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UKRAINE 2017 HUMAN RIGHTS REPORT

Note: Except where otherwise noted, references in this report do not include areas controlled by Russia-led forces in the Donbas region of eastern Ukraine or Russian-occupied Crimea. At the end of this report is a section listing abuses in Russian-occupied Crimea.

EXECUTIVE SUMMARY

Ukraine is a republic with a semipresidential political system composed of three branches of government: a unicameral legislature (Verkhovna Rada), an executive led by a directly elected president and a prime minister chosen through a legislative majority, and a judiciary. The country held presidential and legislative elections in 2014; international and domestic observers considered both elections free and fair.

Civilian authorities generally maintained effective control over security forces in the territory controlled by the government.

The most significant human rights issues included unlawful killings and politically motivated disappearances in the context of the conflict in the Donbas region; torture; and harsh and life-threatening conditions in prisons and detention centers; arbitrary arrest and detention; and lack of judicial independence. Other abuses included widespread government corruption; censorship; blocking of websites; government failure to hold accountable perpetrators of violence against journalists and anti-corruption activists; and violence against ethnic minorities, and LGBTI persons.

Russia-led forces in the Donbas region engaged in politically motivated disappearances, torture, and unlawful detention; restricted freedom of speech, assembly, and association; restricted movement across the line of contact in eastern Ukraine; and restricted humanitarian aid. The most significant human rights issues in Russian-occupied Crimea included politically motivated disappearances; torture; and restrictions on expression and association.

The government generally failed to take adequate steps to prosecute or punish most officials who committed abuses, resulting in a climate of impunity. Human rights groups and the United Nations noted significant deficiencies in investigations into human rights abuses committed by government security forces, in particular into allegations of torture, enforced disappearances, arbitrary detention, and other abuses reportedly perpetrated by the Security Service of Ukraine (SBU). The

perpetrators of the 2014 Euromaidan shootings in Kyiv have not been held to account.

Investigations into alleged human rights abuses related to Russia's occupation of Crimea and the continuing aggression in the Donbas region remained incomplete due to lack of government control in those territories and the refusal of Russia and Russia-led forces to investigate abuse allegations.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There was at least one report that the government or its agents committed possible arbitrary or unlawful killings. For instance, on December 6, human rights groups reported that beating(s) by police might have caused the death of 25-year-old Dmytro Lystovnychy in a Lutsk pretrial detention center. Lystovnychy had been arrested four days prior for allegedly stealing a bottle of whiskey. While the State Penitentiary Service initially alleged Lystovnychy had died of "acute hepatitis" and then asserted that he had committed suicide, Lystovnychy's family publicized photos of his body that showed significant injuries consistent with beatings. After the family filed a complaint, the Prosecutor General's Office (PGO) opened a murder investigation, which continued at year's end.

There were reports of killings by government and Russia-led forces in connection with the conflict in Luhansk and Donetsk Oblasts (see section 1.g.).

There were reports of apparent politically motivated killings by nongovernment actors. On March 23, former member of the Russian parliament Denis Voronkov, who had been granted Ukrainian citizenship after fleeing the Russian Federation in 2016, was shot and killed in downtown Kyiv. According to the PGO, Voronkov had given testimony and "was one of the main witnesses of the Russian aggression against Ukraine and, in particular, the role of [former Ukrainian president] Yanukovych regarding the deployment of Russian troops in Ukraine." As of year's end, the investigation remained open, and authorities had made no arrests.

On June 27, Maksym Shapoval, a high-ranking military intelligence official, was killed by a car bomb in Kyiv. He was reportedly investigating Russia's military aggression in the conflict in Donbas to support the country's case against Russia in

the International Court of Justice. The office of the military prosecutor was investigating the case at year's end.

On October 30, Amina Okuyeva was shot and killed in Kyiv Oblast. Her husband, Adam Osmayev, was injured in the shooting but survived. Okuyeva and Osmayev were well-known pro-Ukraine volunteer fighters in 2014 to 2015, as well as former Chechen dissidents who had relocated to Ukraine. On June 1, Okuyeva thwarted an attempt against Osmayev's life in downtown Kyiv when she returned fire, injuring the shooter. Osmayev's assailant had reportedly presented himself as a French reporter and asked Osmayev for an interview hours before the attack. The Kyiv Regional Prosecutor's Office designated Okuyeva's killing and the attempt on her husband as contract killings.

In March 2016 Yuriy Hrabovsky, a lawyer representing a detained Russian special forces soldier, Aleksandr Aleksandrov, disappeared in Odesa. His body was later found in a shallow roadside grave. The Military Prosecutor's Office arrested two suspects, and their trial began in December 2016. In January the judge ruled that subsequent hearings would be closed. The trial continued at year's end.

Authorities made no arrests during the year in connection with the 2016 killing of prominent journalist Pavel Sheremet. Human rights and press freedom watchdog groups expressed concern about the lack of progress in the government's investigation, suggesting high-level obstruction or investigatory incompetence as potential reasons. Independent journalistic investigations of the killing released in May uncovered significant evidence that investigators had apparently overlooked. On May 15, President Poroshenko expressed dissatisfaction with the investigation.

Human rights organizations and media reported deaths in prisons or detention centers due to torture or negligence by police or prison officers (see section 1.c., Prison and Detention Center Conditions).

Law enforcement agencies continued to investigate killings and other crimes committed during the Euromaidan protests in Kyiv in 2013-14. Human rights groups criticized the low number of convictions despite considerable evidence. Human rights groups also criticized prosecutors for focusing on low-ranking officials while taking little action to investigate government leaders believed to have been involved. According to the PGO, as of late July, five individuals had stood trial while 21 had absconded and were on the wanted list, including 15 suspects who had received Russian citizenship and were in Russia and three who had received political asylum in the Russian Federation.

On September 18, the Chornomorsk court in Odesa Oblast acquitted 19 defendants in the 2014 trade union building fire case due to lack of evidence. Two defendants were then rearrested in the courtroom and subsequently charged with attempting to violate the territorial integrity of the state. The case stemmed from violent clashes between Euromaidan and anti-Ukrainian unity demonstrators in downtown Odesa in 2014, during which 48 persons died, including six pro-Ukraine and 42 pro-Russia individuals. Those who supported autonomy died in a fire at the trade union building; authorities largely failed to investigate their deaths, focusing on alleged crimes committed by individuals seeking more autonomy.

b. Disappearance

There were multiple reports of politically motivated disappearances in connection with the conflict between the government and Russia-led forces in the Donbas region and by Russian occupation authorities in Crimea (see section 1.g. and the Crimea subsection).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution and law prohibit torture and other cruel and unusual punishment, there were reports that law enforcement authorities engaged in such abuse. While courts cannot legally use as evidence in court proceedings confessions and statements made under duress to police by persons in custody, there were reports that police and other law enforcement officials abused and, at times, tortured persons in custody to obtain confessions.

In the Donbas region, there were reports that government and progovernment forces engaging in military operations at times committed abuses, including torture. There were reports that Russian-led forces in the self-proclaimed “people’s republics” of Donetsk and Luhansk systematically committed numerous abuses, including torture, to maintain control or for personal financial gain. According to international organizations and nongovernmental organizations (NGOs), abuses included beatings, forced labor, psychological and physical torture, public humiliation, and sexual violence (see section 1.g.).

Abuse of prisoners and detainees by police and prison authorities remained a widespread problem. The Council of Europe’s Committee for the Prevention of Torture (CPT) expressed concern about the frequency of allegations of

mistreatment by police officers. In most cases police allegedly inflicted the mistreatment while attempting to obtain a confession. For example, police detained 24-year-old Ihor Kozoriz in Terebovlya, Ternopil Oblast, on suspicion of robbery and hooliganism; they then brought him to a police station where they beat, electrocuted, and raped him. At year's end the local prosecutor's office had an open investigation into the case.

There were continued reports that authorities had used torture against individuals detained on national security grounds. According to the UN Office of the High Commissioner for Human Rights Human Rights Monitoring Mission (HRMMU) and human rights groups, most of these abuses were associated with the SBU. The HRMMU noted most related cases occurred during prior years but were only documented during the year. According to a UN Subcommittee on the Prevention of Torture (SPT) report released in May and based on two 2016 visits to Ukraine, the SPT "received numerous and serious allegations of acts that, if proven, would amount to torture and mistreatment. Persons interviewed by the Subcommittee in various parts of the country have recounted beatings, electrocutions, mock executions, asphyxiations, acts of intimidation and threats of sexual violence against themselves and their family members. In the light of all the work done and experience gained during the visit, the Subcommittee has no difficulty in concluding that these allegations are likely to be true. Many of the above-mentioned acts are alleged to have occurred while the persons concerned were under the control of the State Security Service or during periods of unofficial detention."

According to Human Rights Watch, on August 15, SBU officers in Dnipropetrovsk Oblast forced 29-year-old Daria Mastikasheva out of her car, pushed her to the ground, beat her, blindfolded her, and took her to a basement facility, where she was interrogated and tortured overnight, including by suffocation, to force her to confess on video to collaborating with Russian security services. She agreed to a video confession only after the officers threatened to harm her family. At year's end Mastikasheva was awaiting trial on treason and weapons possession charges.

There were reports of sexual violence being committed in the context of the conflict in eastern Ukraine (see section 1.g.).

Reports of hazing in the military continued. The PGO stated it initiated 117 criminal proceedings to investigate alleged hazing in the military that resulted in convictions of 54 service members.

Prison and Detention Center Conditions

Prison and detention center conditions remained poor, did not meet international standards, and at times posed a serious threat to the life and health of prisoners. Physical abuse, lack of proper medical care and nutrition, poor sanitation, and lack of adequate light were persistent problems.

Physical Conditions: While authorities generally held adults and juveniles in separate facilities, there were reports that juveniles and adults were not separated in some pretrial detention facilities.

As of September 1, the Ministry of Internal Affairs registered eight deaths in pretrial facilities, six due to detainees' preexisting medical conditions, and two suicides. As of October 1, the Ministry of Justice reported 476 inmate deaths, 42 of which were suicides. On September 28, an inmate of the Chernihiv pretrial center was killed in custody by another inmate, a killing reportedly involving negligence and lack of supervision by the facility personnel. The local prosecutor's office launched a criminal case and charged several law enforcement officers with neglect of official duties. The case continued at year's end.

Conditions in police temporary detention facilities and pretrial detention facilities were harsher than in low- and medium-security prisons. Despite a reduction in the number of inmates, overcrowding remained a problem in pretrial detention facilities. Temporary detention facilities often lacked adequate sanitation and medical facilities.

Physical abuse by guards was a problem. For example, after inmates killed a remand facility guard at an Odesa pretrial facility on August 17, staff members beat inmates. The PGO opened five criminal cases to investigate the incident.

There were reports of prisoner-on-prisoner violence. For example, on August 28, staff failure to intervene during a fight between detainees at the Chernihiv pretrial facility resulted in an inmate's death. The local prosecutor's office's investigation into the incident remained open at year's end.

During visits to detention facilities under the control of Ukrainian authorities, the HRMMU identified systemic problems with the provision of medical care. Bureaucratic and financial impediments prevented the prompt transfer of inmates to city hospitals, resulting in their prolonged suffering, and delayed diagnoses and

treatment. In one case, on March 27, two prisoners died in the interregional hospital for convicts at the Lviv remand facility due to inadequate medical care.

The Ukrainian Helsinki Human Rights Union maintained that life sentences amounted to slow executions of prisoners because of poor prison conditions. In the report on its November 2016 visit to Ukraine, the CPT expressed concerns regarding practices applied to prisoners with life sentences, including routine handcuffing, other excessive and degrading security measures, the lack of organized purposeful activities, segregation from the rest of the prisoner population, and constant surveillance inside the cells.

According to monitors of the National Preventive Mechanism, prisons are often old and in poor condition with inadequate facilities and services. Cells had limited access to daylight and were not properly heated or ventilated. For example, one random reading the temperature in the quarantine station at the Kazankivska correction colony 93 was 57 degrees Fahrenheit. The facility did not have a designated dining area; the inmates had to eat in their cells sitting on chairs. Electricity and water supplies were periodically discontinued, and inmates complained about poor hygienic conditions. Cells in both pretrial facilities and prisons were overrun with insects and rats.

According to the Association of Independent Monitors and the Human Rights Ombudsman's Office, authorities failed adequately to protect the lives and human rights of prisoners in areas close to the zone of operation against Russia-led forces in eastern Ukraine and failed to evacuate staff and inmates in a timely fashion.

As of February approximately 9,500 detainees were in non-government-controlled territory. On September 14, under the auspices of the Ombudsman's Office, 19 prisoners incarcerated in territories seized by Russia-led forces were transferred to penal facilities on government-controlled territory. Since 2015 a total of 178 inmates were transferred to the penitentiary facilities in government-controlled areas.

The condition of prison facilities and places of unofficial detention in areas held by Russia-led forces remained poor. According to the Justice for Peace coalition, there was an extensive network of unofficial places of detention in the Donetsk and Luhansk Oblasts located in basements, sewage wells, garages, and industrial enterprises. In most cases, these places were not suitable for even short-term detention. There were reports of shortages of food, water, heat, sanitation, and proper medical care.

Prior to the conflict, more than 5,000 prisoners were held in the part of Luhansk Oblast under the control of Russia-led forces. According to press reports citing information from the Eastern Human Rights Group, prison conditions in the area have deteriorated severely. The group reported systemic abuses, such as torture, starvation, denial of medical care, and solitary confinement, as well as the extensive use of prisoners as slave labor to produce goods that, when sold, provided personal income to the leaders of the Russia-led forces.

Administration: According to the Human Rights Ombudsman's office, authorities generally respected prisoners' right to religious observance. Prisoners were permitted to receive visitors.

