controlled by the government. His application to have the case file restored, and lodged with a local court, was equally unsuccessful as the court concluded that insufficient material concerning his case was available in the government-controlled territory. The case has been brought before the European Court of Human Rights, which concluded that the main reason for stalling the review by the Court of Appeal was the lack of availability of the case file as a result of the hostilities in the areas beyond the control of the Ukrainian Government (European Court of Human Rights, 2017). Khlebik's case is merely one example demonstrating the direct and indirect ways in which the armed conflict in Ukraine results in basic human rights violations.

## 2.3 Crimea and the Crimean Tatars

According to Human Rights Watch (Cooper and Gorbunova, 2017), since annexing Crimea in March 2014, the Russian authorities have been ruthlessly suppressing dissent and creating an environment of profound fear and hostility. Human Rights Watch, along with the interviewed representatives of the CrimeaSOS NGO, has reported cases of enforced disappearances, murders and trumped-up criminal charges along with torture and maltreatment.

A number of problems have been reported in relation to the change of citizenship after the illegal annexation. Russia required any permanent resident of Crimea with Ukrainian citizenship to either apply for Russian citizenship or to declare their intent to maintain Ukrainian citizenship. Nowadays, those who refuse to apply for Russian citizenship face problems with access to healthcare, education and social services. Moreover, employers are reluctant to hire workers who do not have Russian passports.

Access to education in Ukrainian has also decreased significantly. In three years, the number of students in Crimea in classes with Ukrainian as the language of instruction plummeted from 13,589 in 2013 to 371 in 2016, according to a report by the Crimean Human Rights Group, an independent organisation citing data culled from 'Crimea's Education Ministry' (Cooper and Gorbunova, 2017).

There are also documented cases detailing the harassment of pro-Ukraine activists and the Crimean Tatar community. Amnesty International highlights that '[i]t is exacerbated by the absence of any effective international monitoring mechanism with access to the peninsula, which has emboldened the Russian and the *de facto* authorities in Crimea to persevere in their relentless campaign against all vestiges of dissent' (Amnesty International, 2017). The members and leaders of the Crimean Tatar Mejlis (the single supreme plenipotentiary representative and executive body of the Crimean Tatar people), presented as an 'extremist' organisation by the Russian authorities, have been prosecuted for criminal charges. The same is true of the Islamist organisation Hizb ut-Tahrir, which is on the official Russian register of terrorist organisations.

The status of Crimea is outlined in the Law of Ukraine 'On ensuring rights and freedoms of citizens and the legal regime in the temporarily occupied territory of Ukraine' (Verkhovna Rada, 2014a). There is limited access to Crimea for human rights activists. It is risky to announce human rights monitoring as the purpose of a visit, and hence most representatives of human rights NGOs enter Crimea in a private capacity. To some extent, the lack of access by Ukrainian human rights activists was compensated for by the existence of the Crimean Field Mission on Human Rights – joint initiatives of Ukrainian and Russian organisations working in the field of human rights (Crimean Field Mission on Human Rights, 2016). However, its visible activities were limited to 2015. The respective reports of the Mission were last dated 2015, further activities were restricted, and the members of the Mission, according to human rights activists, were limited in their right to travel to Crimea.

There was a CoE fact-finding mission to Crimea in 2016 (the only international human rights organisation that has been able to conduct such a mission in Crimea to date). According to its Report, there is a 'need to re-open the Peninsula for the [CoE] monitoring structures and other relevant international mechanisms, and to identify viable solutions, allowing for their effective functioning under the present circumstances' (Council of Europe, 2017b).

The legislation of the Russian Federation is fully applicable on the territory of Crimea, in contradiction to UN General Assembly Resolution 68/262 on the 'Territorial integrity of Ukraine'<sup>6</sup>. Russia relies on its criminal law to prosecute opponents of the annexation. Crimean-based NGOs are now obliged to operate under

<sup>6</sup> UN General Assembly Resolution 68/262 on the territorial integrity of Ukraine, OP 5: 'Underscores that the referendum held in the Autonomous Republic of Crimea and the city of Sevastopol on 16 March 2014, having no validity, cannot form the basis for any alteration of the status of the Autonomous Republic of Crimea or of the city of Sevastopol'.

the law on foreign agents of the Russian Federation. This affects their operations as it places restrictions on the receipt of foreign funding. Mounting pressure on the Muslim communities has also been reported.

Manifest restrictions on freedom of expression have been recorded in relation to expressing any opinions questioning the official position of the Russian authorities. The most vulnerable groups are the Crimean Tatars, ethnic Ukrainians<sup>7</sup>, religious minorities, including Muslims, Protestants, Greek Catholics, and representatives of the Ukrainian Orthodox Church of the Kyiv Patriarchy. All forms of civil activity are restricted: the groups that launched their activities during Euromaidan are oppressed alongside the representatives of the Mejlis loyal to Ukraine. On 29 September 2016, the Supreme Court of the Russian Federation dismissed the appeal by the Mejlis against the 'decision' by the so-called 'Supreme Court of the Republic of Crimea' of 26 April 2016 to recognise the Mejlis as an 'extremist organisation' and ban its activity in the territory of the Russian Federation. Ukraine and the international community refused to recognise and firmly condemned the retaliatory decision of the Russian Supreme Court (Crimean News Agency, 2016). Furthermore, the Russian authorities have restricted Crimean Tatar leaders Mustafa Dzhemilev and Refat Chubarov from accessing the peninsula (Upovnovazhenyy Verkhovnoi Rady z Prav Liudyny (Ombudsman), 2016).

Similarly, the media in Crimea are tightly controlled. At least seven Crimean Tatar-language media outlets, including a TV station and a newspaper, which are most popular among the Crimean Tatar community, were denied re-registration under the Russian legislation and ceased their operations from 2015 onwards. The right to peaceful assembly has been further curtailed in the Autonomous Republic of Crimea by the *de facto* authorities, and citizens continue to be interrogated and harassed by law enforcement agents for expressing views that are considered extremist. The absence of accountability and redress for victims fosters further impunity (OHCHR, 2016b).

However, the existing constraints trigger new forms of activism and solidarity alongside the self-organisation of the Crimean Tatars and other activists. For example, as reported by human rights activists, the Crimean Marathon movement has emerged in response to administrative fines imposed by Russia on the pro-Ukrainian activists. Marathon's goal is to collect cash to compensate for the fines imposed on the activists as a result of their activities. The 'Our Children' (Bizim Balalar) initiative has also been launched, aimed at supporting the children of the arrested Crimean Tatars.

### 3 Overview and assessment of the general approach of the EU

The EU's human rights approach in Ukraine should be situated within the more consolidated narrative of EU-Ukraine relations. The EU's initial response to the Maidan protests, despite its diplomatic efforts, was seen by some commentators as 'passive' and lacking in strategy, and consequently as undermining the EU's role as a democracy promoter (Delcour and Wolczuk, 2015: p. 466). However, following the ousting of President Viktor Yanukovich, the EU's overall position was one of positively assessed solid support for the new Ukrainian government (Haukkala, 2016: p. 661). It also signified a new impetus for human rights reforms despite the main emphasis shifting towards the Crimean annexation and eastern Ukraine. The reinforcement of relations is primarily related to the swift signature of the political provisions of the AA with the interim Ukrainian government, followed by the signature of the remaining agreement in June 2014 (Council of the European Union, 2014a), despite concerns over the legitimacy of such a move (Van der Loo et al., 2014: p. 5). The support for Ukraine was expressed through the EU's crucial role in establishing a Support Group for Ukraine in 2014, which mobilised the Member States and international counterparts in providing essential support for Ukraine during the transitional period (European Commission, 2014a).

<sup>7</sup> Ukrainians in Crimea are not free to express or demonstrate their identity because any identification with Ukraine is seen as opposing the occupation and may be punished by the Russian authorities (Shapovalova, N., Burluk O., 2017.)

The unwavering support for Ukraine was also apparent throughout 2015 *inter alia* in the muted reactions to certain negative political developments in Ukraine, such as the imposition of restrictions on various broadcasting channels and the banning of foreign journalists (Radio Free Europe, 2014; Euractiv, 2015; *the Guardian*, 2015a). The Commission noted this development in its 2015 Progress Report as a matter of fact ‘for national security reasons’, yet it withheld criticism (European Commission, 2015a). In December 2015, the Communist Party was banned for ‘promoting separatism’ (*the Guardian*, 2015b), without much reaction in the EU. A systematic assessment of the monitoring exercised over the general human rights situation and compliance with Ukraine’s obligations under the agreement with the EU has become somewhat difficult following the 2015 European Neighbourhood Policy (ENP) revision, precluding regular progress reports for all neighbouring countries and leaving the monitoring function to the work of the Association Council for the most part (European Commission, 2015a). This raised concerns in relation to Parliamentary oversight (European Parliament, 2016d).

Nonetheless, the rapprochement through the Association witnessed a reinforced commitment to human rights, which have been mainstreamed in the majority of areas of cooperation in continuation of the previous ENP practice (European Commission, 2017). The subsections below address groups of instruments, both of a framework nature as well as those that are human rights-specific. The general provisions of the AA currently provide an overarching framework for mainstreaming human rights in all areas of EU-Ukraine cooperation.

### 3.1 Human rights in the context of the Association Agreement (AA)

Even though the negotiation process for the AA did not stimulate significant political reforms in Ukraine (FRAME Report 6.3: pp. 48, 68), the agreement itself incorporates a reinforced commitment to human rights and fundamental freedoms. First of all, this is demonstrated through the most extensive human rights clause in any comparable agreement (Ghazaryan, 2015). A strong statement in relation to democracy and human rights in the preamble is followed by an extensive essential elements clause entitling the EU to take various measures, including the suspension of the Deep and Comprehensive Free Trade Area (DCFTA), for breaches of human rights, although this should be seen as a measure of last resort (Ghazaryan, 2015: pp. 402-407). A broad normative scope is set in the essential elements clause for complying with human rights obligations<sup>8</sup>. The human rights clause is one of the examples of human rights-specific instruments deployed in relations between the parties (Art. 2 AA, Art. 478 AA). The real added value of the essential elements clause, however, lies in its positive function of setting the normative framework for the other parts of the agreement (Ghazaryan, 2015: pp. 407–410). This includes political dialogue between the parties, including on human rights and fundamental freedoms, cooperation on domestic reform and on Justice Freedom and Security, and an unprecedented chapter on civil society cooperation (Art. 4, 6 and 14 AA, Chapter 26 AA).

The role of the Association Council established under the agreement should also be noted here (Art. 460-461 AA), as it is the primary forum for exercising monitoring in the absence of the Commission’s progress reports. The three Association Council statements to date, however, lack any meaningful reflection on the human rights situation in Ukraine proper (Association Council, Joint Press Release 2014–2016). Only the 2nd Association Council meeting addressed in passing the plight of the IDPs. An Association Committee, consisting of senior civil servants, has been established to ensure the continuity of the work of the Council and the implementation of its decisions. It incorporates subcommittees, including the Subcommittee on Freedom, Security and Justice discussed below. In addition, the PAC was established as a socialisation and parliamentary scrutiny forum with the power to make recommendations to the Association Council. The

<sup>8</sup> In addition to the commonly referenced Universal Declaration of Human Rights (UDHR), the ECHR, the Helsinki Final Act, the Paris Charter of the OSCE and other relevant human rights instruments feature among the international instruments forming the basis of the cooperation.

activities of the PAC are discussed below. Under the Agreement, an EU-Ukraine Civil Society Platform was also established as a vehicle to facilitate the monitoring of the implementation of the Association Agreement, including in the area of human rights by civil society. This element of cooperation has been further spelled out in the Roadmap for Engagement with Civil Society 2014–2017, which aims to mainstream civil society in EU-Ukraine cooperation and increase its capacity in the area of human rights monitoring (Roadmap for Engagement with Civil Society, 2014). To facilitate the implementation of the Agreement, the Association Council established a new Association Agenda in March 2015 as ‘the principal vehicle for the monitoring and assessment of Ukraine’s progress’. The Agenda contains a more extended list of required actions in relation to general human rights standards, as well as specific human rights. However, the majority of actions lack deadlines, concrete measures or indications of available support. On a positive note, the Agenda demonstrates a more civil society-friendly approach in line with the AA, recognising the monitoring function of civil society both through the EU-Ukraine Civil Society Platform and the PAC.

### 3.2 Common Foreign and Security Policy instruments

As noted above, following the signing of the AA, political dialogue takes place in the Association Council. High-level political dialogues also occur through annual bilateral summits. Following the ousting of President Yanukovich, the summits place less emphasis on Ukraine’s progress in implementing political reforms in comparison with 2010–2014, where visibly stronger pressure was exerted upon the Ukrainian government, not least due to the case of Yulia Tymoshenko. Instead, the post-2014 summits project a shared commitment to democracy and express the EU’s support for general political reform, including on the rule of law and the eradication of corruption.

In addition to the summits, high-level political dialogue was maintained throughout the period under study with frequent meetings between the Ukrainian leadership and Federica Mogherini, the High Representative for Foreign Affairs and Security Policy, as well as Johannes Hahn, the Commissioner responsible for the ENP and Enlargement negotiations. These high-profile contacts maintained the momentum for the Ukrainian reforms with the assistance of the EU. They also demonstrated the EU’s support for Ukrainian sovereignty and territorial integrity, insisting on the implementation of the Minsk Protocols in their entirety, including the exchange of prisoners, such as Nadiya Savchenko. The EU institutions relied on statements and declarations to focus the attention of the international community on this and other cases to exert pressure on Russia (see, for instance, EEAS, 2015).

The illegal annexation of Crimea and Kyiv’s loss of control over eastern Ukraine have consistently been condemned by the EU through various Common Foreign and Security Policy (CFSP) instruments, including Council conclusions and decisions. The EU demonstrated its strong condemnation of violations of international law by deploying a wide range of restrictive measures aimed at inducing a change in the current circumstances in Ukraine<sup>9</sup>, despite the negative economic implications of the sanctions for the EU as well (Romanova, 2016: p. 775). The violations of international law primarily relate to Ukraine’s territorial integrity and sovereignty, but breaches of human rights also played a role in the deployment of certain sanctions. For instance, targeted sanctions were adopted against individuals involved in preventing demonstrations in opposition to the annexation of Crimea, or those involved in kidnapping or detaining journalists and international observers in eastern Ukraine<sup>10</sup>. More commonly, Council conclusions and high-level statements and declarations are used to address human rights violations. Here, the EU relies on other international organisations, such as the OSCE and the UN, in calling for compliance with norms of international law, including those on human rights protection<sup>11</sup>. For instance, in relation to the Odessa

<sup>9</sup> See European External Action Service, 2017 for the list of measures and the relevant timeline.

<sup>10</sup> See ‘List of persons and entities under EU restrictive measures over the territorial integrity of Ukraine’, 16 February 2015.

<sup>11</sup> See, for instance, EU Statement on ‘Human rights violations by Russia in illegally occupied Autonomous Republic of Crimea and the city of Sevastopol’, 2 March 2017.

2014 fire incident that killed anti-Maidan protesters, the EU called on Ukraine to carry out the investigation on the basis of the reports by the International Advisory Panel of the Council of Europe. The EU also plays a pivotal role in supporting the OSCE SMM to exercise oversight *inter alia* of human rights violations.

A Common Security and Defence Policy (CSDP) initiative, the EU Advisory Mission to Ukraine, was launched in 2014 to support the reform of the civilian security sector as noted above (Press Release, 2014b). The mission plays an important role in mainstreaming human rights in institutions in charge of law and order through legislative and institutional reform and capacity-building.

