

**Remarks by Ivan Šimonović, Assistant Secretary-General for Human Rights on cooperation  
and assistance to Ukraine in the field of human rights**

**Geneva, 29 June 2016**

主管人权事务助理秘书长伊万·西蒙诺维奇关于乌克兰人权领域合作与援助问题的讲话  
日内瓦，2016 年 6 月 29 日

Mr. President,  
Excellencies,  
Ladies and gentlemen,

主席先生，

各位阁下，

女士们，先生们，

Our last quarterly public report covers the period 16 February to 15 May 2016, and is the 14th report of this kind. The report marks two years since the start of the conflict and takes stock of the current human rights situation in Ukraine. My remarks are also based on my recent mission to Ukraine from 28 May to 4 June, which focused on the conflict affected areas in the east on both sides of the contact line.

我们最新的季度报告覆盖 2016 年 2 月 16 日至 5 月 15 日这段时期，是第 14 份此类报告。报告标志着冲突开始两周年，并盘点了乌克兰当前的人权状况。我的发言也立足于我最近在 5 月 28 日至 6 月 4 日对乌克兰的访问，访问聚焦于该国东部接触线两侧的冲突影响区。

Mr. President,  
主席先生，

This conflict has led to 31,292 casualties as of 25 June. This includes 9,449 people killed and 21,843 injured. This is a conservative OHCHR estimate based on available data; we believe that the real casualty figures are higher. Out of 9,449 killed, up to 2,000 were civilians. Most of them were killed as a result of indiscriminate and/or disproportionate shelling of residential areas, mostly in 2014 and beginning of 2015.

截至 6 月 25 日，本次冲突已导致 31292 人伤亡。这包括 9449 人被杀，21843 人受伤。这是人权高专办根据可用数据的保守估计；我们相信实际伤亡数字要高出不少。在 9449 名死亡者中，多达 2000 人是平民。其中大多数人都死于不加区分和/或不成比例的炮击居民区事件，主要发生在 2014 年和 2015 年初。

Since the 1 September 2015 ceasefire, civilian casualties have substantially decreased with less than 10 people killed and less than 30 injured on average a month. This shows us that a ceasefire can work, but must be fully implemented. There are, however, reasons for concern. During the

three months covered by the 14th report, OHCHR has recorded 113 conflict-related civilian casualties in eastern Ukraine: 14 killed and 99 injured. Since 15 May, OHCHR recorded additional 67 civilian casualties: 11 killed and 56 injured. The conflict is slowly re-escalating once again.

自 2015 年 9 月 1 日停火以来，平民伤亡显著减少，平均每月只有不到 10 人被杀，不到 30 人受伤。这向我们表明了停火可以起到作用，但必须得到充分执行。然而，也有令人担忧的理由。在第 14 份报告所涉的三个月时间内，人权高专办在乌克兰东部记录了 113 起冲突相关的平民伤亡事件：14 人死亡，99 人受伤。5 月 15 日以来，人权高专办又记录了 67 起平民伤亡：11 人死亡，56 人受伤。冲突正再次缓慢升级。

Since 15 May, half of all civilian casualties were caused by shelling from mortars and howitzers – weapons which use in the conflict zone are prohibited by the Minsk Agreements. The majority of these casualties are recorded in the vicinity of Donetsk and Horlivka cities controlled by the armed groups, and in the towns of Avdiivka and Mariinka controlled by the Government. Clashes and exchanges of fire are reported in these hotspots on a daily basis.

5 月 15 日以来，一半的平民伤亡由迫击炮和榴弹炮的轰击造成——《明斯克协议》禁止这些武器在冲突区使用。其中大部分伤亡都出现在武装组织控制的顿涅茨克和戈尔洛夫卡（Horlivka）市附近，以及政府控制的阿夫迪夫卡（Avdiivka）和马林卡（Mariinka）镇。在这些热点，每天都有冲突和交火的报道。

Since mid-April, OSCE monitors have observed an increase in heavy weaponry near the contact line, where the sides are getting closer. There is a high risk of the re-escalation of wide-scale hostilities, if urgent action is not taken to separate sides and remove heavy weaponry.