Although prisoners and detainees may file complaints about conditions in custody with the human rights ombudsman, human rights organizations noted prison officials continued to censor or discourage complaints and penalized and abused inmates who filed them. Rights groups reported that legal norms did not always provide for confidentiality of complaints. According to representatives of the National Preventive Mechanism, an organization that conducted monitoring visits of places of detention, authorities did not always conduct proper investigations of complaints.

Officials generally allowed prisoners, except those in disciplinary cells, to receive visitors. Prisoner rights groups noted some families had to pay bribes to obtain permission for prison visits to which they are entitled by law.

Independent Monitoring: The government generally permitted independent monitoring of prisons and detention centers by international and local human rights groups. On June 19, the SPT published its report on its visit to the country in November 2016. During a 10-month period of the year, the Ombudsperson's Office together with representatives of civil society conducted 16 monitoring visits to penitentiary facilities.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court, but the government did not always observe these requirements.

The HRMMU, Amnesty International, Human Rights Watch, and other international groups reported numerous arbitrary detentions in areas controlled by Russia-led forces (see section 1.g.).

Role of the Police and Security Apparatus

The Ministry of Internal Affairs is responsible for maintaining internal security and order. The ministry oversees police and other law enforcement personnel. The SBU is responsible for state security, nonmilitary intelligence, and counterintelligence matters. The Ministry of Internal Affairs reports to the Cabinet of Ministers, and the SBU reports directly to the president. The State Fiscal Service exercises law enforcement powers through the tax police and reports to the Cabinet of Ministers. The State Migration Service under the Ministry of Internal Affairs implements state policy regarding border security, migration, citizenship, and registration of refugees and other migrants.

Civilian authorities generally had control over law enforcement agencies but rarely took action to punish abuses committed by security forces.

Impunity for abuses by law enforcement agencies remained a significant problem frequently highlighted by the HRMMU in its reports and by other human rights groups. The HRMMU noted authorities were unwilling to investigate allegations of torture, particularly when victims were detained on grounds related to national security or were seen as proseparatist.

While authorities sometimes brought charges against members of the security services, cases often remained under investigation without being brought to trial while authorities allowed alleged perpetrators to continue their work. In addition, human rights groups criticized the lack of progress in investigations of alleged crimes in areas retaken by the government from Russia-led forces, resulting in continuing impunity for these crimes. In particular, investigations of alleged crimes committed by Russia-led forces in Slovyansk and Kramatorsk in 2014 appeared stalled. Human rights groups believed that many local law enforcement personnel collaborated with Russia-led forces when they controlled these cities.

Under the law members of the parliament have authority to conduct investigations and public hearings into law enforcement problems. The human rights ombudsman may also initiate investigations into abuses by security forces.

The Ministry of Internal Affairs indicated it provides 80 hours of compulsory human rights training to security forces, focusing on the principles of the European Convention on Human Rights and Fundamental Freedoms. Law enforcement training institutions also include courses on human rights, rule of law, constitutional rights, tolerance and nondiscrimination, prevention of domestic violence, and freedom from cruel, inhuman, or degrading punishment.

Security forces generally prevented or responded to societal violence. At times, however, they used excessive force to disperse protests or, in some cases, failed to protect victims from harassment or violence. For example, during the May 9 march to mark Victory Day, activists and representatives of the Socialist Party and Opposition Bloc argued over the use of Soviet-era political symbols (flags) in Dnipro. As a result of these clashes, eight participants in the event and six police officers were injured. The head of the Dnipropetrovsk Oblast police department and his deputies were dismissed for failing to ensure a peaceful march. The minister of internal affairs opened an official probe into the clashes.

Arrest Procedures and Treatment of Detainees

By law authorities may detain a suspect for three days without a warrant, after which a judge must issue a warrant authorizing continued detention. Authorities in some cases detained persons for longer than three days without a warrant.

Prosecutors must bring detainees before a judge within 72 hours, and pretrial detention should not exceed six months for minor crimes and 12 months for serious ones. Persons have the right to consult a lawyer upon their detention. According to the law, prosecutors may detain suspects accused of terrorist activities for up to 30 days without charges or a bench warrant. Under the law citizens have the right to be informed of the charges brought against them. Authorities must promptly inform detainees of their rights and immediately notify family members of an arrest. Police often did not follow these procedures. Police at times failed to keep records or register detained suspects, and courts often extended detention to allow police more time to obtain confessions. Authorities kept suspects under house arrest and occasionally held them incommunicado, in some instances for several weeks.

Under the law the government must provide attorneys for indigent defendants. Compliance was inconsistent because of a shortage of defense attorneys or because attorneys, citing low government compensation, refused to defend indigent clients. According to the Ministry of Justice, more than 400,000 persons received free

legal aid since its introduction in 2014. As of September 1, there were 550 points of access to free legal aid throughout the government-controlled areas of the country.

The law provides for bail, but many defendants could not pay the required amounts. Courts sometimes imposed travel restrictions as an alternative to pretrial confinement. Under the law prosecutors need a court order to impose travel restrictions on persons awaiting trial. Prosecutors must prove the restrictions are the minimum needed to ensure that suspects will appear at hearings and not interfere with criminal proceedings.

Arbitrary Arrest: The HRMMU reported a continued pattern of arbitrary detention by authorities, particularly in government-controlled portions of Donetsk and Luhansk Oblasts. For example, in its September report, the HRMMU documented arrests and detentions of individuals for allegedly running businesses and paying taxes in the so-called “Donetsk People’s Republic.” The report cited the SBU arrest of four entrepreneurs charged with terrorism for business activities in territory controlled by armed groups. As of August 15, all four individuals remained in pretrial detention in Mariupol.

Detainee’s Ability to Challenge Lawfulness of Detention before a Court: Under the law citizens have the right to challenge an arrest in court or by appeal to a prosecutor to obtain prompt release in cases of unlawful detention.

e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary, courts were inefficient and remained vulnerable to political pressure and corruption. Confidence in the judiciary remained low.

Despite efforts to reform the judiciary and the PGO, corruption among judges and prosecutors remained endemic. Civil society groups continued to complain about weak separation of powers between the executive and judicial branches of government. Some judges claimed that high-ranking politicians pressured them to decide cases in their favor, regardless of the merits. Some judges and prosecutors reportedly took bribes in exchange for legal determinations. Other factors impeded the right to a fair trial, such as lengthy court proceedings, particularly in administrative courts, inadequate funding, and the inability of courts to enforce rulings.

There were reports of intimidation and attacks against lawyers representing defendants considered “pro-Russian” or “proseparatist.” For example, the PGO initiated a criminal case against Oleg Veremiyenko, an attorney representing Ukrainian Army Colonel Ivan Bezyazkov, who had been charged with treason and creating a terrorist organization. The local prosecutor charged Veremiyenko in February with resisting and influencing a law enforcement officer. As part of the investigation, law enforcement officials searched Veremiyenko’s office without an appropriate court warrant and seized two computers.

Trial Procedures

A single judge decides most cases, although two judges and three public assessors who have some legal training hear trials on charges carrying the maximum sentence of life imprisonment. The law provides for cross-examination of witnesses by both prosecutors and defense attorneys and for plea bargaining.

The law presumes defendants are innocent, and they cannot be legally compelled to testify or confess, although high conviction rates called into question the legal presumption of innocence. Defendants have the right to be informed promptly and in detail of the charges against them, with interpretation as needed; to a public trial without undue delay; to be present at their trial, to communicate privately with an attorney of their choice (or one provided at public expense); and to have adequate time and facilities to prepare a defense. The law also allows defendants to confront witnesses against them, to present witnesses and evidence, and the right to appeal.

Trials are open to the public, but some judges prohibited media from observing proceedings. While trials must start no later than three weeks after charges are filed, prosecutors seldom met this requirement. Human rights groups reported officials occasionally monitored meetings between defense attorneys and their clients.

Political Prisoners and Detainees

There were reports of a small number of individuals that some human rights groups considered to be political prisoners.

On August 1, the SBU detained Vasyl Muravytsky, a reporter and columnist from Zhytomyr. Muravytsky was charged with state treason, infringement of territorial integrity, incitement of hatred, and support for terrorist organizations based on statements some deemed pro-Russian. According to the SBU, he could face up to

15 years of imprisonment. Some domestic and international journalist unions called for Muravytsky's release, claiming the charges were politically motivated.

On June 1, a higher court overturned a July 2016 appeals court decision reversing the May 2016 conviction of Ivano-Frankivsk blogger Ruslan Kotsaba. Kotsaba had been sentenced to three-and-a-half years in prison on charges that he had impeded the work of the armed forces with his calls to ignore the military draft. Authorities arrested Kotsaba in 2015, and human rights groups deemed him a political prisoner. At year's end Kotsaba was not in detention. According to Kotsaba's defense lawyer, the July 2016 decision was overturned to postpone their planned appeal to the European Court of Human Rights (ECHR).

Civil Judicial Procedures and Remedies

The constitution and law provide for the right to seek redress for any decisions, actions, or omissions of national and local government officials that violate citizens' human rights. An inefficient and corrupt judicial system limited the right of redress. Individuals may also file a collective legal challenge to legislation they believe may violate basic rights and freedoms. Individuals may appeal to the human rights ombudsman at any time and to the ECHR after exhausting domestic legal remedies.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, but there were reports authorities generally did not respect the prohibitions.

By law the SBU may not conduct surveillance or searches without a court-issued warrant. In practice, however, law enforcement agencies sometimes conducted searches without a proper warrant. In an emergency authorities may initiate a search without prior court approval, but they must seek court approval immediately after the investigation begins. Citizens have the right to examine any dossier in the possession of the SBU that concerns them; they have the right to recover losses resulting from an investigation. Because there was no implementing legislation, authorities generally did not respect these rights, and many citizens were not aware of their rights or that authorities had violated their privacy.

There were some reports that the government had accessed private communications and monitored private movements without appropriate legal

authority. For example, on October 20, journalist Oleksandr Chernovalov filed a complaint with the police alleging the government had conducted illegal surveillance on him. The Darnytsia district police in Kyiv launched an investigation, which remained underway.

g. Abuses in Internal Conflicts

The Russian government controlled the level of violence in eastern Ukraine, intensifying the conflict when it suited its political interests, while largely ignoring the 2014 ceasefire and subsequent attempts to reestablish the ceasefire agreed to by all sides. Russia continued to arm, train, lead, and fight alongside some Ukrainians, and Russia-led forces throughout the conflict methodically obstructed and threatened international monitors, who do not have the access necessary to record systematically ceasefire violations or abuses committed by Russia-led forces.

International organizations and NGOs, including Amnesty International, Human Rights Watch, and the HRMMU issued periodic reports documenting abuses committed in the Donbas region. As of September 20, the Organization for Security and Cooperation in Europe (OSCE) fielded 1,087 persons supporting a special monitoring mission (SMM), which issued daily reports on the situation and conditions in most major cities.

As of mid-August, the HRMMU reported that fighting had killed at least 10,225 persons in Ukraine, including civilians, government armed forces, and members of armed groups. This figure included the 298 passengers and crew on board Malaysian Airlines flight MH-17, which was shot down in 2014 over the Donbas region. In addition since the start of the conflict, more than three million residents have left areas of Donetsk and Luhansk Oblasts controlled by Russia-led forces. As of October 31, the Ministry of Social Policy had registered 1.6 million internally displaced persons (IDPs). According to the Office of UN High Commissioner for Refugees (UNHCR), as of August 30, there were approximately one million Ukrainian refugees in other countries, including approximately 427,000 in the Russian Federation.

The media and human rights groups continued to report widespread abuses in areas held by Russia-led forces. The HRMMU noted a “collapse of law and order” in such areas as well as “serious human rights abuses,” including killings and torture.

Killings: There were reports of extrajudicial killings by both Ukrainian and Russian-led forces. In its March report, the HRMMU reported the government had made some progress investigating extrajudicial killings, noting specifically that “investigative actions have become timelier; suspects were identified and detained shortly after the incidents. It is of concern, however, that superiors who may have ordered or concealed crimes have not brought to justice.”

The HRMMU reported that on March 10, near Krasnohorivka, law enforcement officials found the body of a man who went missing in Avdiyivka on March 3. Authorities in March detained an SBU officer suspected of committing the killing but later released him on bail.

According to the HRMMU, a young man who made his living carrying luggage for people travelling across the line of contact in Stanytsia Luhanska left for work on April 27 and never returned. In early May his family saw a media report stating his body was found in Luhansk, an area controlled by armed groups. According to the death certificate, the man died of trauma to his head, limbs, and organs.

In its September report, the HRMMU noted, “the placement of military objectives in densely populated areas through military occupation and use of civilian property continued to heighten the risk of civilian lives on both sides of the contact line.” On June 8, a 15-year-old resident of the village of Kamyanka, Donetsk Oblast, was injured in the yard of his house by shelling by Russia-led armed groups.

The HRMMU also regularly noted concerns about the dangers to civilians from landmines and other explosive devices near checkpoints (see below).

As of August 15, the public database of the National Police of Ukraine listed 1,476 individuals who had gone missing in the conflict zone since mid-April 2014. Human rights groups criticized as ineffective the government’s efforts to keep track of missing persons. Russia-led forces had no such system and no effective means of investigating missing person’s cases. According to human rights groups, approximately 1,000 bodies in government-controlled cemeteries and morgues, both military and civilian, remained unidentified as a result of fighting, mostly from 2014.

Abductions: Government forces, Russia-led forces, and criminal elements engaged in abductions. The HRMMU reported a pattern of arbitrary and incommunicado detention by government law enforcement bodies (mainly by the SBU) and by

military and paramilitary units, primarily by the former volunteer battalions now formally incorporated into the security services.