In addition, the CFSP provides a more specific political dialogue platform. The human rights dialogue aims to mainstream political reform in EU external action (Council of the European Union, 2015a). The dialogue has taken place on an annual basis since 2014. The analysis of the statements from the 2014–2016 dialogues demonstrates that while ensuring continuity with the wider political reform agenda, the human rights dialogues ensure a more substantive monitoring of human rights compliance and emphasise the issues requiring further improvement. They also highlight positive developments such as the establishment of the national human rights strategy 2016-2020 (EU-Ukraine Human Rights Dialogue 2016). Understandably, considerable emphasis is placed on the human rights situation in Crimea and territories in eastern Ukraine (EU-Ukraine Human Rights Dialogue, 2014, 2015, 2016). Ukraine is called upon to investigate the reported human rights violations and allegations of possible war crimes in accordance with international law, and is urged to ratify the Statute of the ICC, as well as to address the rights of IDPs. The dialogues consistently single out such issues as non-discrimination and minority rights, including LGBTI rights, the rights of the child, and gender equality and women's rights. They also provide scope for raising current and urgent concerns, such as violence against journalists.

### 3.3 Justice, Freedom and Security instruments

Human rights were mainstreamed in this area through the 2007 Action Plan on Justice and Home Affairs, the 2007 Visa Facilitation and Readmission Agreement, as well as the 2010 Visa Liberalisation Action Plan. The latter listed a number of conditions upon which visa liberalisation would eventually be granted. These conditions included 'significant improvements', *inter alia* in the area of human rights, fundamental freedoms linked to the movement of persons, and minority rights on the basis of a successive set of benchmarks to be assessed and decided by the European Commission and the Council (including through evaluation missions) (FRAME Report 6.3: p. 52). Following the Euromaidan events, while only the first set of benchmarks was being met, the EP called for an immediate visa-free agreement to be offered to Ukraine (European Parliament, 2014b), which would have resulted in making the conditionality redundant (FRAME Report 6.3: p. 53). The Commission, however, continued with the monitoring of the first set of benchmarks, and in its final round of monitoring found the reforms conducted by the post-Yanukovich government to be 'satisfactory', primarily focusing on the adoption of legislation rather than its implementation (or in some cases dropping bills, e.g. against propaganda concerning homosexuality) (European Commission, 2014: pp. 5–6; FRAME Report 6.3: p. 53). Thus, the implementation of the second phase of the benchmarks could commence alongside the pledge to offer Ukraine more support (European Commission, 2014: p. 3). It was more than a year before the Commission deemed Ukraine's progress satisfactory, and thus recommended abolishing the visa regime (European Commission, 2015, 2015c), which materialised in summer 2017. Some human rights defenders expressed concerns over the slowing of the reform process after this event (EU Observer, 2017). The Justice, Freedom and Security Subcommittee of the Association Committee carries out a supervisory function over progress in these areas, including on human rights issues beyond visa liberalisation. This function is essential as serious breaches of human rights can trigger an action by the EU under the AA's human rights clause.

### 3.4 Financial and technical assistance

Euromaidan and the subsequent developments undermining Ukraine's territorial integrity demonstrated the necessity of providing further assistance for political reforms in Ukraine, including in the area of human rights and civil society. Human rights-related financial assistance has been provided both through framework and thematic instruments.

The main framework instrument for providing financial assistance to Ukraine is the European Neighbourhood Instrument (ENI) for 2014–2020. While the previous 2007–2014 European Neighbourhood and Partnership Instrument package for Ukraine was criticised for its insufficient emphasis on human rights reform (European Commission, 2015b), the new package includes an incentive-based approach aimed at promoting deep and sustainable democracy and human rights as prescribed in the programming instrument for 2014–2020, which entails additional funds if progress is achieved in reforms on democracy and human rights (Programming of the ENI 2014–2020). A financial support package of up to EUR 12.8 billion in grants and loans has been pledged to Ukraine, including through the involvement of international financial institutions. Understandably, the initial focus (in 2014) was on stabilising the Ukrainian economy, boosting economic growth, and further reforms to implement the AA and Visa Liberalisation Action Plan (European Commission, 2014). In the absence of a multi-annual framework document for 2014–2017, an overview of the programmes financed since 2014 is indicative of the role of human rights. Over the course of 2014–2017, ENI support (EUR 879.2 million) focused on state-building, civil society (Civil Society Support Programme with EUR 10 million), private sector development, approximation, local authorities (EUR 90 million), anti-corruption (EUR 15 million), public administration reform, and the rule of law (EUR 52.5 million) (European External Action Service, 2017). Many of these programmes are linked to wider political reforms, creating an environment more conducive to human rights protection. For instance, the support provided for strengthening the rule of law and the fight against corruption led to the adoption of a new law on ensuring the right to a fair trial (European Commission, 2016: p. 11). Other programmes at times mainstream human rights protection in areas not directly linked to political reform, or link the further provision of assistance to satisfactory progress, *inter alia* on human rights. Moreover, a contribution of EUR 76.7 million was disbursed from the Instrument contributing to Stability and Peace from 2014 to support the conflict-affected population, among other things.

It should be noted that technical assistance is supplied through twinning and the Technical Assistance and Information Exchange Instrument (TAIEX) to provide expertise and training for Ukrainian civil servants by their counterparts in EU Member States. Twinning is mostly directed at legislative approximation and public administration reform. In 2014–2015, Ukraine's TAIEX assistance was doubled with eight projects launched in 2015 (European Commission, 2015d). The overall number of twinning projects in the period from 2006 to 2016 amounted to 42 (Panchuk et al., 2017: p. 1050). TAIEX and twinning, however, are aimed at few projects of relevance to political reform and have limited content relevant to democratic governance and human rights (Buscaneanu, 2015: p. 261; Panchuk et al., 2017: pp. 1056–1057).

In addition to framework instruments, the EU also directed financial assistance through instruments targeting human rights and civil society. While the EU's approach to supporting civil society has been criticised for various reasons in the past (Youngs, 2006: p. 118; Shapovalova, 2010: p. 11; Shapovalova and Youngs, 2012: p. 6; European Commission, 2010), even before Euromaidan the EU was becoming more aware of the need for further engagement with civil society and further support for human rights. One such instrument is the human rights-specific European Instrument for Democracy and Human Rights (EIDHR), which benefits civil society without the need for the consent of the authorities. Post-Euromaidan EIDHR projects focused on voting rights, free legal aid delivery reform, the fight against discrimination and measures to combat ill-treatment and torture, monitoring of the human rights situation in the Crimea and Luhansk regions, and legal assistance for victims of human rights abuses and IDPs. Thus, the focus is mainly on first generation human rights. It is regrettable that the EIDHR funds are rather limited: for the period

from 2013 to 2017, only EUR 3.5 million was allocated to Ukraine. The funding shortfall, however, is compensated by other instruments financing civil society, including Civil Society Organisations and Local Authorities (CSO-LA). A thematic programme under the development cooperation financing instrument for 2014–2020, this aims to strengthen civil society and local authorities' ability to enhance citizen participation (European Parliament and Council, 2014).

A more political instrument for non-state actors and political activists, supported by the EU and its Member States, is the European Endowment for Democracy (EED), which allowed flexible fund allocation in the post-Euromaidan environment, supporting multiple human rights-related projects in Ukraine (European Endowment for Democracy, List of Projects). The EED and the EIDHR also helped to finance certain projects on human rights in Crimea and occupied territories in eastern Ukraine. Ukraine also benefits from such regional initiatives as the Neighbourhood Civil Society Facility and the Eastern Partnership Civil Society Forum. On a final note, humanitarian aid can also have a positive impact on human rights, for instance in the case of IDP rights.

### 3.5 Assessment of the EU's general approach

The period under study commenced with the EU's unequivocal support for the new Ukrainian authorities and their pro-European stance. While the hasty signature of the AA's political provisions prior to new elections cast a shadow over the EU's approach, its strategic interests required a swift finalisation of the signature process of the agreement, *inter alia* to demonstrate its support for Ukraine, its sovereignty and territorial integrity.

There are a number of central features in the EU's overall approach towards human rights promotion in Ukraine that merit a positive assessment. Firstly, the AA elevates the commitment of the parties to human rights to an unprecedented level, not only due to its most extensive human rights clause, but also to other innovative provisions of the agreement relevant to human rights and civil society. The agreement should, therefore, positively inform all areas of cooperation and all instruments deployed between the parties. The instruments designed to clarify the general comments, including the Association Agenda, fell short of providing a clear blueprint for guiding the specific actions. Such documents could be used more flexibly to set priorities for a certain period, which should be revised and updated regularly. Secondly, a clear commitment to civil society has emerged in the EU's approach following the Euromaidan events. Civil society has clearly become a stakeholder in the EU integration process whose contribution to policymaking and monitoring, particularly in the area of human rights, has duly been acknowledged. However, as noted in Chapter 2, the engagement with civil society through the human rights dialogues has been criticised for a lack of substantive involvement. Thirdly, the mainstreaming of human rights in all areas of EU-Ukraine cooperation should be seen as a major characteristic of the EU's general approach to Ukraine and its breakaway regions. The EU's approach has been accompanied by substantive financial assistance, which included both budget and non-budget support relevant for human rights. On a cautionary note, due to the ongoing challenges to Ukraine's sovereignty and territorial integrity, human rights considerations can be overlooked at times. The conditionality embedded in the human rights clause of the AA should be adhered to in all cases of regressive practices in the sphere of human rights without shying away from criticism where it is due, and without hastening the pace of cooperation despite a lack of reform. While it is understandable that the occupied and conflict-ridden territories require the EU's close attention, the circumstances of the territorial division of the country should not excuse any restrictions on human rights by the Ukrainian government. Even though various forums for political dialogue have been used to raise human rights concerns, they were not always consistent in this task. Without annual progress reports issued by the Commission, it remains to be seen whether the various forums for monitoring can provide a continuous picture of Ukraine's track record on human rights, which would be a prerequisite for informing any further EU action. In areas where a certain milestone has been achieved, such as visa-free travel, the

monitoring should continue through the relevant subcommittee to enable the EU to exercise its leverage continuously. As far as financial and technical assistance is concerned, the EU demonstrated its readiness to provide further support to Ukraine. While the ENI funding is directed mostly towards wider political reforms, other thematic instruments provide support to human rights more specifically. Instruments such as the EIDHR foster the protection of the first generation of human rights, which should be supported by a further emphasis on social and economic rights. The financial assistance to the Ukrainian government should be linked to the human rights conditionality embedded in the AA whereby the allocation of funds is linked to Ukraine's human rights record.

## 4 Description and assessment of the EP's activities

This chapter focuses on the activities of the EP undertaken to safeguard and foster human rights in Ukraine, both in the territories controlled by the government and those occupied temporarily. Although the present study focuses on the 8<sup>th</sup> legislature of the EP, in order to provide a sufficiently comprehensive picture, the paper also provides a brief overview of the activities of the EP (plenary resolutions and visits in particular) during and after Euromaidan. All political actions taken by the EP, DROI, PAC and European Parliament's Delegation to the EU-Ukraine Parliamentary Association Committee (D-UA) referred to here are described in detail in the Annex, which serves as the basis for references for all actions mentioned below.

The assessment is primarily based on analysing those issues which have been emphasised in the human rights-related activities of the EP and its bodies. In other words, the assessment is structured along thematic lines. In addition, from section 4.2.2 onwards, the time-related distribution and frequency of the EP's activities are also analysed, regarding both the Plenary and other EP bodies under consideration; however, this does not change the generally issue-centric approach, but merely extends the assessment in terms of the timeframe.

### 4.1 The EP's human rights protection actions during and after Euromaidan

The first EP Resolution addressing the situation in Kyiv, including its human rights aspects, was not published until 11 December 2013, more than two weeks after the protests broke out. One needs to add though that calendar and rules of procedure could not have allowed any faster action by the plenary.

However, as the protests gradually became more intense and violent, coupled with the increasingly harsh response from the Ukrainian government, both the EP and its bodies started to pay closer attention to the situation in Kyiv. Two ad-hoc EP delegations from the Committee on Foreign Affairs of the European Parliament (AFET) visited Kyiv in January 2013–February 2014, including the days that followed the ousting of President Viktor Yanukovych. Several MEPs paid individual visits and became otherwise engaged during the Euromaidan events. The EP issued a resolution on 6 February 2014 (European Parliament, 2014d) condemning cases of police brutality, as well as the laws adopted on 16 January 2014 significantly restricting freedom of association. Moreover, from this resolution onwards, the EP started to name specific victims of human rights violations, a practice commonly used in relation to different countries of the world, by referring to Dmytro Bulatov, an activist kidnapped and tortured during the demonstrations.

After the change of power on 27 February, the EP called for a peaceful, negotiated settlement and warned that any further escalation might endanger the country's territorial integrity. The EP swiftly reacted to the draft law that would have seriously restricted<sup>12</sup> the rights of Russian-speakers to use their mother tongue by calling on the new government to respect the rights of national minorities, and referring to Ukraine's obligations in the framework of the European Charter for Regional and Minority Languages. The strong

<sup>12</sup> By actually cancelling the law 'On the basics of state language policy' adopted on 3 July 2012.

objections from the EP, as well as other EU institutions, reportedly played an important role in the decision by Acting President Oleksandr Turchynov to eventually drop the signing of the draft law<sup>13</sup>. In early 2014, the EP adopted two resolutions condemning all forms of extremism (2014/2595(RSP) and 2014/2699(RSP)), and urging Ukraine to respect the rights of all national minorities. Thus, one may conclude that the EP was able to react in an adequate and timely manner to the rapidly developing situation during Euromaidan.

Russia's attack on Crimea, swiftly followed by the illegal annexation of the peninsula, caught the EP off-guard, just as it did the EU as a whole. Although the AFET had an exchange of views with Ukraine's special envoy to Crimea, Borys Tarasyuk, on 3 March 2014 (European Parliament Committee on Foreign Affairs, 2014), the EP resolutions issued in March and April 2014 could do little more than offer *post facto* condemnation of the events, which had taken place at a staggering pace.

The EP, nonetheless, was unwavering in its refusal to recognise the illegal annexation of Crimea in full support of Ukraine's sovereignty, territorial integrity and its right to determine the country's foreign policy orientation. Furthermore, as demonstrated by Resolution 2014/2699(RSP), the EP efficiently supported the UN, OSCE and Council of Europe (CoE) monitors in proving that no attacks had been committed against Russian-speakers, which also assisted in exposing Russian claims regarding their protection as having no basis in reality. The EP also referred to various international instruments applicable to Russia, such as the UN Charter, the Helsinki Final Act, the Statute of the Council of Europe, and the Budapest Memorandum, and condemned the Kremlin's actions against the sovereignty of Ukraine.

Since the onset of the Russian attack against Crimea, the EP has paid close attention to the situation of the Crimean Tatars. In fact, the issue has dominated the EP's human rights agenda in the period under study. Following the eruption of violence in eastern Ukraine in April 2014, the EP also started to pay close attention to the situation in Donbas, with particular emphasis on the plight of the civilian population, and most importantly the plight of children. Meanwhile, the EP resolutions adopted in this period only vaguely addressed the human rights-related activities of the interim Ukrainian government, including the influence and actions of radical nationalists. In other words, the rapidly developing territorial conflict overshadowed other, clearly less critical, but nonetheless existing human rights concerns.

The situation changed with the election of Petro Poroshenko on 25 May 2014, after which the EP and its organs started to pay closer attention to the human rights situation in the government-controlled territories as well.

## 4.2 Human rights protection actions during the 8<sup>th</sup> EP legislature

The start of the eighth EP legislature in summer 2014 coincided with the further unfolding of the crisis in Ukraine, including the escalation of armed violence in Donbas from June 2014 onwards, reaching its peak with the blatant, massive military invasion by Russia in August of the same year. This led to the devastating defeat of the Ukrainian armed forces at Ilovaysk in September 2014 and the signing of the Minsk ceasefire protocols. These circumstances led to a vast number of human rights-related issues to be dealt with by the newly elected EP. In order to provide an assessment of the EP's activities during the period under study, both the topical focus and the frequency and distribution of EP actions is analysed below.