四月中旬以来，欧安组织监察员观察到接触线附近重武器的增加，各方越来越接近。如果不采取紧急行动将各方分开并撤出重型武器，那么就存在很高的大范围敌对行动升级的风险。

Explosive remnants of war and improvised explosive devices continued to account for about half of civilian casualties in recent months. Mines, booby traps, and unexploded remnants of war represent a major threat to civilians. During my mission, I strongly advocated for the systemic coordination of mine action activities by all sides, better sharing of information, identification, mapping and demarcation of contaminated areas, their clearance, and comprehensive support for victims of mine and explosive remnant of war-related incidents.

战争的爆炸残留物和简易爆炸装置继续占到近几个月平民伤亡的近一半。地雷、饵雷和未爆炸的战争残留物给平民构成了重大威胁。访问期间，我强烈提倡各方系统性地协调排雷活动，更好地分享信息，辨识、绘制并标记雷区，排除地雷，并全面支持地雷受害者和战争相关事件导致的爆炸残留物受害者。

Excellencies,

各位阁下，

Freedom of movement of civilians continues to be severely curtailed, with 20,000 to 30,000 people trying to cross the contact line each day, with only five corridors available. Civilians queue for long hours, including overnight, even at times of heightened hostilities. On 27 April 2016, for example, four civilians were killed and eight others injured by shelling while waiting at a checkpoint on the road between Mariupol and Donetsk city. These restrictions have a direct impact on the daily life of civilians, who have difficulties obtaining official birth and death certificates, getting their pensions paid or having access to proper social and medical services.

平民的行动自由依然严重受限，每天都有 2 至 3 万人尝试跨过接触线，而只有五条走廊可以通过。平民长时间排队，包括彻夜排队，甚至在敌对行动高发期。比如，2016 年 4 月 27 日，在马里乌波尔和顿涅茨克市之间道路上的一个检查站，四名平民在等候时死于炮击，另有八人受伤。这些限制对平民的日常生活造成直接影响，他们很难获得官方的出生和死亡证明，得到养老金或获得适当的社会和医疗服务。

Many people are missing as a result of the conflict. Since mid-April 2014, 865 people are still considered missing in the Government-controlled parts of Donetsk region. And in those districts of Donetsk region which are controlled by the armed groups, 496 individuals are reported missing. There have been hundreds of people missing in Luhansk region, on both sides of the contact line. The Government is in the process of developing a law on missing persons, which we welcome. We have also recommended the Government to establish an independent and impartial, centralized State authority for tracing missing persons and identifying human remains. I have also strongly argued for cooperation between Government and armed groups in establishing the fate of missing persons.

许多人因为冲突失踪。自 2014 年 4 月中旬以来，仍有 865 人被认定在政府控制的顿涅茨克部分地区失踪。在武装团体控制的顿涅茨克各区，据报有 496 人失踪。卢甘斯克地区接触线两侧目前有数百人失踪。政府正在制定一项关于失踪人员的法律，我们表示欢迎。我们也已建议政府成立一个独立、公正的中央国家当局，追踪失踪人员并辨识遗体。我也强烈呼吁政府和武装团体开展合作，查明失踪者的命运。

This report also marks two years since the Russian Federation extended its control over the Autonomous Republic of Crimea. The human rights situation in Crimea has considerably deteriorated since. Anti-extremism and anti-terrorism laws have been used to criminalize non-violent behaviour and stifle dissenting opinion, while the judicial and law enforcement systems have been instrumentalized to clamp down on opposition voices. Worst affected are Crimean Tatars, whose main representatives body, Mejlis, has been banned, and whose representatives I met during my visit. I urge the Supreme Court of the Russian Federation to overturn the prohibition decision to outlaw the Mejlis.

这份报告也标志着俄罗斯联邦将控制范围延伸到克里米亚自治共和国的两周年。克里米亚的人权状况从此严重恶化。反极端主义和反恐怖主义法律被用来将非暴力行为列罪入刑，并压

制了异见，而司法和执法系统也被用来打压反对声音。受到最严重影响的是克里米亚鞑靼人，他们的主要代表机构议事会（Mejlis）已遭禁止，我在访问中见到了他们的多名代表。我敦促俄罗斯联邦最高法院推翻将议事会列为非法的禁止令。

Mr. President,

主席先生，

The situation in Ukraine remains volatile and could develop along three scenarios. The conflict could escalate, with dire consequences for civilians and broader ramifications for the region; it could become a 'frozen conflict', creating a protracted environment of insecurity and instability; or move towards sustainable peace. The last scenario is the only favourable one, so how to get there?