In its reports the HRMMU repeatedly expressed concern regarding reports of enforced disappearances and “unacknowledged detention” practiced by the SBU. For example, in May a woman in Mariupol was lured to an Azov battalion position, blindfolded, and transported to an unknown destination. Men hit her and threatened to bury her if she did not cooperate. Perpetrators then informed the police they had captured a member of an armed group. Police interrogated the woman without a lawyer, and she signed a document incriminating herself as a member of the armed group. The next day police filmed her “confession” and brought her to the Mariupol SBU building, where she repeated her confession to two officers. One officer left and the other locked the door and ordered her to undress for a physical examination. He photographed her scars and tattoos without any explanation. SBU officers then took her to her residence and held her there for three days. They then brought the woman to court, where an SBU officer punched her twice in the stomach in the corridor. The military prosecutor’s office opened an investigation into the case.

Human rights groups reported that Russia-led forces routinely kidnapped persons for political purposes, to settle vendettas, or for ransom. The HRMMU documented cases of enforced disappearances in territories controlled by armed groups, including many cases in which individuals were held incommunicado for more than a month. For example, on April 18, “police” detained a man in the “Luhansk People’s Republic” who was reportedly released the same day but never returned home. The following day the “ministry of state security” searched his house and seized some personal belongings. They held the victim incommunicado until May 31, during which time his family was informed that he was arrested by the “border service.” He was then accused of treason and, as of August 15, remained in detention.

In May a “military tribunal” of the “Donetsk People’s Republic” “sentenced religious historian and president of the Center for Religious Studies and International Spiritual Relations Ihor Kozlovsky to two years and eight months in prison. He was abducted in January 2016 allegedly in retaliation for his pro-Ukrainian postings on social media.

In early June, Russia-led forces kidnapped Donetsk journalist Stanislav Aseyev (pen name Vasin) and accused him of espionage. The charge carries a sentence of 12 to 14 years in prison (see section 2.a.).

Physical Abuse, Punishment, and Torture: Both government and Russia-led forces reportedly abused and tortured civilians and soldiers in detention facilities. Reported abuses included beatings, physical and psychological torture, mock executions, sexual violence, deprivation of food and water, refusal of medical care, and forced labor.

In government-controlled territory, the HRMMU recorded several cases of interrogation techniques that could amount to torture, including mock executions and use of electric shocks. The HRMMU stated it suspected such cases were underreported because victims often remained in detention or were afraid to report abuse due to fear of retaliation or lack of trust in the justice system.

According to the HRMMU, in April police detained two men in Bakhmut and took them to a location outside the town, where one was held for three days and the other for one day incommunicado. Both were tortured, subjected to electric shocks in the genitals, and questioned about their participation in illegal armed groups in 2014. Both victims were then transferred to a pretrial detention facility and charged with participation in an armed group.

There were reports that Russia-led forces systematically committed numerous abuses, including torture, in the territories under their control. According to international organizations and NGOs, abuses included beatings, forced labor, psychological and physical torture, public humiliation, and sexual violence. International organizations were refused access to places of deprivation of liberty in territory controlled by Russia-led armed groups and were therefore not able to assess fully the conditions of detention facilities. In September the PGO stated that law enforcement authorities were investigating 600 cases of torture of Ukrainian citizens by Russia-led forces.

On July 13, Ludmyla Surzhenko, a 39-year-old woman who allegedly criticized the “Luhansk People’s Republic” in social media, was detained while crossing the line of contact at the Stanytsia Luhanska checkpoint, on the side controlled by armed groups. The “ministry of state security” held her incommunicado for 16 days, during which she was interrogated four times. During one interrogation session, interrogators dislocated one of her fingers with a pair of pliers and threatened to move her to a basement with male detainees. On July 29, they returned her to the same checkpoint on the government-controlled side. Luhansk Oblast police opened an investigation into the case.

The HRMMU's report *Conflict-Related Sexual Violence in Ukraine*, which covered the period from March 2014 to the end of January, stated, "The majority of documented cases of conflict-related sexual violence happened when people, both men and women, were detained by either government forces or armed groups." It noted that cases of sexual violence were generally underreported due to trauma suffered by victims, stigma associated with sexual violence, and fear of reprisals. According to the report, "beatings and electrocutions on the genitals, rapes, threats of rape and forced nudity were used as methods of torture and ill-treatment to punish, humiliate, or extract confessions." In its December 2016 report, the HRMMU noted, "The country's justice system lacks the laws, capacity, and professional experience to effectively investigate and prosecute allegations of sexual violence, resulting in widespread impunity for perpetrators."

According to the Justice for Peace in Donbas human rights coalition, individuals held in illegal detention facilities in territories controlled by Russia-led forces reported cases of gender-based violence, in particular rape, attempted rape, sexual abuse, forced nudity, sterilization, and torture focused on genitals. Conflict-related gender-based violence against men was almost as regular and widespread as against women; 92 men and 114 women were victims of sexual violence documented by the coalition.

Both sides employed land mines without fencing, signs, or other measures to prevent civilian casualties. In June the HRMMU reported that the presence of a large number of mines and unexploded ordnance in areas close to the contact line in Donetsk and Luhansk Oblasts continued to pose a serious threat to civilians. The HRMMU noted, "All sides continued laying new mines rather than systematically clearing or marking mines or other hazards, or fencing them off." The mines resulted in civilians being killed and maimed, often while walking to their homes and fields. In September the OSCE reported that, of the 442 total civilian casualties resulting from the conflict in eastern Ukraine in 2016, 26 percent were caused by land mines and unexploded ordnance. These risks were particularly acute for persons living in towns and settlements near the contact line as well as for the approximately 25,000 persons who crossed the contact line daily. On April 23, an OSCE SMM patrol car was destroyed in an explosion believed caused by a land mine near the village of Pryshyb, Luhansk Oblast. The explosion killed an international medic on patrol with the SMM and injured two foreign monitors. The next day in Fashchivka, Luhansk Oblast, a tractor detonated a land mine killing three civilians.

According to the OSCE SMM, approximately 2,703 square miles of territory in Donetsk and Luhansk Oblasts needed humanitarian demining. In mid-August they reported mines and ordnance killed 27 persons and injured 62 civilians since the start of the year.

Other Conflict-related Abuse: On September 20, the Netherlands, Australia, Belgium, Malaysia, and Ukraine signed a memorandum reiterating their political support and commitment to cooperate in an investigation of the 2014 downing of Malaysian Airlines flight 17 in Donbas. In September 2016 a team of prosecutors from the Netherlands, Australia, Belgium, Malaysia, and Ukraine presented the results of their investigation into the crash. The Dutch-led investigation concluded that the surface-to-air missile system used to shoot down the airliner over Ukraine, killing all 298 persons on board, was brought in from Russia at the request of Russia-led forces and returned to Russia the same night. The report largely confirmed the already widely documented role of the Russian government in the deployment of the missile system, a Buk or SA-11, and the subsequent cover-up. In the report, Dutch prosecutors traced Russia's role in deploying the missile system into Ukraine and its attempt to hide its role after the disaster.

In 2015 government authorities introduced measures to expedite the delivery of humanitarian aid to areas controlled by Russia-led forces. Russia-led forces in Donetsk Oblast, however, sharply restricted government humanitarian aid as well as aid from international humanitarian organizations. As a result persons remaining in territories held by Russia-led forces experienced large price increases for everyday consumables, especially meat and fresh vegetables. Human rights groups also reported severe shortages of medicine, coal, and medical supplies in territory not controlled by the government.

Russia-led forces continued to receive convoys of Russian "humanitarian aid," which Ukrainian government officials believed contained weapons and supplies for Russia-led forces.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for members of the press. Authorities did not always respect these rights, however. The government introduced measures that banned or blocked information, media outlets, or individual journalists deemed a threat to national security or who

expressed positions that authorities believed undermined the country's sovereignty and territorial integrity. Other problematic practices continued to affect media freedom, including self-censorship, so-called jeans payments (publishing unsubstantiated news articles for a fee), and slanted news coverage by media whose owners had close ties to the government or opposition political parties.

In the Donbas region, Russia-led forces suppressed freedom of speech and the press through harassment, intimidation, abductions, and assaults on journalists and media outlets. They also prevented the transmission of Ukrainian and independent television and radio programming in areas under their control.

Freedom of Expression: With some exceptions, individuals in areas under government control could generally criticize the government publicly and privately and discuss matters of public interest without fear of official reprisal. The law criminalizes the display of communist and Nazi symbols. According to Amnesty International, during a public demonstration on May 9 in Dnipro, several marchers were arrested for carrying Soviet symbols. On May 16, the legislature passed a law banning the manufacture or promotion of the "St. George's ribbon," a symbol associated with Russian-led forces in the Donbas region. Several media reports indicated authorities subsequently fined individuals carrying these symbols.

The law prohibits statements that threaten the country's territorial integrity, promote war, instigate racial or religious conflict, or support Russian aggression against the country, and the government prosecuted individuals under these laws.

Press and Media Freedom: The NGO Freedom House rated the country's press as "partly free."

Independent media and internet news sites were active and expressed a wide range of views. Privately owned media, the most successful of which were generally owned by wealthy and influential "oligarchs," often presented readers and viewers a "biased pluralism," representing the views of their owners, favorable coverage of their allies, and criticism of political and business rivals. The 10 most popular television stations were owned by businessmen whose primary business was not in media. Independent media had difficulty competing with major outlets that operated with oligarchic subsidies. According to a September 28 report by the Institute for Mass Information (IMI) and Reporters without Borders, the influence of political actors on the country's media increased during the year, with media holdings remaining nontransparent and used to support political allies of their owners.

As of December 1, IMI recorded 183 cases of alleged violations of freedom of press compared with 133 cases for the same period of 2016.

The practice of jeansa continued to be widespread. IMI's monitoring of national print and online media for jeansa indicated that a wide range of actors ordered political jeansa, including political parties, politicians, oblast governments, and oligarchs. According to IMI press monitoring, as of September, the highest proportion of jeansa in regional media occurred in print outlets in Zaporizhzhia and Mykolaiv Oblasts, where 16 percent and 15 percent of articles, respectively, were political or commercial jeansa.

Violence and Harassment: Violence against journalists remained a problem. Human rights groups and journalists criticized government inaction in solving these crimes, giving rise to a culture of impunity.

According to IMI, as of December 1, there were 27 reports of attacks on journalists, compared with 29 cases during the same period in 2016. As in 2016, private, rather than state, actors perpetrated the majority of the attacks. As of November 1, there were 37 incidents involving threats against journalists, down from 38 during the same period in 2016. IMI and editors of major independent news outlets also noted online harassment of journalists by societal actors, reflecting a growing societal intolerance of reporting deemed insufficiently patriotic, a development they asserted had the tacit support of the government.

On July 14, law enforcement officials searched the Kyiv office of Vesti media, which observers alleged to have a pro-Russian bias and beneficial owners. According to the company, the search lasted 16 hours, during which time operations of its website and radio station were blocked. According to the chief military prosecutor, the search related to an embezzlement case involving former revenues and taxes minister Oleksandr Klymenko. Authorities asserted that money Klymenko allegedly stole under tax-evasion schemes was used to finance the Vesti media holding company. Journalists wrote an open letter to the president, the prime minister, and other government authorities, stating they considered the search a violation of civil liberties and press freedom, and an attempt to harass and intimidate journalists.

On June 22, Ihor Huzhva, the editor in chief of the media outlet strana.ua, widely considered to have a pro-Russian editorial slant, was arrested in Kyiv on suspicion of large-scale extortion of 270,000 hryvnia (\$10,000) in exchange for refraining

from publishing compromising material on a politician. A member of the parliament, Dmytro Linko, alleged that Huzhva had demanded money from him. On June 27, Huzhva was released on bail. Huzhva's lawyers claimed the journalist was arrested because of his professional activities, because his media outlet systematically criticized high-profile state officials. An investigation continued at year's end.

There were no developments during the year in the July 2016 killing of well-known journalist Pavel Sheremet, who hosted a morning show on Vesti radio and worked for the *Ukrainska Pravda* online news outlet (see section 1.a.).

On June 27, the investigation of the killing of Oles Busyna, who was killed in 2015 allegedly by members of a right-wing political group, was completed and referred to a court for trial. Court hearings against two suspects were underway as of September.

There were multiple reports of attacks on journalists investigating government corruption. For example, on February 12, a car belonging to Serhiy Guz, editor in chief of the news website 5692.com and the newspaper *Gorod 5692*, was set on fire in Kamyanske, Dnipropetrovsk Oblast. The journalist linked the attack to his professional activity and critical reporting on local authorities. Police opened an investigation.

Censorship or Content Restrictions: IMI recorded six incidents of censorship of individual publications. The government at times banned or restricted media content on vague grounds. For example, on April 28, the National State Films Agency prohibited showings of a documentary film about killed journalist Oles Buzina on the grounds the film's content had "violated the law."

Both independent and state-owned media periodically engaged in self-censorship when reporting stories that might expose political allies to criticism or that might be perceived by the public as insufficiently patriotic or provide information that could be used for Russian propaganda.

A law adopted by the parliament on May 23 obligates television channels to broadcast at least 75 percent of their content in the Ukrainian language as of October 13.

Libel/Slander Laws: Libel is a civil offense. While the law limits the monetary damages a plaintiff can claim in a lawsuit, local media observers continued to

express concern over high monetary damages awarded for alleged libel. Government entities, and public figures in particular, used the threat of civil suits, sometimes based on alleged damage to a person's "honor and integrity," to influence or intimidate the press and investigative journalists. In early September, the head of the pro-Russian civic movement Ukrainian Choice, Viktor Medvedchuk, filed a lawsuit against member of the parliament and journalist Serhiy Leshchenko for slander over a series of articles allegedly uncovering Medvedchuk's participation in corrupt schemes in the gas market.