### 4.2.1 Thematic focus of the EP's activities

While addressing the thematic focus of the EP's human rights protection activities, it is again useful to make a distinction between the occupied territories and those under the control of the Ukrainian government. Regarding the occupied regions, namely Crimea and parts of eastern Ukraine, the violation of the territorial integrity and sovereignty of Ukraine has been the most dominant issue. All relevant EP documents referred

<sup>13</sup> Interview with a Hungarian diplomat who was serving in Kyiv at that time, and who had keen insights into what was happening.

to this issue, consistently stressing the non-recognition policy of the EP concerning both the illegal annexation of Crimea and the so-called referenda organised in the occupied Donetsk and Luhansk.

In terms of basic human rights, as specified in the UNDHR, the situation of the Crimean Tatars has been the most frequently addressed issue among the EP's human rights promotion activities. There has not been a single human rights-related EP resolution, or relevant DROI or PAC document that did not mention the Crimean Tatars. Moreover, in the period under scrutiny, the EP adopted three resolutions with specific emphasis on Crimea, in addition to numerous DROI events dedicated to this question<sup>14</sup>. The most important matters addressed by the EP included restrictions on freedom of expression, assembly and religion, as well as the freedom of the media. After the Mejlis of the Crimean Tatars was suspended in April 2016, followed by the upholding of the suspension by the Russian Supreme Court in September 2016, the EP also regularly condemned the suspension.

The EP and its bodies relied on extensive external references while speaking up for the rights of the Crimean Tatars. This included referring to the UN and United Nations High Commissioner for Refugees (UNHCR), as well as CoE documents; for example, to the European Convention on Human Rights (ratified by Russia in 1998), as well as the Framework Convention on National Minorities (ratified by Russia in 1998). In addition to primary sources, the EP resolutions also referred to the 'Freedom in the World' report by Freedom House, in which the illegally annexed Crimea was categorised as 'not free' (European Parliament, 2016a).

The Crimean Tatars have not only been a thematic subject of the EP's activities, but in some cases also active contributors to it. Mustafa Dzhemilev, former Chairman of the Mejlis, and Refat Chubarov, Chairman of the Mejlis, were both invited to the EP to meet the European Parliament Delegation to the EU-Ukraine Parliamentary Association Committee (D-UA) in December 2014, and to give their personal accounts of the human rights situation in Crimea. Dzhemilev was also invited in December 2016, this time for a joint meeting with the 2016 Sakharov Prize laureates, Nadia Murad and Lamia Haji Bashar, organised jointly by AFET, DROI and DEVE, as well as a joint meeting of D-UA and the delegation to the EU - Russia Parliamentary Cooperation Committee (D-RU). A number of experts and activists from Crimea were also invited to DROI and D-UA events, such as Crimean Tatar journalist Sevgil Musaeva-Borovik (European Parliament Subcommittee on Human Rights, 2016) and others.

The second dominant human rights-related topic identified in the activities of the EP was the situation of Ukrainian political prisoners illegally detained in Russia. Most attention was paid to the case of the Ukrainian military pilot, Nadiya Savchenko: her situation was addressed continuously not only in EP resolutions, but also in all three PAC meetings that were held during the time of her detention, in addition to numerous D-UA statements and during engagements with individual MEPs and informal groupings. The D-UA closely monitored Savchenko's captivity and continuously called on Russia to release her. During the entire period of her detention, the President of the EP, Martin Schulz, also played a very active role, intervening in support of Savchenko's case<sup>15</sup>. The most dramatic moment during Savchenko's detention took place in the spring of 2016 when she went on a long hunger strike leading to a serious deterioration in her health. A D-UA–AFET joint statement, issued on 9 March 2016, used unusually personal wording by stating that 'her days are numbered, unless she is released'. Six weeks later, on 19 April, a specific D-UA meeting was held with Savchenko's lawyer, Mark Feygin, focusing on the state of her health and possibilities for her release. Shortly thereafter, Savchenko was released, an event which was met with another joint statement by the D-UA and AFET, issued on 25 May 2016.

<sup>14</sup> The resolutions mentioned are: 4 February 2016 (2016/2556(RSP)), 12 May 2016 (2016/2692(RSP)) and 16 March 2017 (2017/2596(RSP)).

<sup>15</sup> Information provided by competent European Parliament official, 2017.

Although this D-UA–AFET statement pointed out the importance of concerted international efforts, Russia actually exchanged Savchenko for two Russian intelligence operatives (Luhn and Harding, 2016) captured in Ukraine. This, of course, does not imply that the international attention paid to Savchenko’s case was futile; on the contrary. By politicising the case, the international community, and particularly the EU, significantly increased the political costs of fabricated legal trials for Russia. Moreover, the international attention that the case received is likely to have contributed to Savchenko’s safety during her captivity.

On the positive side, Savchenko’s release did not result in the EP abandoning the issue of other Ukrainian political prisoners held in Russia, including several Crimean Tatars. Since the illegal annexation of Crimea, the EP has consistently referred to the fate of persecuted Ukrainian citizens, including several Crimean Tatars, often imprisoned by Russian authorities on political charges. At least two victims of these human rights violations, Alexander Kolchenko and Oleg Sentsov, have become emblematic of international condemnation, similarly to Savchenko, despite the differences in the respective cases.

Following the illegal annexation of the peninsula, Russia adopted a law automatically granting Russian citizenship to all inhabitants of Crimea and depriving them of their Ukrainian citizenship. Those intending to keep their Ukrainian citizenship had to register with the authorities. The registration procedure was made unnecessarily cumbersome by creating a number of administrative obstacles, such as too few registration points, a short deadline, and inadequate information on the procedure (Crimean Field Mission on Human Rights, 2016: p. 11).

Alexander Kolchenko was arrested in Simferopol on 16 May 2014, accused of plotting a terrorist attack. He was subsequently transferred to Moscow, and charged with criminal offences under Russian law, despite the fact that he had retained his Ukrainian citizenship and the territory where the alleged actions had taken place was part of Ukraine. During the trial, Kolchenko was denied visitation even by the Ukrainian consul. In August 2015, he was sentenced to ten years in prison. He is recognised as a political prisoner not only by the EU and the OSCE, but also by the Russian human rights group Memorial (Memorial Pravozashchitniy Tsent, 2015). A well-known Ukrainian filmmaker, Oleg Sentsov, was similarly transported to Moscow following his arrest in Crimea and tried in court according to Russian law. During his trial, he was repeatedly and severely tortured; however, his complaints were rejected by the Russian court. Sentsov was duly sentenced to 20 years in prison. The cases of Sentsov and Kolchenko illustrate the serious consequences of breaching one’s citizenship rights, as well as the lack of protection of civil and political rights during their trials.

The EP, particularly the DROI, the D-UA and the PAC, have paid close and consistent attention to the cases of Sentsov and Kolchenko, together with several other victims of various human rights violations referred to specifically, including Dzhemilev, Chubarov, and Ilmi Umerov, Deputy Chairman of the Mejlis. While the former two have been denied access to Crimea by the Russian authorities, Umerov was charged with separatism and was subjected to torture in a psychiatric clinic.

Even though a few emblematic names were mentioned consistently, for nearly three years the EP and its bodies referred to lesser-known political prisoners as a general category in such terms as ‘and other political prisoners’. A shift in this approach appears only at the end of the period under examination when the EP specifically dedicated its March 2017 Resolution to the political prisoners in Ukraine (2017/2596(RSP), Point 4) by specifically mentioning 31 Ukrainians prosecuted for political reasons. Although international attention did not necessarily save Sentsov and Kolchenko from protracted imprisonment, Nadiya Savchenko’s case illustrates that calls to release a particular person might indeed be helpful.

Furthermore, the humanitarian situation in eastern Ukraine also constituted a topic of consistently keen interest. Particular attention was paid to the situation of children, as well as IDPs. In relation to eastern Ukraine, the EP frequently referred to the Geneva Convention on the Protection of Civilian Persons in Time

of War as an international instrument applicable *inter alia* to Russia as an occupying power. The EP and its bodies have repeatedly called on Russia to allow unhindered access both to Crimea and eastern Ukraine for international human rights monitoring and humanitarian organisations.

Regarding the territories under the control of the Ukrainian government, the EP has been much less specific in its resolutions in relation to expressing its concerns about human rights. The most often-mentioned issues included calls to strengthen the rule of law and to combat endemic corruption. References to extremism and radical nationalism disappeared from the resolutions following the election of Petro Poroshenko, perhaps reflective of the fact that the risk of both has been reduced since the elections. Following the October 2014 parliamentary elections, the weakening of radical forces has become even more apparent, as neither the Right Sector, nor the Svoboda parties reached the parliamentary threshold.

There were a few issues that were remarkably absent from the EP's resolutions related to the protection of human rights, particularly in the first year of the crisis. For example, the events of 2 May 2014 in Odessa, where dozens of pro-Russian demonstrators lost their lives in a devastating fire that engulfed the House of Trade Unions, were mentioned for the first time in an EP resolution only as late as January 2015 (2014/2965(RSP)). The resolution adopted after the Odessa incident, on 17 July 2014 (2014/2717(RSP)), made no reference to the Odessa events whatsoever, despite their significance in inducing separatism in Ukraine (EUObserver, 2017).

Meanwhile, from the very beginning, the EP has been highly critical of the Ukrainian government's decision to suspend the payment of pensions and social benefits in the occupied parts of eastern Ukraine. The Parliament repeatedly voiced its concerns about the humanitarian effects of this policy and urged Ukraine to ensure that every Ukrainian citizen, including those living in the occupied territories, had access to social benefits and pensions. Several EP resolutions called on the Ukrainian government to ensure that proper care would be taken of IDPs and refugees, and that children's rights to education should be guaranteed (2014/2841(RSP)).

One may also observe that the range of human rights-related issues considered by the EP has been widening during the period under study. Although the issue of anti-discrimination has been on the agenda from the start of the crisis, LGBTI persons, as frequent victims of discriminatory practices, were mentioned specifically for the first time in 2016. Both resolutions that mentioned LGBTI rights were related to Crimea (2016/2556(RSP)), noting the significant worsening of the LGBTI situation on the peninsula. Despite the late entry, the appearance of LGBTI rights on the agenda should be welcomed. For instance, the fourth PAC meeting, held in Kyiv on 20–21 September 2016, discussed the situation of LGBTI rights in relation to Ukraine as a whole (EU-Ukraine Parliamentary Association Committee, 2016b). Another example of the widening EP attention is the issue of women's rights, as the EP adopted a resolution on women's rights in the Eastern Partnership countries in December 2016 (European Parliament, 2016c), and the ratification of the Istanbul Convention is on the agenda of the D-UA<sup>16</sup>.

#### 4.2.2 Distribution and frequency of EP activities

A quantitative analysis of the human rights-related activities of the EP and its bodies reveals a number of additional particularities, concerning both the frequency and the distribution of these actions. As demonstrated in Graph No. 1 in the Annex, the EP and its bodies have been very active during the period under study in their efforts to ensure human rights protection in Ukraine. At least 90 separate actions were taken since December 2013, including EP Resolutions, hearings, meetings and exchanges of views organised by the DROI, communiqués and statements released by the PAC and the D-UA, as well as visits and specialised meetings in Ukraine. In line with the overall focus of the study, this number includes only

<sup>16</sup> Interview with competent EP experts, Brussels, July 2017.

those actions that had a strong or specific focus on human rights and are publicly traceable. Hence, there may be other interventions by the President or Chairs which are not listed, and which are difficult to fully document (for more details, methodology and trends, see the Annex and Graph No. 1.)

It is also evident that the EP and its bodies were reacting in a timely manner to the key events that occurred during the crisis. Even though in the turbulent spring of 2014 events unfolded at a fast pace, taking the international community by surprise, the EP and its bodies managed to monitor the events in a swift and flexible manner. Graph No. 2 clearly illustrates that the number of human rights-related actions were in a clear, linear correlation with the key events demarcating recent phases of the crisis. Certain key events reflected in the EP's actions, such as the signature or the ratification of the AA, did not induce an increase in the number of human rights-related actions as this was unnecessary.

At first sight, the summer periods appear to constitute an exception to the timely reactions: as shown in Graph No. 1, the EP's actions ceased almost entirely during the three summers of the period under evaluation. The summer of 2014 marked the commencement of the 8<sup>th</sup> legislature of the EP, with this interim period explaining the slowdown. Despite the transition, however, the new EP adopted Resolution 2014/2717(RSP), which welcomed the election of Petro Poroshenko and addressed various aspects of the human rights situation as early as 17 July 2014. The summer of 2015 similarly witnessed a complete halt to the EP's activities for nearly six weeks. As Graph No. 1 has a monthly distribution, it might suggest that July 2015 was a busy period. A closer look at the data, however, reveals that all activities undertaken in July 2015 fell on the very first week of the month, with the next action not taking place until late August. The summer of 2016 similarly recorded no human rights-related EP actions. In both years the slow down of official actions was related to the parliamentary summer recess.

At the same time, summer slowdowns were systematically followed by very active autumn months with the adoption of numerous resolutions, meetings, statements and visits, both by the EP plenary and other EP bodies. This intense activity would clearly be impossible without thorough monitoring and assessment of the human rights situation, as well as organisational work sustained during the summer-break period. In numerical terms, the EP has undertaken at least 60 public actions altogether during the period under study of the 8<sup>th</sup> legislature, excluding those actions performed during the tenure of the 7<sup>th</sup> legislature.

As already mentioned above, visits conducted by official EP delegations constitute another integral part of the EP toolbox used to monitor and protect human rights in Ukraine. An ad-hoc visit to Kyiv by AFET Chairman Elmar Brok was conducted as early as December 2013, and another AFET committee visit took place in late January 2014 in order to obtain first-hand information on the Euromaidan events, including the human rights violations, as well as on the effects of the 16 January 2014 package of laws that seriously restricted the right to peaceful assembly. Furthermore, the MEPs also assessed the influence of radical nationalist forces. On 22–24 February 2014, another ad-hoc AFET delegation visited Kyiv and assessed the situation following the ousting of former President Viktor Yanukovich.

Following the change of power in Kyiv, visits by the EP have become much more frequent and diverse. Electoral observation delegations were sent to monitor the presidential, parliamentary and local elections, held in 2014 and 2015. The EP delegations contributed to ensuring the efficient monitoring and transparency of these elections, by preparing detailed reports on each. Both the presidential (European Parliament 2014c) and the parliamentary elections (European Parliament 2014d) were declared to be free and fair, with only minor irregularities reported. In July 2015, AFET and DROI sent a joint delegation to Kyiv in order to gather information and conduct meetings on such human rights matters as the situation of the Crimean Tatars, the humanitarian situation in eastern Ukraine, as well as the fate of Ukrainians illegally

detained on political grounds in Russia<sup>17</sup>. Added to this, there were joint official visits by the Subcommittee on Security and Defence (SEDE) and the Committee of Budgets (BUDG), as well as by members of the Committee on Legal Affairs (JURI) and the Committee on International Trade (INTA) in 2015.

Visits were also conducted in the framework of those PAC meetings that were held in Ukraine (for more details, see the Annex). Another type of official EP visit to Ukraine took place in the framework of a meeting of two committees of EURONEST in Kyiv on 31 October–1 November 2016. During the meeting, the EP delegation received a detailed briefing on the severity of the humanitarian situation in Donbas and in Crimea from Iryna Herashchenko, First Deputy Chairperson of the VR (EURONEST Parliamentary Assembly, 2016).