乌克兰的局势依然动荡，可能朝着三种场景发展。冲突可能升级，给平民造成惨重后果，给地区带来广泛的影响；它可能成为一场“冻结冲突”，制造长期的不安全和不稳定环境；或走向可持续的和平。最后的场景是唯一可喜的，那么如何实现？

When talking to people in Government controlled areas, I have noticed that Minsk is not very popular, but it is still the best chance for a sustainable peace. There must be a more productive way to implement the Minsk Package of Measures. Many of the measures agreed at Minsk are human rights related, and they must be implemented in line with human rights standards.

我在政府控制区和人们交谈时，注意到《明斯克协议》并不是很受欢迎，但它仍是可持续和平的最佳机会。必须有更高效的方式落实明斯克一揽子措施。许多在明斯克约定的措施都与人权相关，它们必须根据人权标准落实。

This crisis started with demands for human rights and freedoms, and these demands remain today on either side of the contact line.

Firstly, fundamental freedoms are severely limited for 2.7 million people living in armed group-controlled areas. Limits to their freedom of expression, peaceful assembly, and association as well as lack of any space for dissenting views casts doubt on the prospects of holding free and fair elections in these areas until the situation improves. Only respect for civil and political rights brings them closer to the elections whose results can be recognised.

But in Government controlled areas, I also heard complaints about the curbing of civil and political rights, especially in the conflict zone. Of course the situation there is challenging but I am calling on the Government to uphold human rights and think about the future that Ukrainians want for their country.

这场危机始于对人权与自由的要求，这些要求如今在接触线两侧依然存在。



首先，生活在武装团体控制区的 270 万人的基本自由严重受限。他们的言论、和平集会与结社自由受到限制，缺少表达异见的空间，这给这些地区在局势改善前举行自由公正选举的前景蒙上了阴影。只有尊重公民和政治权利，才能让他们更接近选举且让选举结果得到承认。

但在政府控制区，我还听说了关于限制公民和政治权利的投诉，特别是在冲突区。当然，这种局势充满挑战，但我呼吁政府坚持人权，思索乌克兰人愿意在自己国家看到的未来。

Secondly, rule of law. Ukraine needs a justice reform, which will strengthen the system both in sense of independence of judges, fight against corruption and addressing conflict related violations.

第二，法治。乌克兰需要司法改革，这将在法官独立性、打击腐败和解决冲突相关暴力的意义上加强法律体系。

This report marks two years since the violence of Maidan in Kyiv and 2 May violence in Odesa. There has been no meaningful progress in bringing those responsible to justice, in particular those in authority. In Odesa, the proceedings and investigations have been marred with irregularities. Government must take effective measures to protect judges from interference and pressure in high-profile cases. The recent adoption by the Parliament of constitutional amendments related to the judiciary has created a rare opportunity to break with the past.

这份报告也标志着基辅广场暴力和敖德萨 5 月 2 日暴力的两周年紀念。在將責任人繩之以法方面沒有取得有意義的進展，特別是对當權者。在敖德薩，訴訟程序和調查充滿了不合規現象。政府必須採取有效措施保護法官在引人注目的案件中免受干預和壓力。議會近期通過有關司法部門的憲法修正案創造了一個難得的機會，與過去劃清界限。

In a worrying pattern of behaviour, armed groups continue to deny all international organizations access to places of deprivation of liberty. The Security Services of Ukraine (SBU) is also not always providing access to all places where detainees may be kept. Independent international visits to all detention facilities and verification of all those held is a pre-condition for a successful 'all for all' release, envisaged by Minsk.