National Security: Authorities took measures to prohibit, regulate, and occasionally censor information deemed a national security threat.

The government continued the practice of banning specific works by pro-Russian actors, film directors, and singers, as well as imposing sanctions on pro-Russian journalists. According to the head of the State Film Agency, Phylyp Iliencko, as of mid-September, more than 500 films and television shows had been banned on national security grounds since August 2014. In May the president signed a decree restricting operations of 468 companies and 1,228 persons that allegedly posed a "threat to information and the cyber security of the state." Among them were the country's two most widely used social networks, which were based in Russia, and major Russian television channels. Human rights NGOs criticized the move, and the secretary general of the Council of Europe condemned the decision, stating, "blocking social networks, search engines, postal services, and information websites is contrary to our common understanding of freedom of expression and media [freedom]."

The government continued to block Russian television channels from broadcasting in the country, based on a 2014 decision by the National Television and Radio Broadcasting Council taken to counter the perceived dangerous influence of Russian propaganda. On January 12, the National Television and Radio Broadcasting Council did not renew the independent Russian television channel Dozhd because it recognized Crimea as part of Russia rather than Ukraine, in violation of Ukrainian law. Dozhd remained available by satellite and internet. As of year's end, only four Russian channels were permitted to broadcast in the country, compared with 83 Russian channels at the start of 2014. According to the head of the National Television and Radio Broadcasting Council, as of November 2, the council had issued 23 warnings to Ukrainian cable providers for violating the ban on certain Russian channels.

Media professionals continued to experience pressure from the SBU and the armed forces when reporting on sensitive issues, such as military losses. For example, on September 14, an SBU agent appeared at the office of the *Ukrainska Pravda* website demanding that it remove an article highlighting the need for more modern armament for the Ukrainian army and the government's failure to prioritize upgrading the country's military capabilities. In the letter the SBU stated it had opened an investigation into the article's publication, claiming that it referenced state secrets. The editorial staff then presented SBU with an official letter of complaint. The SBU thereafter called the media outlet to apologize and, on September 20, initiated an internal probe into alleged pressure on journalists.

Authorities continued to deport and bar entry to foreign journalists in retaliation for their coverage of the conflict in eastern Ukraine. On August 25, the SBU barred two Spanish journalists from entering the country over their coverage of the conflict in eastern Ukraine. Media groups called the move "an attack on free speech." Human Rights Watch stated, "the Ukrainian government's practice of accusing journalists of anti-Ukraine bias, then expelling them or denying them entry, is a serious violation of its international human rights commitments."

On August 30, the SBU in Kyiv detained Anna Kurbatova, a journalist with Russian television Channel One. Kurbatova was expelled and banned from the country for three years for allegedly engaging in anti-Ukrainian propaganda. The expulsion occurred after Kurbatova described events marking the country's independence day as a "sad celebration" because of the armed conflict in eastern Ukraine and economic hardship in the country.

Nongovernmental Impact: Russia-led forces in eastern areas of the country harassed, arbitrarily detained, and mistreated journalists (see section 1.g.). According to the HRMMU, "persons living in the 'Donetsk People's Republic' and 'Luhansk People's Republic' know that expressing their opinion freely and publicly was not acceptable in armed group-controlled territory." The HRMMU also noted, "armed groups are directly influencing and shaping the content in local media" and that they require favorable coverage as the cost of retaining registration to operate.

The HRMMU reported that journalists entering territory controlled by armed groups of the "Donetsk People's Republic" had to inform the "press center" of the "ministry of defense" about their activities on a daily basis, were arbitrarily required to show video footage at checkpoints, and were accompanied by members of armed groups when travelling close to the contact line.

On June 3, Ukrainian journalist Stanislav Aseyev (pen name Vasin) went missing in Donetsk. Unofficial sources reported the “ministry of state security” had arrested him. Aseyev had written about life in the “people’s republic” for popular Ukrainian media outlets. On July 17, civil society groups announced that local “authorities” confirmed they had arrested Aseyev and charged him with espionage.

On July 28, a court in the “Luhansk People’s Republic” sentenced blogger Eduard Nedelyaev to 14 years in prison on treason and espionage charges. Nedelyaev was known for his critical reports about life in the territory controlled by Russian-led forces; when he was arrested in November 2016, authorities cited his “extremist” views.

Internet Freedom

Law enforcement bodies monitored the internet, at times without appropriate legal authority, and took significant steps during the year to ban major Russian-sourced news and social media sites.

On May 17, the president signed Decree 133, requiring internet providers to block access for three years to the Russian social networks VKontakte and Odnoklassniki, the email service Mail.ru, the search engine company Yandex, and several major Russian television channels. Some observers questioned the legality of the measure, noting that the law does not allow blocking access to sites without a court decision.

Human rights groups and journalists who were critical of Russian involvement in the Donbas region and the occupation of Crimea reported their websites were subjected to cyberattacks, such as coordinated denial of service incidents and unauthorized attempts to obtain information from computers, as well as coordinated campaigns of “trolling” and harassment on social media.

In its annual *Freedom on the Net* report published in November, Freedom House concluded that internet freedom had deteriorated for the second year in a row. It noted in particular that “authorities have become less tolerant of online expression perceived as critical of Ukraine’s position in the conflict, and the government has been especially active this year in sanctioning social media users for ‘separatist’ and ‘extremist’ activities, with many users detained, fined and even imprisoned for such activities. Meanwhile, separatist forces in the east have stepped up efforts to

block content online perceived to be in support of Ukrainian government or cultural identity.”

Academic Freedom and Cultural Events

There were several reports of government restrictions on academic freedom or cultural events. On April 13, representatives of the Prosecutor’s Office of Crimea, now displaced to Kyiv, searched the premises of the International Center for Policy Studies (ICPS), a research and scientific institution in Kyiv. The search was allegedly to investigate the so-called Artemenko peace plan, which lawyer Andriy Artemenko had presented publicly. The plan suggested formally surrendering Crimea to the Russian Federation for a long-term lease. According to the search warrant, *Ideas for Resolving the Conflict in Donbas*, authored by ICPS Chairman Vasyl Filipchuk, served as the basis for the “peace plan” and search. The Coalition of Human Rights issued a public statement calling the search “a disproportionate interference of the state in the activities of the think tank and an attempt to monopolize the field of ideas and to impose state doctrine as the only one possible under the threat of prosecution of those offering other approaches.”

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

The constitution provides for the freedom of peaceful assembly, and the government generally respected this right. There are no laws, however, regulating the process of organizing and conducting events to provide for the right, and authorities have wide discretion under a Soviet-era directive to grant or refuse permission for assemblies on grounds of protecting public order and safety. Organizers are required to inform authorities in advance of plans for protests or demonstrations.

During the year citizens generally exercised the right to assemble peacefully without restriction in areas of the country under government control. Most assemblies were peaceful and at times accompanied by a very large police presence to maintain order. The HRMMU continued to observe improvement with regard to respect for freedom of peaceful assembly “as illustrated by a decrease in

judicial prohibitions of public assemblies and better policing of large public gatherings” throughout the country.

Smaller demonstrations suffered from insufficient security and protection by police, especially those organized by persons belonging to minority groups or opposition political movements. There were some reports of violence at lesbian, gay, bisexual, transgender, and intersex (LGBTI) events during the year, although police protection for such events was more consistent than in previous years. Police failed to prevent a violent attack against individuals participating in a 200-person Equality March in Zaporizhzhia on September 30 which resulted in several injuries requiring hospitalization. Police arrived later and detained several individuals.

Victory Day commemoration events on May 9 were generally peaceful, although skirmishes marred some, including in Dnipro, Kharkiv, Kyiv, Odesa, and Zaporizhzhia. The skirmishes resulted in bodily injuries to 32 persons and the detention of 89. Police opened 19 criminal proceedings as a result.

In the territory controlled by Russia-led forces, the HRMMU noted an absence of demonstrations because “people are concerned that they may be ‘arrested’ if they organize protests or assemblies against the policies of the armed groups.” The HRMMU also noted the only demonstrations permitted in these areas were ones in support of local “authorities,” often apparently organized by the armed groups, with forced public participation.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right.

Human rights groups and international organizations sharply criticized a law signed by the president on March 28 that introduces vague and burdensome asset-reporting requirements for civil society organizations and journalists working on anticorruption matters. The law was widely seen as an intimidation and revenge measure against the country’s anticorruption watchdogs, which have successfully pushed for increased financial transparency for government officials.

According to the HRMMU, in the territories controlled by Russia-led forces, domestic and international civil society organizations, including human rights defenders, could not operate freely. Residents informed the HRMMU they were

being prosecuted (or feared being prosecuted) by the “ministry of state security” for their pro-Ukrainian views or previous affiliation with Ukrainian NGOs. If human rights groups attempted to work in those areas, they faced significant harassment and intimidation. The HRMMU also noted an increase in civil society organizations run by the armed groups, which appeared to require certain persons, such as public-sector employees, to join.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The constitution and law provide citizens with freedom of internal movement, foreign travel, emigration, and repatriation. The government, however, restricted these rights, particularly in the eastern part of the country near the zone of conflict.

There were claims that officials engaged in politically motivated deportations without adherence to due process. For example, on October 21, officials deported four Georgian citizens whose residence permits had been cancelled, according to the State Migration Service. Human Rights Ombudsman Valeriya Lutkovska stated the deportations occurred without the required court warrants. Some human rights groups claimed the men were hooded and beaten during the deportation process and alleged they were targeted because of their ties to opposition figure Mikhail Saakashvili.

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. International and domestic organizations reported the system for protecting asylum seekers, stateless persons, and other persons of concern did not operate effectively.

Abuse of Migrants, Refugees, and Stateless Persons: Authorities frequently detained asylum seekers for extended periods without court approval.

In-country Movement: The government and Russia-led forces strictly controlled movement between government-controlled areas and territories in the Donbas region controlled by Russia-led forces. Crossing the contact line remained arduous. Public passenger transportation remained prohibited.

While five crossing points existed, only four were in operation for much of the year. According to the HRMMU, between May and August, an average of 36,000 individuals crossed the line daily. People formed long lines at all operating transit corridors and had to wait for up to 36 hours with no or limited access to water, medical aid, toilets, and shelter in case of shelling or extreme weather. Individuals who frequently crossed the line complained of corruption on both sides of the line of contact.

In 2015 the SBU introduced a pass system involving an online application process to control movement into government-controlled territory. Human rights groups were concerned that many persons in non-government-controlled territory did not have access to the internet to obtain such passes. The order imposed significant hardships on persons crossing into government-controlled territory, in particular those who sought to receive pensions and government benefits, which were not distributed in the territory controlled by Russia-led forces. On April 14, the government amended the temporary order regulating movement of individuals across the line of contact so that crossing permits no longer expire and residents of territory adjacent to the line of contact on the government-controlled side do not need a permit to cross.

The HRMMU repeatedly voiced concern over reports of corruption by checkpoint personnel on both sides, including demands for bribes or goods in exchange for easing passage across the line of contact. Russia-led forces continued to hinder freedom of movement in the eastern part of the country.

The government and Russian occupation authorities subjected individuals crossing between Russian-occupied Crimea and the mainland to strict passport controls at the administrative boundary between the Kherson Oblast and Crimea. Authorities prohibited rail and commercial bus service across the administrative boundary, requiring persons either to cross on foot or by private vehicle. Long lines and insufficient access to toilets, shelter, and potable water remained prevalent. Civil society, journalists, and independent defense lawyers continued to maintain that the government placed significant barriers to their entry to Crimea, including months-long processes to obtain required permissions, thereby complicating their ability to document and address abuses taking place there.

Internally Displaced Persons (IDPs)

According to the Ministry of Social Policy, as of September 15, more than 1.5 million persons were registered IDPs due to Russia's aggression in eastern Ukraine and occupation of Crimea. Some NGOs and international organizations estimated the number to be lower, since some persons returned to their homes after registering as IDPs, while others registered while still living in the conflict zone. The largest number of IDPs resided in areas immediately adjoining the conflict zones, in government-controlled areas of Donetsk and Luhansk Oblasts, as well as in the Kharkiv, Dnipropetrovsk, and Zaporizhzhya Oblasts. Many resided in areas close to the line of contact in hope they would be able to return home.

The government granted social entitlements only to those individuals who had registered as IDPs. By law IDPs are eligible to receive payments of 880 hryvnias (\$33) per month for children and persons with disabilities and 440 hryvnias (\$16) per month for those able to work. Families may receive no more than 2,400 hryvnias (\$89) per month. According to the law, the government should provide IDPs with housing, but authorities did not take effective steps to do so. Humanitarian aid groups had good access to areas under government control.

In its June report, the HRMMU stated that in March it received information that local departments of the Ministry of Social Policy had received lists of persons registered as IDPs who allegedly had stayed outside government-controlled territory for more than 60 days. The departments were instructed to suspend payment of pensions and benefits pending verification of their recipients' physical presence in government-controlled territories, ostensibly to combat fraud. A similar verification process initiated in February 2016 created economic problems for IDPs, reportedly forcing some to return to territories controlled by Russia-led forces.

According to the HRMMU, the government applied the IDP verification procedure broadly. The suspensions affected the majority of IDP residents in government-controlled territory, as well as most residents of areas under the control of Russia-led forces; effects were especially acute for the elderly and disabled, whose limited mobility hindered their ability to verify whether they were included in the lists or to prove their residency. The government often suspended payments without notification, and IDPs reported problems having them reinstated.

According to research conducted by the International Organization for Migration (IOM), 59 percent of surveyed IDP households relied on government support as one of their main sources of income. More than 20 percent of IDP respondents indicated their social payments had been suspended.