### 4.2.3 The DROI subcommittee

The Subcommittee on Human Rights (DROI), as a subcommittee of the EP's Committee on Foreign Affairs, has played a key role in contributing to the EP's activities aimed at human rights protection in Ukraine during the course of the period under evaluation. While acting on its own in most cases, the DROI also cooperated from time to time with the EP's Delegation to the EU-Ukraine Parliamentary Association Committee (D-UA) in organising meetings, particularly on Crimea. Within the period under study, the DROI subcommittee undertook at least 13 actions. This included four activities in cooperation with the AFET and the DEVE committees related to the Sakharov Prize, and nine other events organised in addition, representatives of the D-UA were invited to three events. In terms of distribution, the number of DROI public actions taken showed a steady increase: while in 2014 only two actions were taken (one with D-UA and one with the AFET committee and the DEVE committee), in 2015 the figure had doubled to four (one alone, one with AFET, one with D-UA, and one with the AFET and DEVE committee). 2016 saw as many as six DROI actions (two alone, one with D-UA and two with the AFET committee and the DEVE committee, and one with the EURONEST), while one was taken in 2017 up to the end of the period under examination (see Graph No. 1 for further details).

In addition, the DROI subcommittee organised several events with external experts. It can also be suggested that the DROI subcommittee was the most active EP actor in taking actions with the participation of non-EP partners. For example, in December 2015 during a joint exchange of views the International Partnership for Human Rights (IPHR) report on the human rights-related crimes committed in Ukraine was presented. During DROI subcommittee meetings, the invited experts often strongly condemned Ukraine for the deeds committed by the various volunteer battalions, and also addressed the situation in the occupied territories. Another DROI event with external actors took place in March 2017 with the participants of an EP-OSCE Office for Democratic Institutions and Human Rights (ODIHR) conference on Strengthening Regional Human Rights Defenders' Networks in the Western Balkans, Eastern Europe and Turkey, during which invited experts described the hardships human rights defenders faced in Ukraine, particularly in the occupied territories.

In addition to cooperation with other stakeholders, the DROI's most important contribution to the protection of human rights in Ukraine was, perhaps, the organisation of meetings and exchanges of views with numerous experts and politicians from Ukraine, as well as several other European countries. Due to the live streaming of these eleven events, the wider public had an opportunity to obtain first-hand current information on the situation in Ukraine, in addition to the MEPs in attendance. The presentations by invited experts and practitioners often provided insights hardly obtainable from other public sources owing to their expertise and personal experiences (see the Annex for detailed accounts of these meetings). Ultimately, by organising public meetings and forums for exchanging views, the DROI subcommittee

<sup>17</sup> Based on information provided by the European Parliament, and the press release: [http://www.europarl.europa.eu/meetdocs/2014\\_2019/documents/droi/dv/501\\_droi\\_pressstatement\\_ukraine\\_del\\_/501\\_droi\\_pressstatement\\_ukraine\\_del\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2014_2019/documents/droi/dv/501_droi_pressstatement_ukraine_del_/501_droi_pressstatement_ukraine_del_en.pdf), last accessed on 1 January 2018.

actively contributed not only to the preparation of EP reports, resolutions and missions, but also to the wider mission of the EP to increase awareness around human rights issues. In addition, DROI organises whenever possible, feedbacks from the EEAS on the EU-Ukraine human rights dialogue, which however take place in camera.

The adoption of urgency resolutions under Rule 135, which are prepared and tabled by political groups, is a plenary activity, but the DROI committee also played a role in organising regular feedback by the EEAS on the follow-up to the resolutions. Within the period under study, five urgency resolutions were adopted in connection with Ukraine. The first resolution, adopted in April 2015, dealt with the case of Nadiya Savchenko (2015/2663(RSP)). The second resolution (2015/2838(RSP)) addressed the situation of Sentsov and Kolchenko, together with Eston Kohver (an officer of the Estonian security service, kidnapped on Estonian territory, and illegally transferred to and imprisoned in Russia). The subsequent two urgency resolutions addressed the situation of Crimea and the Crimean Tatars, (2016/2556(RSP)) and (2016/2692(RSP)), while the last focused on the Ukrainian political prisoners held in Russia (2017/2596(RSP)).

While conducting all of these activities, the DROI subcommittee also carried out ongoing detailed background analytical work to collect, filter and process the requisite information, and to properly inform decision-makers in the EP. In addition to its internal staff, the DROI frequently relies on external expertise as well, in particular for studies and hearings (for names and details, see the Annex).

#### 4.2.4 The EU-Ukraine Parliamentary Association Committee (PAC)

The EU-Ukraine Parliamentary Association Committee (PAC) came into existence in 2015 as the Association Agreement came provisionally into force, and was specifically created to provide parliamentary oversight of the AA, and to replace the Parliamentary Cooperation Committee, the earlier cooperation framework between the European Parliament and the Verkhovna Rada. Since the first meeting held in Brussels on 24–25 February 2015 until the end of the period under study (31 May 2017), a total of five meetings have taken place (EU-Ukraine Parliamentary Association Committee, 2017). Based on the final recommendations issued after each PAC meeting, all five meetings addressed the situation of human rights, albeit with varying focus and extent.

While an overview of the content of the five PAC meetings is provided in the Annex, it should be noted here that the PAC documents provide much more substantive and detailed consideration of the human rights situation in Ukraine in comparison with the EP Resolutions or the D-UA statements. Furthermore, PAC recommendations always reflect the joint position of the EP and the VR. As opposed to referring to general trends, these recommendations discuss specific current issues often accompanied by statistical observations. For example, the growing number of IDPs is well reflected in the PAC documents: while the second meeting mentioned 1.5 million, the fourth already reflected on the growing number of 1.6 million IDPs, including at least 190,000 children (EU-Ukraine Parliamentary Association Committee 2016b). The PAC also urged the Ukrainian authorities to set up the necessary institutional framework to deal with IDP issues efficiently, including the creation of the Agency for Donbas Recovery and the Ministry for Internally Displaced Persons, as well as the Anti-Terrorist Operation (ATO) Zone and Occupied Territories. Another example of a timely reaction is Ukraine's National Human Rights Strategy, adopted on 25 August 2015. The third PAC meeting had already called on the Ukrainian government to ensure the efficient participation of international organisations and Ukrainian civil society in the implementation of the Strategy (EU-Ukraine Parliamentary Association Committee, 2016a).

The latter example relates to another particularity of the PAC's approach, which is much more specific in its criticism towards the Ukrainian authorities in comparison with the Parliament. For example, following the adoption of the first Ukrainian anti-discrimination law, the third PAC meeting directly pressed for the law to be aligned with EU anti-discrimination directives. In other words, the PAC was able and willing to

monitor closely and influence the Ukrainian legislative procedures in order to ensure respect for human rights (EU-Ukraine Parliamentary Association Committee, 2016a). This is also due to the fact that the PAC receives input both from the EP and the VR. Another example of criticism by the PAC was the repeated calls for the Ukrainian government to deliver social support and pensions to the population of the occupied territories (for more details, see the Annex). From the outset, the PAC was also critical of Kyiv's decision to block the delivery of supplies to the occupied parts of Donbas. In both cases, the PAC's criticism was based on human rights considerations.

In its communiqués and other actions, the PAC contributed to the efficiency and visibility of EP actions aimed at improving the human rights situation in Ukraine, including the temporarily occupied territories. The PAC repeatedly voiced its concerns about the fate of the Crimean Tatars, as well as that of the political prisoners, IDPs and other victims of human rights violations in line with the relevant EP resolutions, but in much more substantive terms. A unique framework for such cooperation comprises the so-called tandems created in 2016 and composed of PAC Members of Parliament (MEPs) and their colleagues in the VR of Ukraine. These tandems are used to monitor specific policy areas, including respect for human rights and fundamental freedoms.

Another timely reaction by the PAC should be noted: the decision by the Russian Supreme Court to suspend the activities of the Mejlis on 26 April 2016 coincided with the second day of the third PAC meeting. The subsequent recommendations were also quick to condemn the suspension of the Mejlis (EU-Ukraine Parliamentary Association Committee, 2016b).

#### 4.2.5 The European Parliament's Delegation to the EU-Ukraine Parliamentary Association Committee (D-UA)

The activities of the D-UA reflect the same patterns as those of the PAC, as the delegation's main role is to prepare the EP's contribution to the PAC. In its thirteen relevant statements and meetings analysed in this study (and in addition to the events jointly organised with DROI), the D-UA proved to be able to provide timely, up-to-date reactions to the developments in Ukraine. The most prominent, but indeed not the only example was the case of Nadiya Savchenko, described above. One may even suggest that the D-UA offered the timeliest public reactions in various cases in comparison with other EP bodies considered in this report. It was the D-UA, for instance, that first addressed the battle of Debaltseve and the blatant violations of the Minsk Agreement by Russia in a statement released as early as 5 February 2015, even prior to the end of the battle.

In terms of thematic distribution, the D-UA addressed a wide range of issues, including those in relation to the armed conflict, the occupied territories or the activities of the Ukrainian government. The D-UA also reacted to the MH17 case, as well as to the first anniversary of the signing of the AA. Occasionally, the D-UA also cooperated with the AFET committee and issued three joint statements, including a 2015 statement on the report by the Dutch Safety Board on the MH17 disaster, and two statements on Savchenko's case in 2016.

In addition to the statements, the D-UA also organised meetings with Ukrainian experts and politicians, including those from Crimea, namely Mustafa Dzhemilev and Refat Chubarov. Dzhemilev participated in the D-UA twice, in December 2014 and December 2016. According to the available information, all meetings organised by the D-UA served the purpose of forming the EP's position, based on discussions among members from different groups, and provided MEPs with up-to-date and detailed information on various aspects of human rights in Ukraine, as well as with the opportunity to ask questions and express their opinions.

## 4.2.6 The Sakharov Prize

The Sakharov Prize, named after Andrei Sakharov, is an important symbolic tool for supporting human rights. Through the Prize, the EP is able to express its firm commitment to the respect for human rights. As stated by the EP: '[t]he prize is awarded to individuals who have made an exceptional contribution to the fight for human rights across the globe, drawing attention to human rights violations as well as the laureates and their cause' (European Parliament, 2017). Hence, the choice of winner, as well as the nominees, indicate the issues considered to be of vital importance by the EP and the nominating MEPs. The past record of the Sakharov Prize demonstrates that not only individuals, but also movements and organisations can become recipients of the award. For instance, in 2004 the prize was awarded to the Belarusian Association of Journalists, and in 2009 to the Russian human rights NGO Memorial.

The EP's willingness to uphold its commitment to Ukraine's path towards political transformation was manifested in two nominations for the Sakharov Prize. These included the nomination of the Euromaidan movement in 2014 (European Parliament, 2014c), the nomination of Nadiya Savchenko in 2015, and the nomination of the former Chairman of the Mejlis of the Crimean Tatar people, Mustafa Dzhemilev, in 2016. The latter was shortlisted among the finalists (European Parliament, 2016b). Although neither nominee was eventually awarded the prize, all three nominations served the purpose of drawing public attention to the cause of Ukraine and that of the Tatars, demonstrating the EP's commitment to their support. As Mustafa Dzhemilev himself put it: '[t]he nomination itself is very important, even if you don't win. [...] This nomination is not just for a particular individual, it highlights a bigger problem represented by this individual' (European Parliament, 2016d). It can be argued that the failure of the aforementioned Ukrainian nominees to win does not indicate any less support by the EP, but rather that in both years there were more pressing or visible human rights issues which required a strong signal to be sent by the EP.

## 4.2.7 Other EP actors involved in human rights promotion and protection

In addition to the bodies listed above, which have a specific competence for Ukraine and/or human rights, other EP actions have been conducted by other actors with more general mandates, but contributing to the EP's overall support for the respect of human rights in Ukraine. First and foremost, the activities of the EP President need to be mentioned. Both former President Martin Schulz and incumbent President Antonio Tajani have played an active role in strengthening the EP's human rights-related actions in Ukraine. This support predates Euromaidan: as early as 2012, President Schulz initiated the EP monitoring mission for Ukraine, composed of former EP President Pat Cox and former Polish President Aleksandr Kwasniewski, to address rule of law issues in the Ukraine, and, in particular, to monitor the case of opposition leader Yulia Tymoshenko (European Parliament, 2013a). Although the mission's timeframe falls outside the scope of the present study, it can still be regarded as a starting point for the special engagement of the EP towards Ukraine and the use of innovative tools, further developed after the Euromaidan events. After the Cox/Kwasniewski mission ended in 2013, Pat Cox continued to be active as a mediator and facilitator in the EP-Ukraine parliamentary dialogues.

President Schulz, for his part, was instrumental in facilitating the simultaneous ratification of the EU-Ukraine AA by the EP and the VR on 16 September 2014, connected via a videolink. He subsequently delivered a statement of high political importance on the first anniversary of the ratification in September 2015, together with the Speaker of the VR, Volodymyr Groysman. In addition to this, President Schulz was actively engaged in cases of Ukrainian political prisoners, such as Nadiya Savchenko.

The AFET, also as a parent committee of the DROI, likewise played its part in supporting the respect for human rights as the lead committee for scrutinising the use of the external financing instruments (the ENI and EIDHR in particular). It was also responsible for exercising oversight over the negotiations of the AA and preparing the plenary's consent to its ratification, as well as monitoring and influencing the EU's

approach to the use of restrictive measures under CFSP. In addition, the members of the AFET conducted several visits to Ukraine during and after Euromaidan. It is also involved in the procedures for awarding the Sakharov Prize.

The EP's relevant democracy support activities, coordinated by the EP's Democracy Support and Election Coordination Group, also need to be enumerated among the tools for supporting human rights in Ukraine. The electoral observation missions already mentioned in section 4.2.2 contribute to strengthening democracy by facilitating free and fair elections. A specific form of EP-VR cooperation is aimed at providing support for the implementation of democratic reforms and strengthening the rule of law in Ukraine by enhancing the capacities of the VR, consisting of close bilateral cooperation between the EP and the Verkhovna Rada. The relevant Memorandum of Understanding between the EP and the VR on a Joint Framework for Parliamentary Support and Capacity Building was signed on 3 July 2015, and the ceremony was also attended by former President Schulz (European Parliament, 2015). In March 2016, a 'Ukraine Week' was held in the EP in order to demonstrate the strong solidarity and cooperation between the EP and the VR, as well as to raise awareness of the importance of supporting Ukraine. The 'Ukraine Week' was addressed with a joint statement by Schulz and Groysman (European Parliament, 2016e).

Also worthy of note is the Jean Monnet Dialogue. This process commenced in 2016 when the VR adopted the recommendations outlined in the EP report on 'Internal Reform and Capacity-Building in the Rada' (European Parliament, 2016f), otherwise known as the Cox Report, named after former EP President Pat Cox (NDI, 2017). To date, two meetings have been held in this framework between representatives of the EP and the VR, aimed at building cross-party consensus in the VR to support the necessary reforms.

Finally, in addition to the official visits detailed above, there were numerous cases where individual MEPs visited Ukraine, some of whom even reached the conflict area (UNIAN, 2016), naturally with the consent and assistance of the Ukrainian authorities. These individual visits undoubtedly had a positive impact, both at the level of political and symbolic support, as well as in terms of awareness-raising.

Unfortunately, there have also been a number of cases where certain MEPs engaged in unauthorised visits to the temporarily occupied parts of Ukraine without the consent of the Ukrainian authorities. MEPs such as Béla Kovács from the Hungarian far-right party Jobbik and Ewald Stadler from Austria (RT, 2014) participated in the monitoring of the 'referendum' in Crimea on 16 March 2014. On 2 November 2014, another Jobbik MEP, Márton Gyöngyösi, participated in monitoring the non-recognised elections in Donbas (Jobbik Movement for a Better Hungary 2014), together with Front National MEP, Jean-Luc Schaffhauser, and a handful of others (EUObserver, 2014). In 2017, MEP Eleonora Forenza accepted an invitation from the separatist authorities of Luhansk to participate in the May Day parade there, and held a meeting with the separatist leaders, including Igor Plotnitsky (DONi Donbas News Agency, 2017). Not surprisingly, Kyiv reacted by banning MEPs paying unauthorised visits to the occupied territories from entering Ukraine. According to a list published on the website of the Ukrainian President's administration (President of Ukraine, 2017), a Greek Communist MEP, Sotirios Zarianopoulos, has also been banned from entering Ukraine for one year.