在一种令人担忧的行为模式中，武装组织继续拒绝所有国际组织进入剥夺自由场所。乌克兰安全局也并非总是为所有可能扣押着被拘者的场所提供准入。对所有拘留设施开展独立国际访问并核实所有被拘者身份是明斯克展望的“全体交换”式释放取得成功的前提。

OHCHR has credible information of illegal and incommunicado deprivation of liberty by armed groups, as well as torture and ill-treatment. OHCHR also continues to receive accounts about torture and ill-treatment, arbitrary and incommunicado detention by the SBU, especially in the conflict zone. Torture and threats to members of the families, including sexual threats, are never justifiable, and perpetrators will be held to account sooner or later.

人权高专办得到了关于武装团体非法单独剥夺自由、酷刑和虐待的可靠消息。人权高专办也继续收到一些说法，称乌克兰安全局犯下酷刑和虐待、任意和单独拘留行为，特别是在冲突区。家庭成员受到酷刑和威胁，包括性威胁，是绝对不合理的，肇事者迟早将被绳之以法。

The pre-condition for any amnesty is a more reliable justice system capable of distinguishing and effectively prosecuting crimes. War crimes, crimes against humanity and grave breaches of human rights cannot be the subject of an amnesty.

任何大赦的前提都需要更可靠的司法系统——能够区分并有效起诉犯罪。战争罪、危害人类罪和严重侵犯人权的行为不得获得大赦。

Thirdly, on social and economic rights, I am very concerned with the overall decrease of standard of living and quality of social services in Ukraine. But some categories of the population are especially vulnerable.

第三，关于社会和经济权利，我很担心乌克兰生活水准和社会服务质量的总体下降。但某些类别的人群尤其脆弱。

It is critical that everyone in Ukraine enjoy legal and social protection equally. The verification of social payments, introduced by the Government of Ukraine this year, has had an adverse impact on IDPs, especially the most vulnerable ones. As far as the Government is concerned, IDPs, and people in the conflict-affected areas (including those areas controlled by armed groups) must continue to receive their social entitlements without discrimination.

至关重要的是，每个人在乌克兰都要平等享有法律和社会保护。乌克兰政府今年引入的社保费用核实行动对境内流离失所者造成了不利影响，特别是最脆弱的人。就政府而言，境内流离失所者和身处冲突影响区的人（包括武装团体控制区）必须继续不受歧视地享受社保权益。

Excellencies,

各位阁下，

In Donetsk, I strongly urged those in command to register humanitarian organisations and stop depriving the population from humanitarian assistance that is sometimes available and ready to be distributed right away. I wanted to do the same in Luhansk but I was not let in.

在顿涅茨克，我强烈敦促指挥层为人道主义组织注册，并停止剥夺人们享有人道主义援助，这种援助有时候是可用的，并且已准备好立即划拨。我希望在卢甘斯克也这样做，但我未能进入。

Much civilian property is damaged and people have nowhere to go. The Government should investigate and provide remedies in relation to all incidents of damage, confiscation and looting of property, including by the Ukrainian armed forces, and establish a mechanism for restitution.

很多民用财产受到破坏，人们无处可去。政府应当开展调查并为所有损害、充公和洗劫财产事件提供相关补救，包括乌克兰武装部队犯下的行为，并建立归还机制。

I was encouraged to hear from the newly appointed Minister for temporarily occupied areas and displaced persons that equal rights to social entitlements and rights of private persons to compensation are part of his programme.

我很鼓舞地从新上任的被占地区与流离失所者问题部长处听说，他主持的方案包括平等的社保权益权和私人获得赔偿的权利。

Ladies and Gentlemen,

女士们，先生们，

Let me conclude. On both sides of the contact line leaders should listen to their people. I have heard them loud and clear: they want peace, human rights and the rule of law. OHCHR remains committed to assist Ukraine in this regard. In addition to monitoring and reporting on the situation of human rights in Ukraine, OHCHR will also step up its support to the Government of Ukraine through the provision of legal expertise and technical assistance, especially in the implementation of the National Human Rights Strategy and the Action Plan.

Thank you.

最后是我的总结。在接触线两侧，领导人都应该倾听人民的声音。我已经听到了他们响亮而清晰的声音：他们想要和平、人权与法治。人权高专办依然承诺在这个方面协助乌克兰。除了监测和报告乌克兰的人权状况，人权高专办还将通过提供法律专业知识和技术援助，特别是在落实国家人权战略和行动计划方面，加强对乌克兰政府的支持。

谢谢。

（来源：联合国官网）