According to the HRMMU, IDP integration remained impeded by the lack of a government strategy and the consequent absence of allocation of financial resources, leading to IDPs' economic and social marginalization. Local civil society organizations and international humanitarian organizations provided the bulk of assistance for IDPs on a temporary basis. NGOs reported their ability to support IDPs was limited and nearing exhaustion. UN agencies reported the influx of IDPs led to tensions arising from competition for scarce resources. Critics accused internally displaced men who moved to western areas of the country of evading military service, while competition rose for housing, employment, and educational opportunities in Kyiv and Lviv.

A shortage of employment opportunities and the generally weak economy particularly affected IDPs, forcing many to live in inadequate housing, such as collective centers and other temporary accommodations. Other IDPs stayed with host families, volunteers, and in private accommodations, although affordable private accommodations were often in poor condition.

NGOs reported employment discrimination against IDPs. Some IDPs, particularly those in government-controlled areas of Donetsk and Luhansk Oblasts, lacked sufficient sanitation, shelter, and access to potable water. IDPs continued to have difficulty obtaining education, medical care, and necessary documents. Romani activists expressed concern that some Roma in eastern areas could not afford to flee conflict areas, while others had no choice but to leave their homes.

In 2015 the Kyiv Administrative Court of Appeal overturned a National Bank decision that Crimean IDPs were nonresidents, which had restricted access to banking and financial services for those fleeing the Russian occupation. Nonetheless, media reports indicated that banks continued to restrict banking services for Crimean IDPs even after the court decision.

Protection of Refugees

Refoulement: The government did not provide for protection against the expulsion or return of asylum seekers to a country where there was reason to believe their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. UNHCR described refoulement at the border as a "largely hidden phenomenon," because persons seeking asylum might not receive legal aid or interpretation at border crossing points or temporary holding facilities and were, therefore, unable to apply for

asylum before being deported. Human rights groups noted the law offers legal protection against forcible return.

Access to Asylum: The law provides for asylum or refugee status, and the government has established a legal system to protect refugees. Protection for refugees and asylum seekers was insufficient due to gaps in the law and the system of implementation. The country is a transit and destination country for asylum seekers and refugees, principally from Afghanistan, the Russian Federation, Somalia, Syria, Iraq, and Afghanistan.

Human rights groups noted that the refugee law falls short of international standards due to its restrictive definition of a refugee. The law permits authorities to reject many asylum applications without a thorough case assessment. In other instances government officials declined to accept initial asylum applications without a legal basis, leaving asylum seekers without documentation and vulnerable to frequent police stops, fines, detention, and exploitation. Asylum seekers in detention centers were sometimes unable to apply for refugee status within the prescribed time limits and had limited access to legal and other assistance. Asylum seekers have five days to appeal an order of detention or deportation.

A lack of access to qualified interpreters also hampered the full range of asylum procedures. International observers noted the government did not provide resources for interpreters, which created opportunities for corruption and undermined the fairness of asylum application procedures.

Employment: Authorities did not provide employment assistance, and most asylum seekers were unable to obtain a work permit as required by law. Authorities provided language instruction for asylum seekers only in Kyiv, Kharkiv, and Odesa, although some local NGOs reported that the instruction was provided by NGOs. Some asylum seekers worked illegally, increasing their risk of exploitation.

Access to Basic Services: The national plan on the integration of refugees adopted by the government did not allocate resources for its implementation. Human rights groups reported that authorities did not provide social and economic support or language classes to asylum seekers or assist them. A UNHCR report indicated all newly recognized refugees received a one-time grant of approximately 30 hryvnias (\$1.10). However, some reports indicated the government did not always provide payment.

Temporary accommodation centers had a reception capacity of 421. Asylum seekers living outside a center often experienced difficulties obtaining residence registration, and authorities regularly fined them more than 500 hryvnias (\$19) because they lacked this registration. According to the State Migration Service, refugees and those seeking complementary protection could receive residence registration at homeless shelters for up to six months.

UNHCR noted a lack of educational programs and vocational activities for those in detention for extended periods. According to UNHCR, gaps in housing and social support for unaccompanied children left many without access to state-run accommodation centers or children's shelters. Many children had to rely on informal networks for food, shelter, and other needs and remained vulnerable to abuse, trafficking, and other forms of exploitation.

Temporary Protection: The government also provided temporary protection ("complementary protection") to individuals who may not qualify as refugees; as of July 1 authorities provided it to approximately 674 persons.

Stateless Persons

According to law, a person may acquire citizenship by birth, territorial origin, naturalization, restored citizenship, and adoption.

According to UNHCR, approximately 36,000 persons in the country were either stateless or at risk of statelessness in 2016. These included Roma, homeless persons, current and former prisoners, and persons over 50 who never obtained a Ukrainian personal identification document after the fall of the Soviet Union and are no longer able to obtain one. According to the State Migration Service, as of September 1, there were 4,904 stateless persons residing in the country.

On July 26, the government issued a decree revoking the citizenship of opposition politician Mikhail Saakashvili, who had been granted citizenship in 2015 and who was not in Ukraine when the decree was issued. While some politicians and human rights organizations questioned the move, calling it politically motivated, the government asserted a legal basis for the decision, stating Saakashvili had knowingly made false statements in his citizenship application.

The law requires establishing identity through a court procedure, which demanded more time and money than some applicants had. UNHCR reported Roma were at

particular risk for statelessness, since many did not have birth certificates or any other types of documentation to verify their identity. Homeless persons have difficulty obtaining citizenship because of a requirement to produce a document testifying to one's residence.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In 2014 citizens elected Petro Poroshenko president in an election considered free and fair by international and domestic observers. The country held early legislative elections in 2014 that observers also considered free and fair.

In July 2016 citizens in seven constituencies voted in legislative by-elections. According to the OSCE election observer mission, the elections were organized and democratic but influenced by economic interests. According to OPORA, a human rights NGO that monitored elections in the country, some candidates campaigned prematurely, providing unfair advantages for certain candidates and parties. OPORA considered the elections to be free and fair with electoral irregularities that were not systemic.

IDPs were unable to vote in local elections unless they changed their registration to their new place of residence.

Political Parties and Political Participation: The Communist Party remains banned.

Participation of Women and Minorities: No laws limit the participation of women and/or members of minorities in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption. Authorities did not effectively implement the law, and many officials engaged in corrupt practices with impunity. While the number of reports of government corruption was low, corruption remained pervasive at all levels in the executive, legislative, and judicial branches

of government. Independent anticorruption institutions faced political pressure that undermined public trust. For example, the disruption of a high-level corruption investigation, the arrest of officials from the National Anti-Corruption Bureau of Ukraine (NABU), and the seizure of sensitive NABU files raised concerns about the government's commitment to fighting corruption.

Corruption: While the government publicized several attempts to combat corruption, it remained a serious problem for citizens and businesses alike.

On March 7, the Solomyansky district court in Kyiv ordered the head of the State Fiscal Service, Roman Nasirov, arrested on embezzlement charges. Nasirov was accused of causing damage to the state in the amount of two billion hryvnias (\$73.7 million). The charges against Nasirov stemmed from his involvement in an embezzlement scheme during the extraction and sale of natural gas under cooperation agreements with the state-owned company Ukrgezvydobuvannia. The case remained under investigation at year's end.

Financial Disclosure: The law mandates the filing of income and expenditure declarations by public officials, and a special review process allows for public access to declarations and sets penalties for either not filing or filing a false declaration. In July the NABU served a notice of suspicion to a former judge from Luhansk Oblast for filing a false declaration. According to the investigation, the judge failed to disclose vehicles and real estate assets worth approximately 350,000 dollars. As of mid-August, NABU was actively investigating 66 criminal cases based on e-declaration reviews, including suspicion of illicit enrichment and filing false declarations.

By law the National Agency for the Prevention of Corruption is responsible for reviewing financial declarations and monitoring the income and expenditures of high-level officials. Some observers questioned, however, whether the agency had the capacity and independence to fulfill this function.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. During the year the government placed burdensome new reporting

requirements on NGOs working on anticorruption in apparent retaliation for their activities (see section 2.b., Freedom of Association).

Authorities in areas controlled by Russian-led forces in eastern Ukraine routinely denied access to domestic and international civil society organizations. If human rights groups attempted to work in those areas, they faced significant harassment and intimidation (see section 2.b., Freedom of Association).

The United Nations or Other International Bodies: The government cooperated with international organizations, such as the OSCE, the Council of Europe, and the HRMMU.

Government Human Rights Bodies: The constitution provides for a human rights ombudsman, officially designated as legislative commissioner on human rights. The Human Rights Ombudsman's Office frequently collaborated with NGOs through civic advisory councils on various projects for monitoring human rights practices in prisons and other government institutions.

Valeriya Lutkovska served as the ombudsman for human rights during the year, and observers considered her office an effective promoter of human rights. The office collaborated with leading domestic human rights groups and acted as an advocate on behalf of Crimean Tatars, IDPs, Roma, persons with disabilities, LGBTI individuals, and prison inmates.

Lutkovska's term of office expired in March, although as of mid-September she remained in the role on an acting basis. Human rights organizations criticized the process to choose her successor, asserting that the candidates nominated were not politically impartial and lacked necessary qualifications and that the government failed to consult with civil society or conduct the process in a transparent manner.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law prohibits rape of men or women but does not explicitly address spousal rape or domestic violence. The courts may use a law against "forced sex with a materially dependent person" as grounds to prosecute spousal rape. Under the law, authorities may detain a person for up to five days for offenses related to domestic violence and spousal abuse. The penalty for rape is

three to 15 years' imprisonment. Sexual assault and rape continued to be significant problems.

Domestic violence against women remained a serious problem. Spousal abuse was common. According to the PGO, 874 cases of domestic violence were registered during the first nine months of the year. According to the Ministry of Internal Affairs, police issued approximately 41,097 domestic violence warnings and protection orders during the first nine months of the year. Punishment included fines, administrative arrest, and community service. Human rights groups noted the ability of agencies to detect and report cases of domestic violence was limited, and preventive services remained underdeveloped. Human rights groups asserted that law enforcement authorities did not consider domestic violence to be a serious crime but rather a private matter to be settled between spouses. Research showed that most authorities believed that, in domestic violence cases, familial reconciliation was more important than punishing the perpetrator or protecting the victim.

La Strada operated a national hotline for victims of violence and sexual harassment. As of June, more than 15,512 individuals had called the hotline for assistance; 95 percent of the calls concerned domestic or sexual violence while more than one-half the calls involved psychological violence. The NGO reported that expanded public awareness campaigns increased the number of requests for assistance it received each year.

According to the NGO La Strada, the conflict in the Donbas region led to a surge in violence against women across the country. Human rights groups attributed the increase in violence to posttraumatic stress experienced by IDPs fleeing the conflict and by soldiers returning from combat. According to monitoring of conflict-related gender-based violence conducted by the Justice for Peace in Donbas coalition, the situation in eastern Ukraine combined with the general discriminatory policies and lack of access to judicial services in the self-styled "republics" to create an environment conducive to gross violation of women's rights. IDPs reported instances of rape and sexual abuse; many claimed to have fled areas controlled by Russia-led forces because they feared sexual abuse.

Although the law requires the government to operate a shelter in every major city, it did not do so. According to the Ministry of Social Policy, as of July 1, government centers provided domestic violence-related services, in the form of sociopsychological assistance, to 8,483 families with 8,529 children. Social services centers monitored families in matters related to domestic violence and

child abuse. NGOs operated additional centers for victims of domestic violence in several regions, but women's rights groups noted that many nongovernment shelters closed due to lack of funding.

Sexual Harassment: The law puts sexual harassment in the same category as discrimination and sets penalties from a fine up to three years in prison, but women's rights groups asserted there was no effective mechanism to protect against sexual harassment. They reported continuing and widespread sexual harassment, including coerced sex, in the workplace. Women rarely sought legal recourse because courts declined to hear their cases and rarely convicted perpetrators.

While the law prohibits coercing a “materially dependent person” to have sexual intercourse, legal experts stated that safeguards against harassment were inadequate.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The law provides that women enjoy the same rights as men and are entitled to receive equal pay for equal work. In practice, women received lower salaries than men and were prohibited from working in nearly 500 occupations (see section 7.d.).

Children

Birth Registration: Either birth in the country or to Ukrainian parents conveys citizenship. A child born to stateless parents residing permanently in the country is a citizen. The law requires that parents register a child within a month of birth, and failure to register sometimes resulted in denial of public services.

Registration of children born in Crimea or areas in Donbas controlled by Russia-led forces remained difficult. Authorities required hospital paperwork to register births. Russia-backed “authorities” routinely kept such paperwork if parents registered children in territories under their control, making it difficult for the child to obtain a Ukrainian birth certificate. In addition, authorities did not recognize documents issued by Russian occupation authorities in Crimea or “authorities” in

territories controlled by Russia-led forces and sometimes refused to issue birth certificates to children born in those areas.

Child Abuse: Human rights groups noted authorities lacked the capability to detect violence against children and refer victims for assistance. Preventive services remained underdeveloped. There were also instances of forced labor involving children (see section 7.c.).

Authorities did not take effective measures at the national level to protect children from abuse and violence and to prevent such problems. The ombudsman for human rights noted the imperfection of mechanisms to protect children who survived or witnessed violence, in particular violence committed by their parents. According to the law, parents were the legal representatives of their children, even if they perpetrated violence against them. There is no procedure for appointing a temporary legal representative of a child during the investigation of alleged parental violence.