Such unauthorised visits run counter to the interests of the EP and the EU for various reasons, as it was pointed out both by the EP Resolution on 12 May 2016 on the Crimean Tatars (European Parliament, 2016g, Point 4.) as well as by the fourth PAC meeting (EU-Ukraine Parliamentary Association Committee (2016a) First, they contradict the official EU policy of refusing to recognise both the illegal annexation of Crimea and the results of the elections held in the separatist regions of eastern Ukraine. Second, by contravening the non-recognition policy, they weaken the coherence of the EP's actions and the external image of the Parliament as a single actor. Third, these visits risk according certain legitimacy to the separatists against the EU's wishes. Fourth, by supporting the separatists, such actions are detrimental to the territorial integrity and sovereignty of Ukraine, which has been at the core of the EP's policies towards Ukraine since the crisis unfolded.

## 5 Conclusions

Since the onset of the crisis in late 2013, the human rights situation in Ukraine has become much more complex. On the one hand, in the two territories temporarily occupied by Russia, namely Crimea and eastern Ukraine (and in the territories controlled by the Government of Ukraine but close to the contact line), serious human rights violations have taken place. In Crimea, the rights of the Crimean Tatars, as well as those of the local Ukrainian population, have been systematically violated by the occupying *de facto* authorities. In eastern Ukraine, the plight of the civilian population and their human rights has been exacerbated due to the ongoing armed conflict, and the absence of any legitimate and functioning state structures. While in Crimea, Russia as the occupying power is responsible *de jure* for the respect for human rights, in eastern Ukraine even this form of protection is lacking. In other words, the separatist regions in eastern Ukraine constitute a 'black hole' in terms of human rights protection. Both regions are practically inaccessible both to international and Ukrainian human rights organisations, increasingly hindering the possibilities of obtaining reliable, up-to-date information on the human rights situation.

On the other hand, in the territories controlled by the Ukrainian government, considerable efforts have been made to improve Ukraine's human rights record. The influence of extreme nationalist groups has significantly decreased. The volunteer battalions, some of which committed serious crimes against captured separatists and the civilian population, are now under full governmental control, although little progress has been made as yet regarding the investigation of these crimes. Considerable efforts were exerted in combating the endemic corruption of the Yanukovich era, although there is still much room for improvement. In particular, the reforms in the area of the rule of law were characterised by their slow pace and continuous widespread corruption. In relation to freedom of the media, a number of serious atrocities targeting independent journalists exposing corruption-related cases have recently been recorded. No meaningful progress in this area was recorded from 2016 to 2017, indicating a slowdown in the transformation.

The Euromaidan events naturally led to a shift in the EU's approach towards Ukraine, dominated by demonstrations of political support and an emphasis on security considerations. Nonetheless, the EU continued its approach of mainstreaming human rights in various areas of its cooperation with Ukraine on the basis of conditionality. Most prominently, the signing of the AA signalled a reinforced commitment towards human rights and fundamental freedoms, with a strong human rights clause and the creation of various forums for raising human rights concerns, including by civil society. While the 2015 Association Agenda is somewhat lacking when it comes to a blueprint for a specific reform agenda, various institutions established under the AA could be used to specify and follow up particular reforms, *inter alia* in order to compensate for the absence of annual progress reports. CFSP instruments, such as political dialogues, were used for raising human rights concerns, albeit not always consistently. Other CFSP instruments were deployed to react to the events in Crimea and eastern Ukraine. As far as Justice, Freedom and Security instruments are concerned, the abolishment of the visa regime in summer 2017 might raise concerns about the potential lack of emphasis on human rights in this area. However, the relevant subcommittee established under the AA should be used for the further monitoring of human rights-related matters. Various financial assistance instruments have been used by the EU to support political reform in Ukraine, including through increased support for civil society, which played such an important role in the Euromaidan events. While certain funds relevant to human rights issues were allocated through the ENI, other thematic instruments, such as the EIDHR and the European Endowment for Democracy, have also been used to support civil society. The budget support, however, can be more explicitly linked to the human rights conditionality embedded in the AA.

Within the wider narrative of mainstreaming human rights protection by the EU in its relations with Ukraine, the EP has played an active role in protecting human rights in Ukraine since the start of

Euromaidan. As discussed in Chapter 4 and demonstrated by the graphs presented in the Annex, the EP and its bodies reacted to the unfolding crisis in an efficient and adequate manner, continuously addressing the most pertinent human rights concerns through various types of actions, ranging from EP resolutions to the exchange of views with experts and politicians, from study visits to declarative statements.

In terms of thematic focus, the most frequently voiced human rights concerns in the occupied territories related to the situation of the Crimean Tatars. A distinctive ethnic and religious community of Ukraine, the Crimean Tatars have been victims of harsh repressions by the Russian authorities. Frequent individual atrocities that occurred from day one of the illegal annexation gradually shifted to systemic oppression, which culminated in the banning of the Mejlis, the representative body of the Crimean Tatars in 2016. The EP paid particular attention to this matter: in addition to three resolutions specifically dedicated to Crimea, over two dozen actions were taken by the various EP bodies, particularly by the DROI subcommittee and the D-UA.

Another human rights issue of high priority was linked to the Ukrainian political prisoners held in Russia and the humanitarian situation in the territories of eastern Ukraine. As far as political prisoners are concerned, the cases of Nadiya Savchenko, Oleg Senstov and Alexander Kolchenko received the most attention. The Savchenko case demonstrated that international attention may indeed serve as a shield of protection: by drawing attention to a specific case, the political costs increase for the side that is responsible for the violation of human rights. Hence, the EP practice, deployed from 2017, of naming specific individuals held captive in Russia and requiring their release is a welcome development.

As for the territories under the control of the Ukrainian government, the most frequently addressed issues included the situation of the IDPs, the fight against corruption and, recently, the freedom of the media. While at the beginning of the crisis, the concerns about extreme nationalists were also on the agenda, by 2016–2017 this issue seemed to have lost importance. It should be noted that the EP plenary resolutions have paid much less substantive attention to human rights violations in the government-controlled areas in comparison with the more detailed accounts of the occupied territories. It was mostly the DROI subcommittee and the PAC that offered accurate and often sharp assessments of specific human rights matters in the government-controlled territories.

In addition to issuing public statements, the DROI subcommittee, the PAC and the D-UA continuously undertook significant background work, *inter alia* in order to support the EP's human rights-related activities. Visits and meetings with experts and politicians knowledgeable about the situation in Ukraine constituted an important part of this work, as they provided MEPs and other decision-makers with relevant information on the occupied territories in particular, which would have been impossible to obtain otherwise.

Arguably, the final and central conclusion to be drawn from this study is that, in spite of their, at times, lower visibility due to urgent security concerns, human rights issues have been a permanent fixture in activities conducted by the EP, which has itself become a significant actor in promoting human rights in Ukraine and its occupied territories. At the outset of the crisis, the EP's approach was overshadowed by the unprecedented violation of Ukraine's territorial integrity, the threat of a full-scale military escalation, and the emergence of a humanitarian crisis in the occupied territories affecting millions of people. Three years later, when the threat of major escalation is less acute, the EP and its bodies are able to pay more attention to issues of a less securitised nature, such as the situation of IDPs, the protection of LGBTI rights, and freedom of the media. Hence, somewhat paradoxically, the more entrenched the blatant violation of Ukraine's territorial integrity becomes, the more focused the EP is in its efforts to promote the safeguarding of human rights in Ukraine more generally.

## 6 Policy recommendations

Based on the analysis above, a number of policy recommendations can be made in order to enhance the efficiency of the EU's and the EP's human rights promotion activities in Ukraine.

### 6.1 General recommendations

- It is essential to continue the EU's general approach of mainstreaming human rights protection in all areas of EU-Ukraine cooperation.
- The EU should exercise its full leverage over Ukraine's European aspirations to insist on a consistent path towards reforms accompanied by meaningful implementation in practice.
- It is vital to maintain consistency in relation to EU sanctions against Russia; that is to say the removal of sanctions should be strictly linked to the meeting of the relevant conditions. The EP should, therefore, continue its current practice of reaffirming these conditions with the adoption of any pertinent resolution. The same applies to insisting on the full implementation of the Minsk Agreements by all parties involved.
- The EP should continue insisting on unlimited access for international human rights organisations to the occupied territories of Ukraine.

### 6.2 On further support for human rights-related reforms in Ukraine

- The focus on human rights in occupied territories should not lead to diminished attention being paid by the EP to the rights of national, religious, sexual and other minorities living in the government-controlled territories of Ukraine. The recent draft law on the use of national minority languages, as well as the prevailing problems in ensuring the protection of LGBTI communities, indicate that human rights protection can be significantly enhanced in certain fields.
- Due to the crucial role played by civil society in the protection of human rights and fundamental freedoms in Ukraine, it is recommended that its role should be enhanced to full participation in the next round of the EU-Ukraine Human Rights Dialogue scheduled for summer 2018, instead of mere prior consultations.
- The EU and the EP should prioritise the reform of the civil service, electoral reform, the reform of the security services of Ukraine, the activities of which fall short of acceptable standards, and reforms in the field of wider human rights, including social and economic rights.
- The EUAM assistance to the National Police of Ukraine should be continued in order to transform community policing into a cornerstone of police work, with a view to changing the culture of police officers from being instruments of the state to servants of the people.

### 6.3 Protecting human rights in the temporarily occupied territories

- The non-recognition of the illegal annexation of Crimea by the Russian Federation should not deter the EU from protecting the rights of the Crimean Tatars, civil society, and pro-Ukrainian activists therein. At present, Russia exercises *de facto* control over the peninsula, and hence it is Russia's responsibility to ensure respect for human rights and fundamental freedoms. To this end, continuous references to the Russian Constitution and Russia's relevant international commitments regarding human rights are a step in the right direction and should be maintained. Similarly, calls for Moscow to protect the rights of the Crimean Tatars as indigenous people of the peninsula, in line with the Council of Europe Framework Convention on National Minorities, signed and ratified

by Moscow, are positive examples of the EP upholding international law, and thus need to be continued.

- Accordingly, the EU and the EP should emphasise the continuous recognition of the Mejlis as the sole representative body of the Crimean Tatars, irrespective of the decision by the Crimean Supreme Court banning the latter.
- The EU and the EP should take into consideration the recent emergence of self-organised movements on the peninsula, such as Crimean Marathon or Our Children, and support them through available means.
- Bearing in mind the frequent complaints made by human rights organisations regarding the limited access to Crimea, there should be sustained pressure on Russia to permit full access by human rights activists (Ukrainian, Russian and international) to the peninsula.
- Calls for impartial investigations into all human rights abuses should continue, irrespective of which side they were committed by during and after Euromaidan, including during the fighting in eastern Ukraine. The EP is in a stronger position to ensure that at least the Ukrainian government undertakes independent investigations and delivers justice. Abandoning these demands might be interpreted by the perpetrators as a form of *carte blanche*, but it will also undermine the EU's credibility. Indeed, there is scope for further targeted EU sanctions against individuals in connection with human rights violations committed in the occupied territories of Ukraine. Further personal sanctions should be considered if, in the absence of justice, a clear case is made by international organisations or NGOs regarding the involvement of particular individuals in committing crimes or atrocities.
- Due to the limited access to the temporarily occupied territories of Ukraine and the inability to obtain independent data, the EP should strengthen its cooperation with all those actors that are able to conduct efficient on-site activities. This is particularly warranted as, in both Crimea and eastern Ukraine at present, the primary task is to enable continuous, reliable monitoring of the human rights situation, as well as to provide victims of human rights violations with the necessary legal and other assistance. Hence, working closely with NGOs and civil society organisations active in the occupied territories is of crucial importance.
- Authorised visits by MEPs to the government-controlled parts of Ukraine should be encouraged and supported. Enabling MEPs to gather personal experience and information is indeed useful for maintaining and increasing public awareness of human rights issues in Ukraine.
- Meanwhile, the EP should consider certain sanctions against those MEPs who make unauthorised visits to the temporarily occupied territories of Ukraine, and engage in such unlawful actions as participating in the monitoring of 'elections'.
- While pressure on Russia needs to be maintained, the case of Nadiya Savchenko and of the several rounds of exchanging prisoners in eastern Ukraine demonstrate that it might indeed be helpful to continuously seek opportunities for diplomatic cooperation with Moscow in order to help victims of human rights violations. Hence, such efforts need to be maintained, even if they are not immediately successful.

## Annex

The Annex aims to provide a comprehensive overview of the key activities of the EP undertaken in the period under review in support of human rights in Ukraine. It is based on the actions of official bodies and of the EP President, and does not include those of political groups, individual MEPs or groups of MEPs. The list of actions is compiled according to an actor-based approach. The actions in the Annex are chosen in view of their relevance to human rights. The Annex does not aim to address all activities of the EP and its bodies in the period under examination. The key actions of the plenary as well as three actors with a specific human rights or Ukraine competence (the Subcommittee on Human Rights (DROI) of the AFET Committee, the EU-Ukraine Parliamentary Association Committee (PAC), and the European Parliament Delegation to the EU-Ukraine Parliamentary Association Committee (D-UA)) are summarised below in detail, as well as other actors with a more general mandate or a more indirect impact on human rights are listed as well, such as official EP visits to Ukraine between 2014 and 31 May 2017, election observation missions and democracy support and mediation activities.

The Annex also provides a graphical visualisation of the examined actions in the order in which they occurred. One of the graphs also indicates the key events of the Ukrainian crisis based on a timeline. Certain key events of a protracted nature (such as the battle at Debaltseve that lasted for nearly a month in January–February 2015) are marked with a single day representing the turning point. The same applies to visits: for visits lasting longer than a day, the most important day is included in the graph.

While the annex focuses on the current 8<sup>th</sup> legislature of the EP, the main actions (EP resolutions and official visits) of the previous legislature that took place during and after Euromaidan and the invasion of Crimea are also listed in order to provide a comprehensive picture.

### 1 The European Parliament

**12 December 2013:** [EP Resolution 2013/2983\(RSP\)](#) concerning the Vilnius Summit, and particularly Ukraine: the resolution condemned Kyiv's withdrawal from signing the Association Agreement; mentioned the ongoing demonstrations as expressions of the European aspirations of the Ukrainian civil society; emphasised the conditionality for the AA; criticised the use of police violence against demonstrators and opposition media; called on the Ukrainian authorities to respect the rights of demonstrators, such as the right to peaceful assembly and freedom of expression; urged a peaceful settlement between government and opposition.

**6 February 2014:** [EP Resolution 2014/2547\(RSP\)](#) on the situation in Ukraine; labelled demonstrations as an 'uprising'; condemned the series of 16 January 2014 laws that seriously limited freedom of expression and assembly, and urged the Ukrainian authorities to respect people's fundamental rights and freedoms; condemned violence used against demonstrators by police, security forces and *titushki*<sup>18</sup>; besides the use of government forces, the opposition was also urged to refrain from violence; specifically mentioned the case of Dmytro Bulatov<sup>19</sup>; expressed the view that more active involvement by individual members of the EP could prevent a further escalation of the crisis.

**27 February 2014:** [EP Resolution 2014/2595\(RSP\)](#) on Ukraine; condemned the use of violence against protestors; mentioned the asset freeze and visa ban imposed by the EU against those responsible for human rights violations; called for further sanctions; warned that any further escalation might damage the country's territorial integrity; condemned all forms of extremism; emphasised the importance of the rule of law; called on the incoming government to respect the rights of minorities, including minority

<sup>18</sup> 'Titushki' is a Ukrainian political term (in plural form) that describes thugs usually hired to commit acts of politically motivated violence.

<sup>19</sup> Dmytro Bulatov was the leader of the Automaidan demonstration, who was kidnapped and tortured.

languages by referring to the European Charter for Regional and Minority Languages (ECRML); condemned the attacks against the Communist Party of Ukraine and the attempts to prohibit it; noted that out of the three benchmarks set in 2012, one (on selective justice) had already been met by the release of Yulia Tymoshenko, while the other two on justice and the electoral systems were already subject to reform; expressed the need for a truly independent and impartial judicial system.

**14 March 2014:** [EP Resolution 2014/2627\(RSP\)](#) on the invasion of Ukraine by Russia; condemned the violation of Ukraine's territorial integrity by Russia, and actions of the self-proclaimed Crimean 'authorities', including the so-called referendum in breach of Ukrainian laws; condemned Russia for violating the Budapest Memorandum and the security guarantees provided to Ukraine; stated that Russian-speakers in Crimea did not face any discrimination, and hence Russia's claims about protecting them were unfounded; called for a fully-fledged OSCE monitoring mission to Crimea; mentioned that the houses of Crimean Tatars were marked by armed people; called on the international community to protect the rights of all minorities living on the peninsula; demanded a full investigation into the incidents targeting Jews and Jewish religious sites that followed the invasion; mentioned strengthening the rule of law in Ukraine, to be assisted by the Commission, the Member States, the Council of Europe and the Venice Commission; called for inclusive, free and fair internationally monitored parliamentary elections, as well as for a presidential election to be held on time on 25 May 2014; welcomed the fact that the restrictive draft language law was not signed by Acting President Oleksandr Turchynov.

**17 April 2014:** [EP Resolution 2014/2699\(RSP\)](#) on Russian pressure on Eastern Partnership countries; condemned the referendum held in Crimea; focused on the emerging violence in eastern Ukraine; mentioned several cities where public administration buildings had been taken over by armed people; condemned Russia for violating the Budapest Memorandum and the security guarantees provided to Ukraine; stressed that no attacks had been reported against Russian-speakers or Russian citizens, confirmed by UN, OSCE and CoE monitors; expressed concerns over the safety and access to rights of the Crimean Tatars, as well as those of Ukrainian-speakers; noted that Russia is responsible for the respect for human rights in the occupied territories under the Fourth Geneva Convention; encouraged Ukraine to ensure the rights of national minorities; called on the government to fight against extremism and to investigate all human rights violations.

**17 July 2014:** [EP Resolution 2014/2717\(RSP\)](#) on Ukraine; declared that the election of Petro Poroshenko met international standards and commitments; supported Poroshenko's 15-step peace plan to restore the sovereignty, unity and territorial integrity of Ukraine; welcomed the new sanctions; stressed that the Ukrainian people had the right to determine the country's political and economic future; deplored the violence in eastern Ukraine; mentioned that people, including children, needed to flee from the region; called for strict compliance with humanitarian law; urged the impartial investigation of all crimes against humanity that had happened since 2013; called for reforms to end 'the systematic and structural curtailment of human rights'; called for the adoption of an anti-discrimination law that follows European standards; condemned human rights violations in eastern Ukraine, cases of killing, torture, abduction (including children) and disappearances of journalists and political activists; separatist forces were identified as the main perpetrators, but atrocities committed by government forces were also mentioned.

**16 September 2014:** [EP Resolution 13613/2013 – C8-0105/2014 – 2013/0151A\(NLE\)](#) on the draft Council resolution on the conclusion of the AA with Ukraine, to which the EP gave its consent.

**18 September 2014:** [EP Resolution 2014/2841\(RSP\)](#) on the situation in Ukraine and on EU-Russia relations; condemned Russia's role in the prolonged fighting and in the violation of Ukraine's territorial integrity; mentioned the killing of Lithuanian honorary consul Mykola Zelenec; endorsed the sanctions against Russia and condemned Russia's counter-sanctions; condemned the shooting down of flight MH17; deplored the 'passportisation' of Ukrainian citizens in Crimea and the persecution of Crimean Tatars and Ukrainian activists. The resolution specifically mentioned Ukrainian citizens held captive in Russia, namely

Nadezhda Savchenko, Oleg Sentsov, Oleksiy Chierny, Gennadiy Afanasiev and Alexander Kolchenko; welcomed the release of hostages in eastern Ukraine; described in detail the grave humanitarian situation in eastern Ukraine with the approach of winter; mentioned the refugees and IDPs, noted the warning issued by the World Health Organisation (WHO) on a health emergency, and commended the efforts by the Ukrainian authorities to ensure children's rights to education. Called on the Ukrainian government to create a single, comprehensive register of humanitarian incidents; urged separatists to allow residents to exercise their right to vote in the upcoming parliamentary elections.

**23 October 2014:** [EP Resolution 2014/2903\(RSP\)](#), (**human rights specific resolution adopted under Rule 135**) on the closing down of the NGO 'Memorial' (winner of the Sakharov Prize in 2009) in Russia; pointed out that Memorial strongly opposed and criticised Russia's aggression against Ukraine.

**13 November 2014:** [EP Resolution 2014/2817\(INI\)](#) on the conclusion of the Association Agreement with Moldova; mentioned the territorial integrity of neighbouring Ukraine, as well as Crimea and the ongoing destabilisation of Ukraine.

**15 January 2015:** [EP Resolution 2014/2965\(RSP\)](#) on the situation in Ukraine; the resolution noted the 20 November 2014 UN report on the human rights violations in eastern Ukraine; recalled that the government and the Verkhovna Rada needed to ensure the rights and needs of all citizens, including those not represented in the Rada due to the lack of legitimate elections in eastern Ukraine; urged the exchange of all prisoners, including Nadiya Savchenko; welcomed the sanctions and reaffirmed the non-recognition of the illegal annexation of Crimea; urged effective actions and zero tolerance towards corruption; called for an impartial investigation into all major moments of violence, including Odessa, Mariupol, Slovyansk, Ilovaysk and Rymarska; urged the Ukrainian government to resolve the issue of paying pensions and social allowances to the conflict-zone population; invited the Commission and the Member States to develop a major assistance plan based on the principles of 'more for more' and conditionality in order to encourage reforms; pointed out the humanitarian situation in eastern Ukraine; urged a more effective humanitarian effort by referring to the previously cited WHO report; called on the Commission and the Commissioner for Humanitarian Aid and Crisis Management to carry out robust humanitarian measures, including 'Blue Convoys' of supplies clearly marked to indicate that they originated from the EU; called on the Commission to develop such a plan in two months; repeatedly mentioned IDPs, particularly the elderly and children; called for unhindered access for the ICRC, welcomed the decision to deploy EU experts to advise the Ukrainian government on IDP issues; called on Russia to permit the international inspection of its humanitarian convoys sent to the Donbas; mentioned the MH17 case and the need for unhindered access to the site.

**12 March 2015:** [EP Resolution 2015/2592\(RSP\)](#) on the murder of Russian opposition politician Boris Nemtsov and the state of democracy in Russia; mentioned Russia's participation in the war in eastern Ukraine and the violation of the rights of the Crimean Tatars; mentioned Nadiya Savchenko, also in the context of her immunity as a member of the VR and of the Parliamentary Assembly of the Council of Europe (PACE); the risk of permanent damage to her health was also pointed out.

**12 March 2015:** [EP Resolution 2014/2219\(INI\)](#) on the Annual Report from the High Representative of the European Union for Foreign Affairs and Security Policy to the European Parliament; on Ukraine, the text welcomed the conduct of parliamentary elections; mentioned the violation of the territorial integrity of Ukraine by Russia and its responsibility for the direct military aggression and hybrid war; stated that Russia was responsible for thousands of civilian and military casualties; called for the implementation of the Minsk Agreements; repeated the non-recognition of the elections held in Donbas.

**12 March 2015:** [EP Resolution 2014/2216\(INI\)](#) on the Annual Report on Human Rights and Democracy in the World 2013; mentioned Russia's annexation of Crimea and its military involvement in eastern Ukraine as a factor that posed a considerable challenge.

**12 March 2015:** [EP Resolution 2015/2572\(RSP\)](#) on the EU's priorities for the UN Human Rights Council in 2015; a whole paragraph was dedicated to Ukraine; pointed out the large-scale human rights violations in eastern Ukraine; supported the UN Human Rights Mission and the OSCE Special Monitoring Mission; condemned the annexation of Crimea; highlighted the fate of IDPs; mentioned the Crimean Tatars; demanded an impartial investigation into all human rights violations committed, including during the Euromaidan events; called for respect for international humanitarian law and the principle of protecting civilians in the conflict.

**25 March 2015:** [EP Resolution COM\(2015\)0005 - C8-0005/2015 – 2015/0005\(COD\)](#) on the decision of the European Parliament and the Council on providing macro-financial assistance to Ukraine; assistance should be conditional upon guaranteeing respect for human rights in Ukraine.

**30 April 2015:** [EP Resolution \(urgency\) 2015/2663\(RSP\)](#), **(human rights specific resolution adopted under Rule 135)** on Nadiya Savchenko; mentioned illegal kidnapping and unlawful detention; pointed out her immunity as a member of VR and PACE; pointed out violation of the Geneva Convention on the Prisoners of War; weak health; demanded unconditional release; mentioned other Ukrainian citizens illegally detained in Russia, including Oleg Sentsov and Khaizer Dzhemilev<sup>20</sup>.

**10 June 2015:** [EP Resolution 2015/2001\(INI\)](#) on the state of EU-Russia relations; mentioned Russia's involvement in the war and the humanitarian situation in eastern Ukraine; mentioned the illegal annexation of Crimea; stressed that Russia could not be treated as a strategic partner until it respects the territorial integrity of Ukraine, as well as Ukraine's freedom to choose its political orientation.

**11 June 2015:** [EP Resolution 2015/2036\(INI\)](#) on the strategic military situation of the Black Sea region following the illegal annexation of Crimea by Russia; mentioned the violation of Ukraine's territorial integrity and sovereignty; pointed out human rights abuses against the Crimean Tatars, pro-Ukrainian and civil society activists, and those who wanted to retain their Ukrainian citizenship; mentioned the war crimes committed in eastern Ukraine as well as the incident involving flight MH17; called for the implementation of the Minsk Agreement.

**9 July 2015:** [EP Resolution \(2015/2002\(INI\)\)](#) on the review of the ENP; the resolution had a strong focus on human rights; supported conditionality; Crimea and eastern Ukraine were specifically mentioned.

**10 September 2015:** [EP Resolution \(urgency\) \(2015/2838\(RSP\)\)](#), **(human rights specific resolution adopted under Rule 135)** on the sentencing of Eston Kohver, Oleg Sentsov and Olexandr Kolchenko; rejected the sentence; demanded their immediate release; pointed out that forced imposition of citizenship by Russia is used to justify Russian jurisdiction; also mentioned Nadiya Savchenko.

**21 January 2016:** [EP Resolution 2015/3032\(RSP\)](#) on the DCFTA with Georgia, Moldova and Ukraine; mentioned the dire humanitarian situation in Donbas; pointed out that international and Ukrainian human rights organisations have no access; referred once again to the situation of the Crimean Tatars; welcomed the judiciary reform process and commended the proposals by the Venice Commission; noted that the biggest challenge to reforms was the endemic corruption; appreciated the work of EU-UA PAC and the Memorandum of Understanding with VR; stressed the need to strengthen civil society.

**2 February 2016:** [EP Resolution \(11592/2015 – C8-0300/2015 – 2015/0810\(CNS\)\)](#) on Eurojust and Ukraine Cooperation Agreement; supported the rule of law and judiciary reform.

<sup>20</sup> Khaizer Dzhemilev is Mustafa Dzhemilev's son.

**4 February 2016:** [EP Resolution \(urgency\) 2016/2556\(RSP\)](#), **(human rights specific resolution adopted under Rule 135)** on the situation in Crimea and of the Crimean Tatars; mentioned Chubarov and Dzhemilev; pointed out serious restrictions on religious freedom; condemned the Russian authorities for using the fight against terrorism as a pretext; warned about severe restrictions on the freedoms of expression, association and peaceful assembly, including the 18 May celebrations as a Day of Remembrance; called for respect for the Mejlis; declared that the Tatars were the indigenous people of Crimea, and had the right to their own distinct political, economic, social and cultural institutions; repeated that Russia as the occupying power had the responsibility to ensure human rights; mentioned Sentsov and Kolchenko; mentioned the detained Ahtem Chiigoz, deputy chairman of the Mejlis, Mustafa Degermendzhi and Ali Asanov; demanded their release; condemned the forced attribution of Russian citizenship; expressed concerns about violation of LGBTI rights.

**12 May 2016:** [EP Resolution \(urgency\) 2016/2692\(RSP\)](#), **(human rights specific resolution adopted under Rule 135)** on the Crimean Tatars; focused on the ban on the Mejlis of 26 April 2016 by the Supreme Court of Russia; pointed out that approximately 20 000 Tatars had left Crimea; condemned cases of torture, forced disappearances and abductions; mentioned Dzhemilev, Chubarov, Ahtem Çiygoz; mentioned Dzhemilev's list of 14 politically imprisoned Tatars; mentioned Natalya Poklonskaya<sup>21</sup> as being responsible for banning the Mejlis; condemned the banning of the Mejlis; pointed out that it may provide fertile ground for the further stigmatisation of the Crimean Tatars; condemned the fact that some members of parliament of the Member States, as well as MEPs had visited Crimea without the consent of the Ukrainian government; condemned restrictions on expression, assembly and media; warned about pressure on Crimean cultural and educational organisations; pointed out that the situation of LGBTI people had worsened significantly; called on the Council and the EEAS to put pressure on Russia to allow unimpeded access to Crimea.

**22 November 2016:** [EP Resolution 10345/2016 – C8-0267/2016 –2016/0811\(CNS\)](#) approving the draft cooperation agreement between EUROPOL and Ukraine; further impetus for the rule of law.

**23 November 2016:** [EP Resolution 2016/2030\(INI\)](#) on EU strategic communication to counteract propaganda against it by third parties; mentioned the illegal annexation of Crimea; condemned Russia's crackdown on independent media, journalists and civil society activists.

**23 November 2016:** [EP Resolution 2016/2067\(INI\)](#) on the implementation of the CSDP; pointed out that forced border changes in Ukraine were inconsistent with the Helsinki Final Act and UN Charter.

**14 December 2016:** [EP Resolution 2016/2036\(INI\)](#) on the implementation of the CFSP; stressed that sanctions were effective tools to deter further Russian aggression in Ukraine; recalled that the lifting of sanctions is conditional upon the implementation of the Minsk Agreements; stressed the commitment to the unity, sovereignty and territorial integrity of Ukraine; stressed human rights in general (not in connection with Ukraine); welcomed the Commission's new strategy 'Trade for All' and the intent to use the EU's position as a trading bloc to strengthen human rights in third countries.

**16 March 2017:** [EP Resolution \(urgency\) 2017/2596\(RSP\)](#), **(human rights specific resolution adopted under Rule 135)** on the Ukrainian political prisoners in Russia and the situation in Crimea; mentioned Savchenko, Kohver, Sentsov and Kolchenko; referred to the UN General Assembly Resolution 71/205 of 19 December 2016<sup>22</sup>; referred to the Geneva Convention and the protection of the civilian population in times of war; mentioned specific names and numbers of detained Ukrainians<sup>23</sup>; expressed concerns about the targeting of lawyers and journalists in Crimea; pointed out the harsh prison conditions, and the situation

<sup>21</sup> Former Russian Prosecutor General of the Republic of Crimea following the annexation, member of the State Duma since 2016.