Early and Forced Marriage: The minimum age for marriage is 18. If it finds marriage to be in the child's interest, a court may grant a child as young as 16 permission to marry. Romani rights groups reported that early marriages involving girls under the age of 18 were common in the Romani community.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, the sale of children, offering or procuring a child for child prostitution, and practices related to child pornography. The minimum prison sentence for child rape is 10 years. Molesting a child under the age of 16 is punishable by imprisonment for up to five years. The same offense committed against a child under the age of 14 is punishable by imprisonment for five to eight years. The age of consent is 16.

Sexual exploitation of children, however, remained significantly underreported. Commercial sexual exploitation of children remained a serious problem.

Domestic and foreign law enforcement officials reported that a significant amount of child pornography on the internet continued to originate in the country. The International Organization for Migration reported that children from socially disadvantaged families and those in state custody continued to be at high risk of trafficking and commercial sexual exploitation and the production of pornography.

Displaced Children: The majority of IDP children were from Donetsk and Luhansk Oblasts. According to the Ministry of Social Policy, authorities registered more than 232,000 children as IDPs. Human rights groups believed this number was low. UNICEF estimated the conflict has affected 1.7 million children including non-IDPs who remained in conflict areas.

Children living in areas controlled by Russia-led forces did not receive nutritional and shelter assistance. Human rights groups reported that children who experienced the conflict or fled from territory controlled by Russia-led forces suffered psychological trauma.

Institutionalized Children: The child welfare system continued to rely on long-term residential care for children at social risk or without parental care, although the number of residential-care institutions continued to drop. Government policies to address the abandonment of children reduced the number of children deprived of parental care. In August the government approved a national strategy for 2017-18 that was intended to transform the institutionalized childcare system into one that provides a family-based or family-like environment for children.

Human rights groups and media reported unsafe, inhuman, and sometimes life-threatening conditions in some institutions. Officials of several state-run institutions and orphanages were allegedly complicit or willfully negligent in the sex and labor trafficking of girls and boys under their care.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

According to census data and international Jewish groups, an estimated 103,600 Jews lived in the country, constituting approximately 0.2 percent of the population. According to the Association of Jewish Organizations and Communities (VAAD), there were approximately 300,000 persons of Jewish ancestry in the country, although the number might be higher. Before the Russian aggression in eastern Ukraine, according to VAAD, approximately 30,000 Jewish persons lived in the Donbas region. Jewish groups estimated that between 10,000 and 15,000 Jewish residents lived in Crimea before Russia's attempted annexation.

According to the National Minority Rights Monitoring Group (NMRMG) supported by the Euro-Asian Jewish Congress and VAAD, one case of suspected anti-Semitic violence was recorded in 2016, compared with one case of anti-Semitic violence in 2015 and four cases in 2014. The NMRMG identified 18 cases of anti-Semitic vandalism in 2016, as compared with 22 in 2015 and 23 in 2014. Graffiti swastikas continued to appear in Kyiv, Lviv, and other cities. On January 13, arsonists damaged a Jewish cemetery in Kolomiya, where there were similar attacks in 2015. Jewish organizations expressed concern about the continued existence of Krakivsky Market and new construction atop a historic Jewish cemetery in Lviv. There were reportedly several anti-Semitic incidents targeting the Babyn Yar memorial during the year.

In other manifestations of anti-Semitism during the year, nationalists in Kyiv chanted “Jews out” in German at a New Year’s Day march celebrating the birthday of Stepan Bandera. In a televised interview in March, Nadiya Savchenko, a member of the parliament, used a derogatory word to describe Jews and stated that Jews possess “80 percent of the power when they only account for 2 percent of the population.”

In line with the country’s 2015 decommunization and denazification law, authorities continued to rename Communist-era streets, bridges, and monuments in honor of 20th century Ukrainian nationalists, some of whom were associated with anti-Semitism. A new monument in Uman honors Ivan Gonta, an 18th century Cossack involved in a massacre of Jews, Poles, and Greek Catholics.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government did not effectively enforce these provisions. The law requires the government to provide access to public venues and opportunities for involvement in public, educational, cultural, and sporting activities for persons with disabilities. The law also requires employers to take into account the individual needs of employees with disabilities. The government generally did not enforce these laws.

Advocacy groups maintained that, despite the legal requirements, most public buildings remained inaccessible to persons with disabilities. Access to employment, education, health care, transportation, and financial services remained difficult (see section 7.d.).

Authorities often did not integrate students with disabilities into the general student population. Only secondary schools offered classes for students with disabilities.

Government policy favored the institutionalization of children with disabilities over placement with their families. Persons with disabilities in areas controlled by Russia-led forces in the east of the country suffered from a lack of appropriate care. Patients in mental health facilities remained at risk of abuse, and many psychiatric hospitals continued to use outdated methods and medicines.

By law employers must set aside 4 percent of employment opportunities for persons with disabilities. NGOs noted that many of those employed to satisfy the requirement received nominal salaries but did not actually perform work at their companies.

National/Racial/Ethnic Minorities

Mistreatment of members of minority groups and harassment of foreigners of non-Slavic appearance remained problems. NGOs dedicated to combating racism and hate crimes observed that overall xenophobic incidents declined slightly during the year.

Human rights organizations stated that the requirement to prove actual intent, including proof of premeditation, to secure a conviction made it difficult to apply the laws against offenses motivated by racial, national, or religious hatred. Authorities did not open any criminal proceedings under the laws on racial, national, or religious offenses during the year. Police and prosecutors continued to prosecute racially motivated crimes under laws against hooliganism or related offenses.

Roma continued to face governmental and societal discrimination. Roma experienced significant barriers accessing education, health care, social services, and employment.

There were reports of societal violence against Roma during the year, including instances in which police declined to intervene to stop violence. For example, on

May 18, an argument in the village of Olshany, Kharkiv Oblast, between village residents and visiting Romani individuals turned violent. Three Romani men received injuries, and one died. Regional police opened an investigation, which continued at year's end.

There were several reports during the year that police arbitrarily detained Romani individuals, at times beating or mistreating them.

According to the Romani women's foundation, Chirikli, local authorities erected a number of barriers to prevent issuing national identification documents to Roma. Authorities hampered access to education for persons who lacked documents and segregated Romani children into special schools or lower-quality classrooms.

During the year many Roma fled settlements in areas controlled by Russia-led forces and moved elsewhere in the country. According to Chirikli, approximately 10,000 Roma were among the most vulnerable members of the country's IDP population. Because many Roma lacked documents, obtaining IDP assistance, medical care, and education was especially difficult.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The labor code prohibits workplace discrimination on the basis of sexual orientation and gender identity. No law, however, prohibits such discrimination in other areas, and discrimination was reportedly widespread in employment, housing, education, and other sectors.

There was sporadic violence against LGBTI persons, and authorities often did not adequately investigate these cases or hold perpetrators to account. For example, there was no investigation following events on July 9, when the speaker, organizers, and attendees of a Kyiv lecture on transgender problems were attacked by 10 masked individuals. Several lecture attendees pushed the attackers from the room, and one organizer pursued them and caught three individuals at the Khreshchatyk metro station. Police then intervened and detained the perpetrators. Lawyers and two members of parliament came to the police station where the attackers were detained, and they were soon released.

Crimes and discrimination against LGBTI persons remained underreported, and law enforcement authorities opened only 17 cases related to such acts.

The LGBTI rights group Nash Mir stated that extortion remained a problem and that anti-LGBTI groups employed social media to entrap LGBTI persons.

Although leading politicians and ministers condemned attacks on LGBTI gatherings and individuals, local officials sometimes voiced opposition to LGBTI rights and failed to protect LGBTI persons.

Transgender persons continued to face discrimination and stereotyping. In one case a municipal transportation company in Kharkiv fired a transgender woman because of her appearance.

While individuals no longer had to undergo sex reassignment surgery to change their names and genders officially and could do so with counseling and hormone therapy, regulations still prevent reassignment for married individuals and those with minor children. Transgender persons claimed to have difficulty obtaining official documents reflecting their gender.

According to Nash Mir, the situation of LGBTI persons in parts of the Donetsk and Luhansk Oblasts under the control of Russia-led forces was very poor. Most LGBTI persons either fled or hid their gender identity.

Overall, LGBTI groups enjoyed greater freedom to assemble than in past years. In most cases, security forces and local officials deployed adequate security forces to prevent violence and protect conferences and marches. On June 18, for example, security forces provided protection to an equality march in Kyiv. Authorities deployed more than 6,000 security personnel to protect up to 3,500 marchers, including members of parliament and the diplomatic community. Police adequately protected the equality festivals in Kyiv in May, in Dnipro in July, and a flash mob of tolerance in Zaporizhzhia in May.

HIV and AIDS Social Stigma

Stigma and discrimination in health-care centers were a barrier to HIV-positive individuals' receiving counseling, testing, and treatment services. UNICEF reported that children with HIV/AIDS were at high risk of abandonment, social stigma, and discrimination. Authorities prevented many children infected with HIV/AIDS from attending kindergartens or schools. Persons with HIV/AIDS faced discrimination in housing and employment. Injection drug users and their sexual partners were also particularly at risk of discrimination.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution provides for freedom of association as a fundamental right and establishes the right to participate in independent trade unions. The law provides the right for most workers to form and join independent unions, to bargain collectively, and to conduct legal strikes. No laws or legal mechanisms prevent antiunion discrimination; union activity is not an acceptable justification for employment termination. While legal recourse is available for reinstatement, back wages, and punitive damages, observers described courts as unpredictable, with damage awards often too low to create incentives for employer compliance.

The law contains several limits to freedom of association and the right to collective bargaining. A number of laws that apply to worker organizations are complex and occasionally contradictory. Unions reported bureaucratic hurdles in the registration process, entailing the payment of multiple fees and requiring visits to as many as 10 different offices. Efforts to reform registration of legal entities complicated registration specifically for trade unions. Independent unions reported multiple incidents of harassment by local law enforcement officials while navigating the registration process, including nonstandard requests for documentation and membership information.

The legal procedure to initiate a strike was overly complex and effectively prohibited strike action in practice, artificially lowering the numbers of informal industrial actions. The legal process for industrial disputes requires consideration, conciliation, and labor arbitration that parties could draw out for months. Only after completion of this process can workers vote to strike, a decision that courts may still block. The right to strike is further restricted by the requirement that a large percentage of the workforce (two-thirds of general workers' meeting delegates or 50 percent of workers in an enterprise) must vote in favor of a strike before it may be called. In addition, the government is allowed to deny the right to strike due to national security or to protect the health or "rights and liberties" of citizens. The law prohibits strikes by broad categories of workers, including personnel in the PGO, the judiciary, the armed forces, the security services, law enforcement agencies, the transportation sector, and the public service sector.

Legal hurdles made it difficult for independent unions that were not affiliated with the Federation of Trade Unions of Ukraine (FPU) to take part in tripartite negotiations, participate in social insurance programs, or represent labor at the

national and international levels. The legal hurdles resulting from an obsolete labor code hindered the ability of smaller independent unions to represent their members effectively. Authorities did not enforce labor laws effectively or consistently. Inspectors were limited in number and funding (also see section 7.e.). Throughout the year the labor inspection service continued to be functionally suspended due to an incomplete reorganization. Union leaders continued to assert that inspectorate services in general suffered from high levels of corruption and capture by large economic and oligarchic interests.

Independent trade unions alleged that the country's largest trade union confederation, the FPU, enjoyed a close relationship with employers and members of some political parties. In particular, they alleged that local authorities and employers often operated in collusion with management-controlled trade unions to obstruct the functioning of other independent unions. Authorities denied unions not affiliated with the FPU a share of disputed trade union assets inherited by the FPU from Soviet-era unions, a dispute dating back more than a decade.

Several laws adopted in 2016 weakened protection for freedom of association, including a new requirement that made trade union registration more difficult and a law complicating the tax status of trade unions.

Independent union representatives continued to be subjected to violence and intimidation. Local union representatives reported that in August the local union leader in Pirohovo (Kyiv region), Tamara Taranuschenko, was severely beaten because of her union activities related to reporting corruption.

In addition to local authorities' interference, top-level government officials in Kyiv continued to make public statements against unions and the freedom of association, including unsupported accusations that particular unions and union leaders supported separatists and that peaceful, legal, union protests sought to destabilize the country. A pattern of officials alleging that peaceful trade union protests were unpatriotic continued.

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor. Penalties for violations ranged were sufficiently stringent to deter violations, but resources, inspections, and remediation were inadequate to provide for enforcement. In the first six months of the year, the Countertrafficking Department of the Ministry of Internal Affairs registered 144 violations under the law.

There are some inconsistencies between labor law in Ukraine and international standards on forced labor. Ukraine is a party to International Labor Organization Convention 105 on the use of compulsory labor for holding or expressing political views or views ideologically opposed to the established political, social or economic system.

In the first six months of the year, the IOM assisted 626 victims of trafficking in the country, of whom 244 were women and 382 men. It assisted 20 students upon completion of reintegration plan. Approximately 89 percent of the victims were subjected to labor exploitation, while 8 percent were sexually exploited, 2 percent forced to beg, and 1.4 percent subjected to other forms of exploitation.

There were reports of trafficking of women, men, and children for labor. Traffickers subjected some foreign nationals to forced labor in construction (46 percent), agriculture (24 percent), manufacturing (18 percent), services (9 percent), the lumber industry (0.7 per cent), nursing, and street begging. Traffickers subjected some children to forced labor (see section 7.c.).

According to trade union activists, child labor in illegal mining operations in the territories controlled by Russia-led forces grew over the year.

According to the IOM, identified victims of trafficking received comprehensive reintegration assistance, including legal aid, medical care, psychological counseling, financial support, vocational training, and other types of assistance based on individual needs.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for most employment is 16, but children who are 15 years old may perform undefined "light work" with a parent's consent.