<sup>22</sup> Entitled 'Situation of Human Rights in the Autonomous Republic of Crimea and the City of Sevastopol (Ukraine)'.

<sup>23</sup> Point D and exact names in Point 4.

of IDPs; condemned the banning of the Mejlis; highlighted violations of freedom of assembly, expression, association, access to information and religion radically suppressed in Crimea due to the introduction of Russian legislation; deplored forced imposition of Russian citizenship; infringement of property rights of the Crimean Tatars; called for unlimited access for international organisations.

**6 April 2017:** [EP Legislative Resolution \(COM\(2016\)0236– C8-0150/2016 –2016/0125\(COD\)\)](#) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Ukraine); visa-free travel to Ukraine approved by the Parliament.

## 2 Events and missions organised or jointly organised by the European Parliament Subcommittee on Human Rights (DROI)

**23 September 2014:** [joint meeting](#) of AFET, DROI and DEVE; nominees for the 2014 Sakharov Prize are presented; the Euromaidan movement, represented by journalist Mustafa Nayem, musician Ruslana Lyzhychko, activist Yelyzaveta Schepetylnykhova, and journalist Tetiana Chornovol received nominations.

**4 December 2014:** [hearing](#) of DROI and D-UA, attended by Valeriya Lutkovska, Ukrainian Parliament Commissioner for Human Rights, Roman Martynovsky, Human Rights Lawyer, and Boris Zakharov, Director of Advocacy Programmes, Ukrainian Helsinki Human Rights Union; the plight of the Crimean Tatars was discussed, particularly their persecution, including disappearances and deportations (the entry ban on such leaders of the Crimean community as Chubarev and Dzhemilev); Lutkovska pointed out the control over the media, as well as restrictions on the rights of ethnic Ukrainians and other minorities in Crimea; regarding eastern Ukraine, breaches of children's human rights were particularly noted in addition to other serious breaches of human rights, including torture.

**17 June 2015:** [exchange of views](#) on the human rights situation in eastern Ukraine; invited speakers included Oleksandra Matviychuk of SOS Euromaidan, Agnieszka Piasecka from the Open Dialogue Foundation and Alexander Kirchhof, Representative UNHCR; the DROI subcommittee became engaged in a dialogue with the representatives of Ukrainian and international civil society organisations. According to Kirchhof, the UNHCR was engaged in exposing the pressing human rights concerns in Ukraine in preparation for the July 2015 DROI mission to Ukraine (jointly with AFET). While most human rights concerns were related to Crimea and the Eastern Ukrainian territories controlled by armed groups, certain issues were also raised in relation to the potentially adverse impact of Ukrainian actions, including the debated law on restricting the free movement of goods in territories outside the official government's control, which engendered concern among the humanitarian organisations. Other issues highlighted by the MEPs for the attention of the mission included the EU's role in the restoration of Ukraine's territorial integrity, and the issue of the ratification of the ICC's Statute.

**24 July 2015:** [visit of joint AFET/DROI delegation to Kyiv](#) with participation of D-UA chair; delegation met with President Petro Poroshenko, Speaker of VR Volodymyr Groysman, Prime Minister Arsenniy Yatseniuk as well as Minister of Foreign Affairs Pavlo Klimkin; expressed support for Ukraine's sovereignty and territorial integrity, welcomed the successful reform steps, called Ukrainian authorities to continue combatting corruption, called for preserving state monopoly of law enforcement and for either disarming all paramilitary forces, or integrating them into the official state security structures, paid particular attention to the situation of IDPs, as well as to wider human rights in Kyiv and in the Dnepropetrovsk region.

**28 September 2015:** [joint meeting](#) of AFET, DROI and DEVE; nominees for the 2015 Sakharov Prize are presented; Nadiya Savchenko was nominated for the Sakharov Prize.

**1 December 2015:** [exchange of views](#) in association with D-UA; besides an EEAS representative, invited external experts included Simon Papuashvili, International Partnership for Human Rights, Ridvan Bariiev from SOSCrimea and Oleksandr Irkhin, Deputy Head of Mission of Ukraine to the European Union; according to Papuashvili, the recent IPHR report mentioned evidence of international crimes committed in the occupied territories of Ukraine; crimes committed by Ukrainian volunteer battalions were also presented. Recommendations by Papuashvili and Bariiev focused on the need for investigations by the Ukrainian authorities; the need to provide EU support in creating such capability; the need to strengthen the office of the prosecutor and the creation of a high-level coordination unit; called for the ratification of the Rome Statute; presented documentation on the violations of the rights of the Crimean Tatars.

**16 March 2016:** [meeting](#) of the DROI subcommittee in association with D-UA; with the Ombudsmen of EaP countries; on Ukraine, Bogdan Kryklyvenko, Head of the Secretariat, Ombudsman of the Ukrainian Parliament Commissioner for Human Rights pointed out that Ukrainian legislation on IDPs was changing, although implementation was still problematic; mentioned the recently adopted National Strategy on Human Rights of Ukraine; urged civil society to cooperate in monitoring the efficient implementation; pointed out the lack of government institutions specialised in IDP issues.

**16 March 2016:** [exchange of views](#) on the human rights situation in Crimea; invited external speakers included Boris Zakharov of the Ukrainian Helsinki Union, Sevgil Musaeva-Borovik, Editor of the Ukrainska Pravda and Crimean media expert, and Bogdan Kryklyvenko, Head of the Secretariat, Ombudsman of the Ukrainian Parliament Commissioner for Human Rights; the meeting focused on freedom of the media and expression; reiterated the importance of not separating the issue of Crimea from eastern Ukraine; Musaeva-Borovik pointed out that the deteriorating media situation is also connected to information warfare; indicated that tandems of PAC MEPs had been created to monitor and assess certain aspects of human rights; Kryklyvenko warned about systematic political repressions; pointed out the case of Alexander Kostenko and the other eight activists who had been sentenced based on Russian law for an act that they had committed in February 2014, when Crimea did not belong to Russia even according to Russian law; condemned systematic repression of journalists through criminal procedures, as well as vandalism; pointed out the misuse of registration procedure, also leading to the closing down of the ATR channel; condemned the violation of cultural and religious rights; deplored restrictions on rights to education, free movement, property and also voting; Kryklyvenko listed the names of all Ukrainian citizens illegally detained in Russia; he called for regular meetings on Crimea; pointed out that it was impossible to cooperate with Russian ombudsman, as it would be conditioned on the recognition of the annexation; called for international presence in Crimea.

**18 May 2016:** [statement by DROI Chair](#) Elena Valenciano on the human rights situation of the Crimean Tatars; commemorated the anniversary of the 1944 deportations, called for stopping the arbitrary arrests, torture in detention and severe restrictions on the rights to peaceful assembly, freedom of expression, religion and belief; welcomed the urgency resolution of the EP adopted on 12 May 2016, and called on Russian authorities to fully respect their human rights obligations.

**6 October 2016:** [joint meeting](#) of AFET, DROI and DEVE; Mustafa Dzhemilev, former Chair of the Mejlis of the Crimean Tatar People was nominated for the Sakharov Prize; the nomination pointed out his 50-year-long stance on human rights and minority rights, not only for the Crimean Tatars, but also for the Ukrainian people; indicated that he was banned from entering Crimea.

**8 December 2016:** [meeting](#) of the DROI subcommittee on the human rights issue in conflict areas in the EaP region, together with delegation to EURONEST; speakers included Daniil Khochabo, Deputy to the Director of the Directorate of Political Affairs, Council of Europe, András Rácz from the Finnish Institute of International Affairs, Dmytro Shulga of the International Renaissance Foundation, Oleksandra Matviychuk, Chair of the Centre for Civil Liberties Ukraine, Irakli Porchkhidze, Vice President of the Georgian Institute of

Strategic Studies, and Dennis Sammut, Executive Director of LINKS; Khochabo pointed out that, according to the CoE, since the ban on the Mejlis, repressions against the Crimean Tatars had assumed a collective rather than an individual nature, compared to previously; warned that Russia was stepping up internal security measures in Crimea, hampering the remaining Crimean media; indicated that international attention helps victims of human rights violations, as demonstrated by the cases of Sentsov and Kolchenko; Rácz warned about the militarisation of Crimea; Shulga and Matviychuk enumerated systematic repressions; mentioned more than three dozen political prisoners; pointed out that the banned Mejlis was the last forum for peaceful resistance; warned that no free media were left; warned about the changing ethnic balance in Crimea due to the massive influx of Russians; suggested considering sanctions for human rights violations as well; suggested an EU human rights monitoring mission to Ukraine; warned about a deliberate policy of terror by the *de facto* separatist authorities in eastern Ukraine, including an organised system of kidnapping and torture with nearly 80 detention centres; warned that it was not possible to organise a normal referendum in the occupied territories; pointed out the violence perpetrated against women and the use of forced labour by separatists, including tasks of a military nature.

**12 December 2016:** [extraordinary joint meeting](#) of AFET, DROI and DEVE with the 2016 Sakharov Prize laureates Nadia Murad and Lamia Haji Bashar; Mustafa Dzhemilev, former Chair of the Mejlis of the Crimean Tatar People was invited to the meeting, even though he did not win the award. The meeting pointed out Dzhemilev's non-violent struggle for freedom and personal friendship with Sakharov.

**22 March 2017:** [exchange of views](#) with participants of the joint EP-OSCE ODIHR (Office for Democratic Institutions and Human Rights) conference on 'Strengthening Regional Human Rights Defenders' Networks in Western Balkans, Eastern Europe and Turkey'; Oleksandra Matviichuk of Euromaidan SOS highlighted the stumbling blocks to the work of human rights defenders: lack of access to Crimea and eastern Ukraine, inability to monitor the situation even with the help of Russian colleagues, and the plight of Mykola Semena and Emil-Usain Kuku; called on the EU to help strengthen cooperation between Ukrainian and Russian human rights defenders; proposed that the EU should appoint an European Union Special Representative (EUSR) on Crimea and eastern Ukraine and impose additional sanctions on Russia in response to human rights violations in Crimea; called on the Ukrainian authorities to provide a simplified procedure for gaining access to Crimea for journalists, human rights defenders and lawyers.

### 3 EU-Ukraine Parliamentary Association Committee (PAC)

**2 July 2015:** [meeting of PAC Bureau](#); condemned the human rights abuses in Crimea; mentioned Nadiya Savchenko; noted the deteriorating human rights situation in eastern Ukraine; welcomed the EU's substantive humanitarian support; called for higher visibility regarding the EU's humanitarian action.

**24-25 February 2015:** [first meeting of PAC](#), held in Brussels; regarding the humanitarian situation, the final statement condemned Russia's actions against Ukraine's sovereignty and territorial integrity; deplored Russia's practice of sending so-called 'humanitarian convoys' to the occupied territories in violation of international law; encouraged measures to support the ceasefire; condemned the escalation of violence and the death of numerous civilians, including children; expressed great concern about the humanitarian situation in the Donbas and called on the European Commission to prepare a humanitarian action plan by also stressing the need for financial assistance; estimated that the number of IDPs exceeded 1 million; condemned the widespread abuses of human rights both in Crimea and in the occupied territories in eastern Ukraine, highlighting the plight of the Crimean Tatars in particular; called for the immediate release of Nadiya Savchenko and other imprisoned Ukrainians; welcomed the extension of the restrictive measures against Russia and called for a unified EU approach in the continuation of diplomatic pressure; supported the independent investigation of the MH17 case.

**4-5 November 2015:** [second meeting of PAC](#), held in Kyiv; addressed the humanitarian situation in Crimea and in eastern Ukraine; called on Russia to implement the Minsk Agreements; stressed the need to organise

free and fair elections in the occupied parts of eastern Ukraine; called on Russia to ensure the safe return of people to Donbas; condemned separatist authorities for blocking the delivery of aid; welcomed the creation of the Agency for Donbas Recovery; spoke about 1.5 million IDPs; emphasised that particular attention needed to be paid to children; commended the release of the Dutch Safety Board report on flight MH17 and called on Russia to co-operate in the investigation; called for the release of all hostages, in line with the Minsk Agreements by specifically mentioning Savchenko, Sentsov and Kolchenko; expressed concern over the worsening humanitarian situation in Crimea; welcomed the fact that the DROI subcommittee was holding a series of hearings to map the facts and obtain updated information on the human rights situation in Crimea and in eastern Ukraine.

**2 March 2016:** [meeting of PAC Bureau](#) ; stressed the need for reforms, particularly in relation to the judiciary and the de-oligarchisation of the country; urged reformist forces to stabilise the government; mentioned the humanitarian crisis in Donbas, Crimea, and the repressions against the Crimean Tatars; reiterated the commitment to shed light on human rights violations.

**25-26 April 2016:** [third meeting of PAC](#), held in Brussels; condemned the illegal annexation of Crimea and the occupation of parts of eastern Ukraine; called on Russia as an occupying power to cease violations of human rights; demanded unhindered access for the OSCE Special Monitoring Mission (SMM); urged the exchange of all hostages and prisoners, including Savchenko; condemned the suspension of the Mejlis and the fact that it had been labelled as an extremist organisation by Russia; welcomed the appointment of a Minister of Internally Displaced Persons (IDPs), Anti-Terrorist Operations Zone and Occupied Territories; urged the Ukrainian authorities to develop a comprehensive integration strategy for IDPs; pointed out that pensions and social assistance needed to be available for all Ukrainian citizens, including those living in the occupied territories; welcomed the National Human Rights Strategy and Action Plan 2015–2020 and urged the government to work closely with Ukrainian civil society and international actors on its implementation; called for the alignment of the new law on anti-discrimination and the Labour Code with the EU anti-discrimination directives.

**20-21 September 2016:** [fourth meeting of PAC](#), held in Kyiv; the final statement and recommendations pointed out the breach of Ukraine's sovereignty and territorial integrity by Russia; warned about the grave humanitarian situation in eastern Ukraine; welcomed the release of Savchenko (25 May 2016) as well as that of Yuri Soloshenko and Gennady Afanasiev (14 June 2016), as a result of combined Ukrainian and international efforts; recalled that a number of Ukrainian citizens, including Oleg Sentsov, were still being held illegally in Russia; underlined the importance of international efforts aimed at the release of all Ukrainian citizens still in captivity; called on Russia to allow international humanitarian organisations access to Crimea; supported the establishment of international human rights monitoring in the occupied territories. Deplored the systemic repressions against the Crimean Tatars; condemned the suspension of the Mejlis; condemned the detention of Ilmi Umerov, Deputy Chairman of the Mejlis, who was tortured in a psychiatric clinic. Pointed out that there were more than 1.6 million IDPs, of whom more than 190,000 were children; underlined that the delivery of pensions and social assistance needed to be ensured for all Ukrainian citizens, including IDPs, and that children's rights to education, safety and healthcare should be guaranteed. The statement underlined the importance of the National Human Rights Strategy 2016–2020; demanded full investigation of crimes committed during Euromaidan and on 2 May in Odessa; welcomed anti-discrimination legislation; pointed out the situation of the LGBTI community; expressed concerns about recent cases of intimidation and violence against journalists. Welcomed the declaration by the Ukrainian government to accept ICC jurisdiction over the crimes committed between 21 November 2013 and 22 February 2014; urged the government and the VR to adopt the relevant legislation.

**15-16 March 2017:** [fifth meeting of PAC](#), held in Brussels; on the humanitarian situation, the final statement reiterated the support for the sovereignty and territorial integrity of Ukraine and condemned

the aggression committed by Russia; welcomed the consistent non-recognition policy of the EU; welcomed the prolongation of the EU's restrictive measures against the Russian Federation; expressed deep concerns about the deteriorating security situation around Avdiivka and the suffering of the civilian population there; called on Russia to cease the support provided to illegal armed formations; condemned the executive order signed by the Russian President recognising travel documents issued by the Russian proxies; called for complete respect for property rights in the occupied territories and condemned the formal introduction of the Russian rouble there; expressed concerns about the Ukrainian citizens arrested in the occupied territories and called for their immediate release, also by encouraging the exchange of prisoners; underlined the importance of raising awareness, education, online media and information literacy in the EU and in Ukraine in order to increase resilience against propaganda; reiterated the plight of the 1.8 million IDPs and welcomed the adoption of the Action Plan for certain areas of the Donetsk and Luhansk regions; called for an inclusive approach to Ukrainian citizens living in the occupied territories; called for unhindered access for all humanitarian actors to the separatist-controlled territories.

#### 4 European Parliament's Delegation to the EU-Ukraine Parliamentary Association Committee (D-UA)

**8 October 2014:** [meeting of the D-UA with UA Ambassador Konstantyn Yelisieiev](#), Head of Support Group Peter Balas, and the Head of Division of the Eastern Partnership, Dirk Schuebel.; briefing on the political and human rights situation.

**3 November 2014:** [statement by the D-UA, issued by Chairman Andrej Plenkovic](#), on the rejection of recognition of the 'elections' held in the occupied parts of the Donetsk and Luhansk regions.

**25 November 2014:** [extraordinary meeting of the D-UA](#) with Ielyzaveta Shchepetylnykova and Mustafa Nayem, representatives of the Euromaidan movement, nominated for the 2014 Sakharov Prize.

**8 December 2014:** [meeting of the D-UA with Mustafa Dzhemilev and Refat Chubarov](#) about the situation in Crimea and the state of the Crimean Tatar community with an emphasis on human rights violations, such as abductions, disappearances and the persecution of activists, as well as actions taken against Crimean Tatar media and the effects of 'passportisation'.

**5 February 2015:** [meeting of D-UA condemning Russia's escalating attacks at Debaltseve](#) and particularly the attacks on the civilian population; called for respect for the Minsk Protocol and the ceasefire regime.

**28 August 2015:** [statement by the D-UA](#); denounced and rejected the sentences meted out to Sentsov and Kolchenko; demanded their immediate release; mentioned Nadiya Savchenko and, collectively, the other Ukrainian prisoners illegally detained in Russia.

**14 October 2015:** [joint statement by the D-UA with AFET](#) on the report by the Dutch Safety Board on flight MH17; supported the establishment of an international criminal tribunal; expressed its regrets over the Russian veto; called on Russia to co-operate and bring the responsible individuals to justice.

**25 November 2015:** [meeting of D-UA with Gianni Buquicchio](#), President of the Venice Commission, to assess the reforms process in Ukraine; welcomed the fact that President Poroshenko had submitted the draft constitutional amendment on the judiciary reform to the VR; supported strengthening the rule of law; mentioned Sentsov and Kolchenko.

**9 March 2016:** [joint statement by the D-UA with AFET](#) on Nadiya Savchenko; pointed out the state of her health; condemned Russia for depriving her of receiving support and for the postponement of the final hearing; demanded immediate and unconditional release; warned that 'her days are numbered, unless she is released'.

**19 April 2016:** [meeting of the D-UA with Mark Feygin](#), Nadiya Savchenko's lawyer; exchanged views on her health and options for support; discussed the possibilities for her release.

**25 May 2016:** [joint statement by the D-UA with AFET](#) on the release of Nadiya Savchenko; welcomed her release; pointed out the importance of joint international efforts, including those undertaken by the EP.

**14 June 2016:** [meeting of the Committee on Legal Affairs \(JURI\) in association with D-UA](#) on the judiciary reform in Ukraine; in addition to the overall topic of reforming the judiciary and the fight against corruption, the hearing focused on recent constitutional amendments and the reform of the prosecutor service in the Ukraine.

**14 December 2016:** [joint meeting of the D-UA and D-RU](#), and **exchange of views** with Mustafa Dzhemilev on the situation in Crimea and of the Crimean Tatar people. Dzhemilev briefed the MEPs on the latest systematic repressions of the Tatar community, including the disappearances and politically motivated trials that had occurred shortly before the meeting.

## 5 Other relevant EP actors

The list below provides an additional overview of actions taken by EP bodies and representatives, insofar as they are relevant for human rights promotion in Ukraine. The actions are listed in chronological order according to each actor. The type of action is highlighted in bold. In relation to the EP President, only most relevant statements and those linked to official meetings are listed, excluding twitter messages. For the sake of consistency, the 'Ukraine Week' held in March 2016 is listed below as a meeting.

### AFET:

**7 December 2013:** **visit** of AFET Chairman Elmar Brok to Kyiv

**29 January 2014:** **visit** to Kyiv ([report to committee](#))

**23 February 2014:** **visit** to Kyiv ([press release](#))

**23 July 2015:** **visit** to Ukraine jointly with DROI (see above)

**22 December 2016:** **visit** of AFET Chairman Elmar Brok to Kyiv

**8 April 2017:** **visit** of AFET Chair David McAllister and Delegation Chair Dariusz Rosati to Kyiv ([press release](#)).

### EP Democracy Support and Election Coordination Group (DEG):

**25 May 2014:** [electoral observation](#) mission to the presidential elections in Ukraine

**25 October 2014:** [electoral observation](#) mission to the parliamentary elections in Ukraine

**3 July 2015:** [signature of Memorandum of Understanding](#) on EP-VR cooperation

**25 October 2015:** [electoral observation](#) mission to the local elections in Ukraine

**2 March 2016:** [meeting](#) in the framework of the 'Ukraine Week' in the EP

**29 October 2016:** first [meeting](#) of the Jean Monnet Dialogue in France

**19 April 2017:** second [meeting](#) of the [Jean Monnet Dialogue](#) in Ukraine

**EURONEST:**

**1 November 2016:** [meeting](#) of Committee on Political Affairs, Human Rights and Democracy and Committee on Social Affairs, Education, Culture and Civil Society in Ukraine

**JURI/INTA:**

**24 September 2015:** visit to Ukraine ([programme and delegation report](#))

**President of the EP:**

**12 September 2014:** **visit** of Martin Schulz to Kyiv ([speech](#) at YES conference)

**16 September 2014:** [statement](#) of the President on the joint ratification of the AA by the EP and the VR

**27 October 2014:** [statement](#) on the parliamentary elections in Ukraine

**24 January 2015:** [statement](#) of the President on the situation in Mariupol

**3 July 2015:** Signature of [Memorandum of Understanding](#) on EP-VR cooperation

**16 September 2015:** joint [statement](#) with VR Speaker Vasily Groyzman on the first anniversary of signing the AA

**1 March 2016:** joint [statement](#) with VR Speaker Groyzman on opening 'Ukraine Week'

**17 May 2017:** [meeting](#) of President Antonio Tajani with Poroshenko

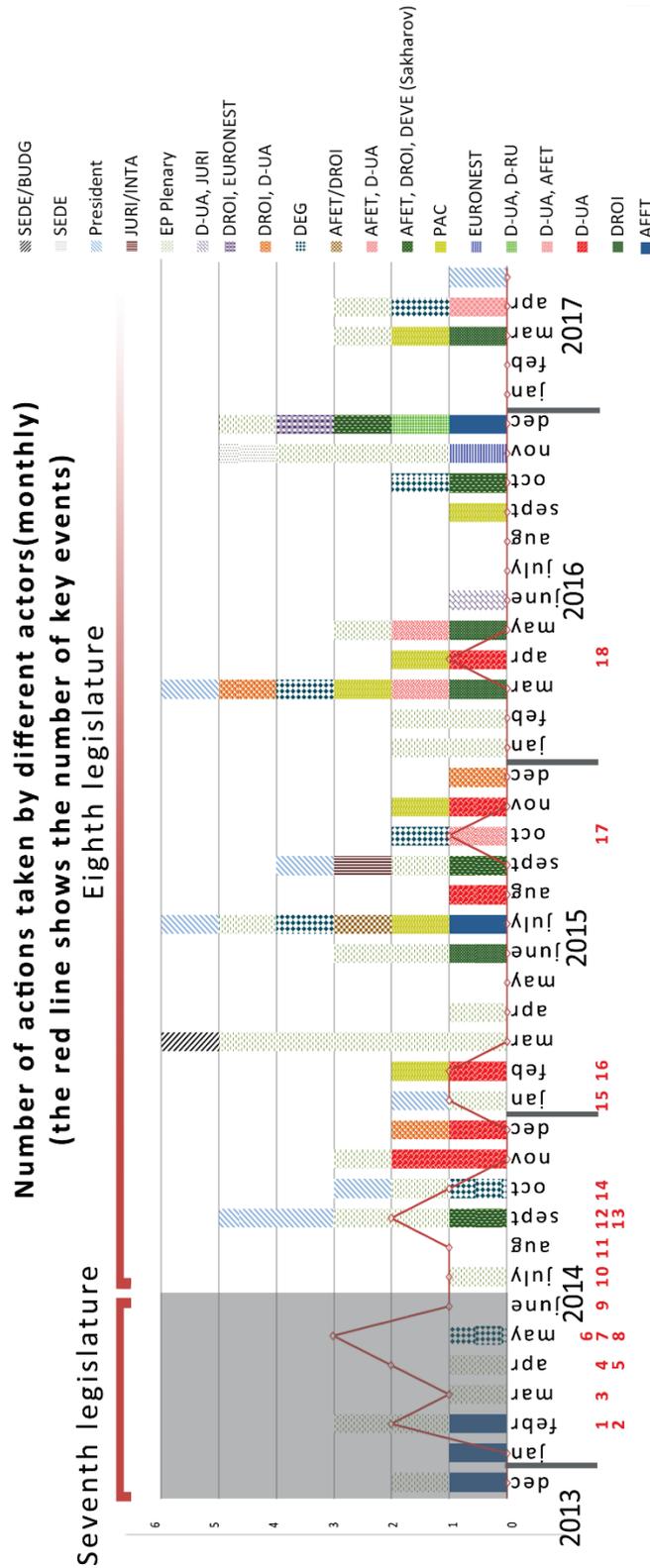
**SEDE:**

**2 November 2016:** **visit** to Ukraine on security situation, civilian security sector reform ([press release](#))

**SEDE/BUDG:**

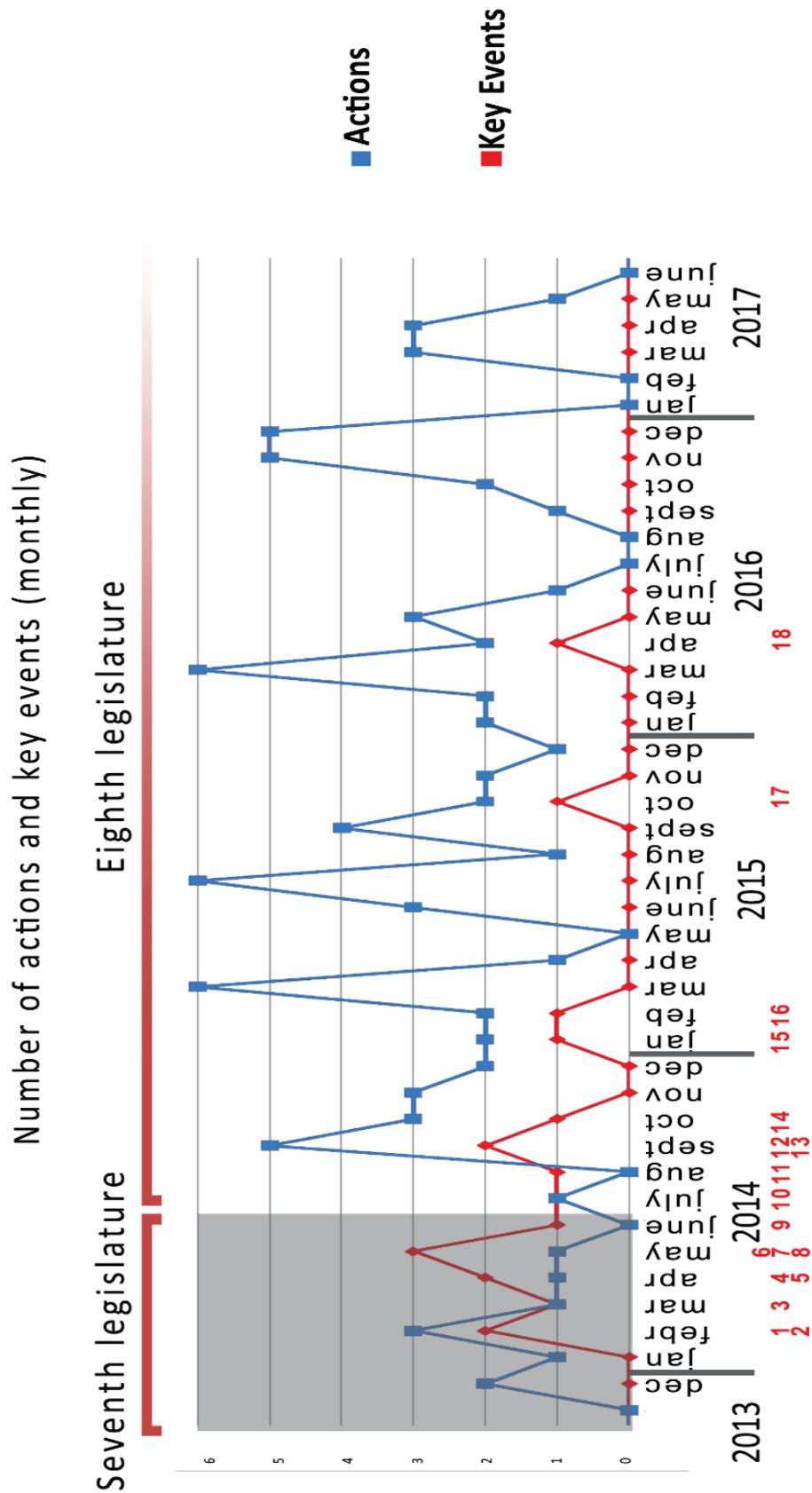
**19 March 2015:** **visit** to Ukraine ([report to committee](#))

## 6 Visualisation of the EP's human rights protection activities



Graph No. 1: Number of key actions taken by official EU bodies<sup>24</sup>

<sup>24</sup> All graphs were produced by ATLAS Dronography.



Graph No. 2: Number of key actions and key events undertaken by official EU bodies

- 1 2014.02.22 President Viktor Yanukovich removed from office, victory of EuroMaidan
- 2 2014.02.23 Illegal annexation of Crimea starts
- 3 2014.03.18 Illegal annexation of Crimea completed
- 4 2014.04.07 Donetsk illegally proclaims its "independence"
- 5 2014.04.12 Armed violence in Eastern Ukraine starts with Russia-supported separatists capturing Donetsk
- 6 2014.05.02 The fire in Odessa trade union building
- 7 2014.05.12 Luhansk illegally proclaims its "independence"
- 8 2014.05.25 Election of Petro Poroshenko as President
- 9 2014.06.27 Signing of the EU-UA Association Agreement
- 10 2014.07.17 Shooting down of MH17
- 11 2014.08.29 The battle of Ilovaysk
- 12 2014.09.05 Signing of the Minsk Protocol
- 13 2014.09.16 EP and VR ratify the Association Agreement
- 14 2014.10.26 Parliamentary elections
- 15 2015.01.31 The battle of Debaltseve
- 16 2015.02.11 Signing of the Minsk Agreement
- 17 2015.10.25 Local elections in Ukraine
- 18 2016.04.26 The ban on the Mejlis

Key events linked to official EU bodies during the crisis

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