As of September 1, the State Service on Labor conducted 2,537 inspections to investigate compliance with child labor laws. The inspections found 64 instances of the use of child labor and 82 violations of the law. The inspections uncovered 136 working minors, two of whom were 14 or 15 years of age while 134 were between 16 and 18 years of age. The inspections indicated that minors were

engaged in diverse types of work, with children found to be working in the construction, restaurant, and agricultural sectors.

The law provides for a complex system based on three different minimum ages (16, 15, and 14) for admission to employment or work. The law does not define the light work activities that may be performed by children from the age of 14.

Due to a lack of resources, the government did not always effectively enforce the law. Labor inspections resumed during the year, after being temporarily suspended because of concerns over improper use of the inspection process. Penalties for violations ranged from small fines for illegitimate employment to prison sentences for sexual exploitation of a child; some observers believed these punishments were insufficient to deter violations.

The most frequent violations of child labor laws concerned work under hazardous conditions, long workdays, failure to maintain accurate work records, and delayed salary payments.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The labor code prohibits workplace discrimination on the basis of race, color, political, religious and other beliefs, sex, gender identity, sexual orientation, ethnic, social, and foreign origin, age, health, disability, HIV/AIDS condition, family and property status, or linguistic or other grounds.

The government did not always enforce the law, and employment discrimination reportedly occurred with respect to gender, disability, nationality, race, minority status, sexual orientation or gender identity, and HIV-positive status. The agriculture, construction, mining, heavy industry, and services sectors had the most work-related discrimination. The law provides for civil, administrative, and criminal liability for discrimination in the workplace. Penalties include a fine of up to 50 tax-free minimum incomes, correctional labor for a term of up to two years, restraint of liberty for up to five years, and restriction on engaging in certain activities for a period of up to three years. When accompanied by violence, employment discrimination violations are punishable by correctional labor for a term of up to two years or imprisonment for a term of up to five years if such

actions were committed by an organized group of persons or if they caused death or other grave consequences.

Women received lower salaries due to limited opportunities for advancement and the types of industries that employed them. According to the Human Rights Ombudsman's Office, men earned on average 29.5 percent more than women. Women held few elected or appointed offices at the national and regional levels. In addition, the law limits women's employment opportunities although a ban on women for approximately 500 occupations, including bulldozer operator and bus driver.

e. Acceptable Conditions of Work

The monthly minimum wage meets the poverty level. Some workers in the informal sector received wages below the established minimum. Authorities checked more than 4,400 employers for minimum wage compliance over the past year.

Wage arrears continued to be a major problem during the year. A lack of legal remedies, bureaucratic wrangling, and corruption in public and private enterprises, blocked efforts to recover overdue wages, leading to significant wage theft. Total wage arrears in the country rose during the year through September 1 to 2.4 billion hryvnias (\$88 million). More than half of the debt was in the Luhansk and Donetsk Oblasts. In September, the Independent Trade Union of Miners of Ukraine reported that arrears in the coal sector reached almost 300 million hryvnias (\$11.5 million). Arrears and corruption problems exacerbated industrial relations and led to numerous protests.

The labor law provides for a maximum 40-hour workweek, with a minimum 42-hour period of rest per week and at least 24 days of paid vacation per year. It provides for double pay for overtime work and regulates the number of overtime hours allowed. The law requires agreement between employers and local trade union organization on overtime work and limits overtime to four hours during two consecutive days and 120 hours per year.

The law requires employers to provide workplace safety standards. Employers must meet occupational safety and health standards but at times ignored these regulations due to the lack of enforcement or strict imposition of penalties. The law provides workers the right to remove themselves from dangerous working conditions without jeopardizing their continued employment. According to one

NGO, employers in the metal and mining industries often violated the rule and retaliated against workers by pressuring them to quit.

Penalties for violations workplace safety standards ranged from 510 to 1,700 hryvnias (\$19 to \$63), which were insufficient to deter violations. The State Labor Inspectorate was responsible for enforcing labor laws. Inspectors were limited in number and funding. By 2014, the latest date for which such data were available, the number of inspectors dropped to 457 from 616, in large part due to a 70 percent funding cut that year.

The government did not always enforce minimum wage, hours of work, and occupational safety and health standards. Penalties for these violations included fines of 50 to 100 tax-free minimum incomes, limitations on the right to occupy positions of responsibility or to engage in some activities for three to five years, correctional labor for up to two years, or arrest for up to six months if the actions committed affected a minor or a pregnant woman.

Labor inspections occurred at a company's request or upon the formal request of the investigator in the framework of criminal proceedings against a company.

Lax safety standards and aging equipment caused many injuries on the job. In addition to wage arrears, the nonpayment of overtime, operational safety problems, and health complaints were common in the mining industry.

Mineworkers, particularly in the illegal mining sector, faced serious safety and health problems. Authorities reported 415 individual injuries to coal miners over the first half of the year, including 17 fatalities; 224 individual injuries in the agro-industrial sector, including 31 fatalities; 105 injuries in construction, including 24 fatalities. Workers were more likely to face unsafe situations in the eastern regions of the country, including the Oblasts of Dnipropetrovsk (349 injuries; 15 fatalities), Donetsk (304 injuries; 15 fatalities) and Zaporizhzhia (148; 10 fatalities) as well as in areas outside government control in the Donetsk and Luhansk Oblasts.

Despite Russian aggression close to industrial areas in the Donbas region, enterprises involved in mining, energy, media, retail, clay production, and transportation continued to operate. Fighting resulted in damage to mines and plants through loss of electricity, destroyed transformers, physical damage from shelling, and alleged intentional flooding of mines by combined Russia-led forces. Miners were especially vulnerable, as loss of electrical power could strand them

underground. The loss of electrical power also threatened the operability of mine safety equipment that prevented the buildup of explosive gases.

CRIMEA

In February 2014 Russian forces entered Ukraine’s Crimean Peninsula and occupied it militarily. In March 2014 Russia announced the peninsula had become part of the Russian Federation following a sham referendum that violated Ukraine’s constitution. On March 27, 2014, the UN General Assembly adopted Resolution 68/262 on the “Territorial Integrity of Ukraine,” which called on states and international organizations not to recognize any change in Crimea’s status and affirmed the commitment of the United Nations to recognize Crimea as part of Ukraine. In April 2014 Ukraine’s legislature (Verkhovna Rada) adopted a law attributing responsibility for human rights violations in Crimea to the Russian Federation as the occupying state. The United States does not recognize the attempted “annexation” of Crimea by the Russian Federation. Russian law has been applied in Ukraine’s Crimea since the Russian occupation and purported “annexation” of the peninsula. For detailed information on the laws and practices of the Russian Federation, see the Country Reports on Human Rights for Russia.

EXECUTIVE SUMMARY

A local authority installed by the Russian government and led by Sergey Aksyonov as “prime minister” of the “state council of the republic of Crimea” administers occupied Crimea. The “state council” is responsible for day-to-day administration and other functions of governing. In September 2016 Russia’s nationwide parliamentary elections included seats allocated for purportedly annexed Crimea, a move widely condemned by the international community and that contravened the Ukrainian constitution.

Russian authorities maintained control over Russian military and security forces deployed in Crimea. Russian security services continued to consolidate control over Crimea and restrict human rights. Occupation authorities imposed and disproportionately applied repressive Russian Federation laws on the Ukrainian territory of Crimea.

Significant human rights issues included disappearances; torture, including punitive psychiatric incarceration; harsh prison conditions, including removing prisoners to Russia; arbitrary arrest and detention; a complete lack of judicial independence; political prisoners; interference with privacy; severe restrictions on

freedom of expression and the media, including closing outlets and violence against journalists; restrictions on the internet including blocking websites; gross and widespread suppression of freedom of assembly; severe restriction of freedom of association, including barring the Crimean Tatar Mejlis; onerous restrictions on freedom of movement; restrictions on participation in the political process; systemic rampant corruption; and violence against ethnic Ukrainians and Crimean Tatars.

Russian-installed authorities took few steps to investigate or prosecute officials or individuals who committed human rights abuses, creating an atmosphere of impunity and lawlessness. Occupation and local “self-defense” forces often did not wear insignia and committed abuses with impunity.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

Russian occupation authorities did not adequately investigate cases of abductions and killings of Crimean residents from 2014 and 2015. According to the Ukrainian Ministry of Foreign Affairs, 12 Crimean residents who had disappeared during the occupation were later found dead. Occupation authorities did not investigate other suspicious deaths and disappearances, occasionally categorizing them as suicide. Human rights observers reported that families frequently did not challenge findings in such cases due to fear of retaliation.

b. Disappearance

According to the Ukrainian Ministry of Foreign Affairs and the Crimean Tatar Mejlis, as of October 1, 28 persons had disappeared since the occupation of Crimea, including 12 later found dead. Russian occupation authorities did not adequately investigate the deaths and disappearances. Human rights groups reported that police often refused to register reports of disappearances and intimidated and threatened with detention those who tried to report a disappearance. Ukrainian government and human rights groups believed Russian security forces kidnapped the individuals for opposing Russia’s occupation to instill fear in the population and prevent dissent.

According to human rights groups, occupation authorities took no apparent steps to investigate the May 2016 disappearance of Crimean Tatar activist Ervin Ibragimov

in Bakhchisaray, who was last seen being forced into a van by men wearing police uniforms. Ibragimov's whereabouts were still unknown at year's end. Press reports indicated that police supposedly investigating the crime refused to provide any information about the investigation to Ibragimov's family. In September his father was informed the investigation into Ibragimov's case would be united with two other cases of disappearances that took place in Bakhchisaray in April 2016.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were widespread reports Russian authorities in Crimea abused residents who opposed the occupation. Human rights monitors reported that Russian occupying forces subjected Crimean Tatars and ethnic Ukrainians in particular to physical abuse. On September 13, for example, members of the Russian Federal Security Service (FSB) along with masked men broke into the family home of Renat Paralamov in the town of Nyzhniokhirs'k. They seized his laptop, tablet, and a book on Islam, and detained him. Law enforcement officials denied any knowledge of his whereabouts. Paralamov then contacted his family the next evening and asked them to pick him up at the Simferopol bus station. He had been beaten and showed physical signs of torture. Paralamov publicly stated he had been tied up with a bag over his head, beaten, injected with unknown substances, and subjected to electric shocks. Paralamov stated he signed false statements while under pressure from the torture.

Occupation authorities demonstrated a pattern of using punitive psychiatric incarceration as a means of pressuring detained individuals. On May 25, so-called authorities ordered the psychiatric evaluation of Suleyman Kadyrov, a member of the Feodosia regional Mejlis, who was charged with publicly inciting the violation of Russia's territorial integrity because of a social media post stating that Crimea is a part of Ukraine. Observers called the decision punitive and without legitimate basis. As of late September, seven Crimean Tatar defendants had been subjected to psychiatric evaluation and confinement against their will without apparent medical need (see section 1.d.).

Human rights monitors reported that occupation authorities also threatened individuals with violence or imprisonment if they did not testify in court against individuals authorities believed were opposed to the occupation.

Prison and Detention Center Conditions

Physical Conditions: Prison and detention center conditions reportedly remained harsh and overcrowded. Former detainees in Crimea complained to the HRMMU about the resulting degrading treatment. Human rights groups reported prisons suffered from overcrowding and poor conditions.

The HRMMU reported a substantial number of Crimean prisoners were transferred to the Russian Federation. One factor in the transfers was the lack of specialized penitentiary facilities in Crimea, requiring the transfer of juveniles, persons sentenced to life imprisonment, and prisoners suffering from serious physical and mental illnesses.

According to the OSCE's Office of Democratic Institutions and Human Rights and the OSCE's high commissioner on national minorities, health care in prisons deteriorated after the occupation began.

According to the HRMMU report on Crimea, occupation authorities exerted pressure on detainees who refused to accept Russian Federation citizenship. A female detainee who rejected Russian Federation citizenship complained she was denied family visits and that sunflower oil was regularly poured over her personal belongings as a harassment technique. Other detainees who refused Russian Federation citizenship were placed in smaller cells or in solitary confinement.

Independent Monitoring: Occupation authorities did not permit monitoring of prison or detention center conditions by independent nongovernmental observers or international organizations. Occupation authorities permitted the "human rights ombudsman," Lyudmila Lubina, to visit prisoners, but human rights activists regarded Lubina as representing the interests of occupation authorities and not an independent actor.

On March 17, 12 inmates serving sentences in the penitentiary institutions of Crimea were transferred to mainland Ukraine following advocacy by the Ukrainian ombudsman for human rights and her Russian counterpart.

d. Arbitrary Arrest or Detention

Role of the Police and Security Apparatus

Russian government agencies, including the Ministry of Internal Affairs, the FSB, the Federal Investigative Committee, and the Office of the Prosecutor General applied and enforced Russian law in Crimea. The FSB also conducted security,

counterintelligence, and counterterrorism activities and combatted organized crime and corruption. A “national police force” operated under the aegis of the Russian Ministry of Internal Affairs.

In addition to abuses committed by Russian forces, “self-defense forces,” largely consisting of former Ukrainian Ministry of Internal Affairs officers allegedly linked to local organized crime, reportedly continued to operate and commit abuses. These forces often acted with impunity in intimidating perceived occupation opponents and were involved in extrajudicial detentions and arbitrary confiscation of property. While the “law” places the “self-defense forces” under the authority of the “national police,” their members continued to commit abuses while receiving state funding for their activities as well as other rewards, such as beachfront property and service medals.

According to human rights groups, there was total impunity for human rights abuses committed by Russian occupation forces and Crimean “self-defense forces.”

Arrest Procedures and Treatment of Detainees

See the *Country Reports on Human Rights* for Russia for a description of the relevant Russian laws and procedures that the Russian government applied and enforced in occupied Crimea.

Arbitrary Arrest: Arbitrary arrests continued to occur as a means of instilling fear, stifling opposition, and inflicting punishment on those who opposed the occupation. According to the HRMMU, in many cases victims were neither charged nor tried but were detained as a form of extrajudicial punishment or harassment. Detention under such circumstances usually lasted from several hours to several days. Many victims were journalists, land or business owners, and persons arrested during police raids at markets, mosques, cafes, restaurants, or places of entertainment. The HRMMU noted the prevalence of members of the Crimean Tatar community among those apprehended during police raids. Detainees were typically taken to the police station, photographed, fingerprinted, and made to provide DNA samples before being released. The HRMMU calculated that, as of September, at least 150 such raids had taken place since the occupation began.

In one example of such an arrest, on February 22, activist Marlen Mustafa was arrested near his home by representatives of the FSB’s “Center for Combating

Extremism.” While he was in detention, occupation law enforcement officials searched his house. Authorities detained 10 persons who had gathered outside his home to film the search and sentenced them to five days of administrative detention for “participating in an unsanctioned mass event.” Marlen Mustafa was sentenced to 11 days of administrative detention for reposting “extremist” videos on his social media account in 2014.

e. Denial of Fair Public Trial

Under the Russian occupation regime, the “judiciary” was neither independent nor impartial. Judges, prosecutors, and defense attorneys all were subject to political directives from occupation authorities. The outcomes of trials appeared predetermined by government interference.

Trial Procedures

See the *Country Reports on Human Rights* for Russia for a description of the relevant Russian laws and procedures that the Russian government applied and enforced in occupied Crimea.

Occupation authorities interfered with a defendant’s ability to access an attorney. On January 25, FSB officers detained lawyer Nikolai Polozov in Simferopol shortly after he returned from giving a presentation on political prosecutions in Crimea at a meeting of the Parliamentary Assembly of the Council of Europe. FSB officers detained him for interrogation in the criminal case against Ilmi Umerov and then changed his status to a witness in the case. Doing so prevented him from representing Umerov in court. Polozov was subsequently released.

Political Prisoners and Detainees

Human Rights advocates estimated there were more than 50 political prisoners in occupied Crimea. Charges of extremism, terrorism, or violation of territorial integrity were particularly applied to opponents of the occupation, such as Crimean Tatars, independent journalists, and individuals expressing dissent on social media.

Russian occupation authorities also transferred Crimean cases to Russia’s legal system and changed the venue of prosecution for some detainees. Human rights groups identified several dozen Crimean residents as political prisoners held in either Crimea or Russia. These included: Teimur Abdullaev, Uzeir Abdullaev, Rustem Abultarov, Talyat Abdurakhmanov, Zevri Abseitov, Refat Alimov,

Muslim Aliyev, Murat Aliyev, Ernest Ametov, Ali Asanov, Suleyman Asanov, Volodymyr Balukh, Enver Bekirov, Memet Belyalov, Oleksiy Bessarabov, Oleksiy Chirniy, Mustafa Dehermedzhy, Arsen Dzheparov, Emil Dzhemadenov, Volodymyr Dudka, Timur Ibragimov, Rustem Ismailov, Suleyman Kadyrov, Oleksandr Kolchenko, Andriy Kolomiets, Oleksandr Kostenko, Arsen Kubedinov, Emir-Ussein Kuku, Hennadiy Lymeshko, Serhiy Lytvynov, Enver Mamutov, Emil Minasov, Seyran Mustafayev, Remzi Memetov, Yevhen Panov, Nuri Primov, Volodymyr Prysich, Ayder Saledinov, Seyran Saliyev, Ferat Sayfullaev, Mykola Semena, Vadim Siruk, Oleg Sentsov, Glib Shablii, Dmytro Shtyblikov, Mykola Shyptur, Oleksiy Stogniy, Redvan Suleymanov, Renat Suleymanov, Rustem Vaitov, Valentyn Vyhivskiy, Andriy Zakhtey, Ruslan Zaytullaev, and Server Zekeryaev.

On August 4, an occupation court in Crimea sentenced Ukrainian activist Volodymyr Balukh to three years and seven months in prison, and imposed a fine of 10,000 rubles (\$174). On October 2, the verdict was cancelled and the case returned to trial court. On December 1, Balukh was transferred to house arrest as his appeals process continued. The FSB detained Balukh in December 2016, claiming it found ammunition and explosives in the attic of his house. Human rights defenders asserted that the material was planted in retaliation for his pro-Ukrainian views, which he displayed through hanging a plaque and Ukrainian flag in the courtyard of his house.

On September 11, an occupation court in Simferopol sentenced Akhtem Chiygoz, deputy head of the Crimean Tatar Mejlis, to eight years in prison. Russian authorities arrested Chiygoz in 2015 and charged him with “inciting a mass riot” during protests he organized at the Crimean parliament in 2014 that were disrupted by pro-Russian activists, resulting in clashes between the groups. Subsequently occupation authorities prosecuted individuals alleged to have participated in the protest, although Russia did not exercise control over Crimea at the time. Human rights groups reported that authorities reviewed video of the incident and selectively brought charges against leading Crimean Tatar and Ukrainian individuals who subsequently opposed the occupation, in particular members of the Crimean Tatar Mejlis. Video footage showed Chiygoz and other Crimean Tatar leaders working to defuse tensions in the hopes of avoiding clashes with counterprotesters. Occupation authorities refused to investigate acts of violence committed by pro-Russian “protesters,” who independent observers believed likely were working for Russian security services.

On September 27, an occupation court in Simferopol sentenced Ilmi Umerov, deputy head of the Crimean Tatar Mejlis, to two years in prison, which was harsher than the three-year suspended sentence sought by the prosecution. He was convicted on “separatism” charges based upon a 2016 television interview in which he stated that Crimea remains a part of Ukraine.

Both Chiygoz and Umerov were released October 25 following negotiations by the Turkish government. The details of their release were not publicly known.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

See the *Country Reports on Human Rights* for Russia for a description of the relevant Russian laws and procedures that the Russian government applied and enforced in occupied Crimea.

Occupation authorities and others engaged in electronic surveillance, entered residences and other premises without warrants, and harassed relatives and neighbors of perceived opposition figures.

Russian occupation authorities routinely conducted raids on homes to intimidate the local population, particularly Crimean Tatars and ethnic Ukrainians, ostensibly on the grounds of searching for weapons, drugs, or “extremist literature.”

Human rights groups reported Russian authorities had widespread authority to tap telephones and read electronic communications and had established a network of informants to report on suspicious activities. According to Mejlis members, Russian authorities had invited hundreds of Crimean Tatars to “interviews” where authorities played back the interviewees’ telephone conversations and read their email aloud. Authorities reportedly encouraged state employees to inform on their colleagues who might oppose the occupation. According to human rights advocates, eavesdropping and visits by security personnel created an environment in which persons were afraid to voice any opinion contrary to the occupation authorities, even in private.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

Occupation authorities significantly restricted freedom of expression and subjected dissenting voices including the press to harassment and prosecution. They refused to register independent print and broadcast media outlets, forcing them to cease operations. Threats and harassment against international and Ukrainian journalists were common.

Freedom of Expression: Individuals could not publicly criticize the Russian occupation without fear of reprisal. Human rights groups reported the FSB engaged in widespread surveillance of social media, telephones, and electronic communication and routinely summoned individuals for “discussions” for voicing or posting opposition to the Russian occupation.

For example, on April 13, a riot patrol unit searched the homes of Seidamet Mustafayev and Riza Muzhdabayev, both of whom had allegedly posted the banned symbols of the Hizb-ut-Tahrir Islamic group through their social network accounts. Mustafayev was arrested and held for 12 days, while Muzhdabayev spent three days in custody. After the search occupation authorities detained six Crimean Tatars who had witnessed the search.

On May 23, a member of the local Mejlis was summoned to the police station in the village of Sovetskoe for mentioning in a social network posting the Mejlis of the Crimean Tatar people without stating that it was prohibited in the territory of Crimea. On June 1, the occupation court found him guilty of an administrative violation and imposed a fine of 2,000 Russian rubles (\$35).

Press and Media Freedom: Independent print and broadcast media could not operate freely. Occupation authorities refused to register most independent media outlets, forcing them to close in 2015.

On September 22, Ukrainian journalist Mykola Semena, who had been charged in 2016 with “undermining Russian territorial integrity via mass media,” received a 2.5-year suspended sentence with a prohibition on journalistic activities. Semena, a freelance writer for the news website *Krym Realii*, had written articles using a pseudonym criticizing the de facto Crimean government and Russian occupation. Occupation authorities detained Semena twice in 2015, and human rights groups believed that Russian security forces hacked into his computer to prove he had written material critical of the occupation. Authorities had placed Semena, who was in poor health, under house arrest in April 2016.

Violence and Harassment: There were numerous cases of Russian security forces or police harassing independent media and detaining journalists in connection with their professional activities.

On February 16, police officers in Simferopol apprehended a camera crew of the Ukrainian STB channel, Alyona Lunkova, Andriy Shurin, Serhiy Sivko, and Vitaliy Kikot, and a journalist of Hromadske Radio, Iryna Romaliyska, as they were interviewing passers-by. Law enforcement officials spent more than an hour reviewing their documentation, but they did not take any individuals into custody after learning that a defense attorney had been summoned. The journalists reported they were then followed from Kerch to Yalta.

Censorship or Content Restrictions: Following Russia's occupation of Crimea, journalists overwhelmingly resorted to self-censorship to continue reporting and broadcasting. Russian occupation authorities banned most Ukrainian and Crimean Tatar-language broadcasts, replacing the content with Russian programming. Human rights groups reported Russian authorities forbade songs by Ukrainian singers, such as Ruslana and Jamala, from playing on Crimean radio stations. Censorship of independent internet sites became more widespread.

Internet Freedom

Russian occupation authorities restricted free expression on the internet by imposing repressive laws of the Russian Federation on Crimea (see section 2.a. of the *Country Reports on Human Rights* for Russia). Security services routinely monitored and controlled internet activity to suppress dissenting opinions. According to media accounts, occupation authorities interrogated residents of Crimea for posting pro-Ukrainian opinions on Facebook or in blogs.

On January 12, FSB officers searched the apartment of a married couple, Natalia Kharchenko and Andriy Vynohradov, in Simferopol. The search warrant indicated it was issued in connection with a pretrial criminal investigation into alleged extremist posts on the social media VKontakte website. The post included a photo of Kharchenko holding a Ukrainian flag and stated that Russia was evil and must be fought.

Throughout the year Russian authorities blocked internet sites they considered “extremist,” but that in fact provided mainstream reporting about the situation in Crimea. Russian authorities blocked more than 60 websites as “extremist” for stating Crimea remained a part of Ukraine.

Academic Freedom and Cultural Events

Russian authorities in Crimea engaged in a widespread campaign to suppress the Crimean Tatar and Ukrainian languages. While Crimean Tatar and Ukrainian are official languages in occupied Crimea, authorities continued to reduce instruction in schools and offered the languages only as optional instruction at the end of the school day. The Mejlis reported authorities continued to pressure Crimean Tatars to use the Cyrillic, rather than the Latin, alphabet.

According to press reports, on February 27, FSB agents subjected biologist Guriy Kornilov to intimidating interrogations in retaliation for his opposition to Russia's occupation. Kornilov was fired from his position at the Nikitinsky Botanical Gardens in Yalta in 2016 after he refused to take Russian citizenship and made his positions known within the scientific community.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

Organizations representing minority communities reported gross and widespread harassment and intimidation by occupation authorities to suppress their ability to assemble peacefully. Abuses included arbitrary searches, interrogations, threats of deportation, and unsubstantiated accusations of possessing “extremist” literature.

The “regulation” limits the places in Crimea where public events may be held to 366 listed locations. The HRMMU noted that the “regulation” restricted freedom of assembly to a shrinking number of “specially designated spaces,” an unnecessary move that appeared “designed to dissuade the exercise of the right of freedom of assembly.”

Persons who expressed their position publicly understood that they put at risk themselves and their families. On May 18, Osman Izmaylov, a Crimean Tatar, was stopped by the traffic police four times for wearing the mourning ribbon attached to a Crimean Tatar flag on the grounds that “the car is not a means of transporting flags,” “it is prohibited by technical guidelines,” and “the flag distracts drivers.” Izmaylov was told that he violated the law on peaceful assembly, despite the fact that he was driving his personal vehicle.

On August 8, 76-year-old Crimean Tatar Server Karametov was detained and sentenced to 10 days of administrative arrest in Simferopol. Karametov was arrested while demonstrating outside the Supreme Court building in support of deputy head of the Mejlis of the Crimean Tatar People, Akhtem Chiygoz, who had been convicted and sentenced on charges of organizing an illegal demonstration in 2014. Occupation authorities used disproportionate force while detaining him, including holding him in a police car for five hours with no access to toilets, food, water, or medication. A number of procedural safeguards were violated during his trial, including access to defense counsel, a translator, and independent examination of evidence.

There were reports of occupation authorities using coercive methods to provide for participation at rallies in support of the “government.”

There were reports that occupation authorities charged and fined individuals for allegedly violating public assembly rules in retaliation for gathering to witness security force raids on homes.

Freedom of Association

Occupation authorities broadly restricted freedom of association for individuals that opposed the occupation. For example, in May the Simferopol-based Ukrainian Cultural Center was forced to close due to constant pressure on the center’s leadership. Members of the center remained under constant surveillance, as they had been since 2014. Their public activities, including paying tribute to Ukrainian literary, political, or historical figures, were often disrupted or prohibited.

Following the 2016 ban on the Crimean Tatar Mejlis as an “extremist organization,” occupation authorities banned gatherings by Mejlis members and prosecuted individuals for discussing the Mejlis on social media (see section 6).

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

Russian occupation authorities did not respect rights related to freedom of movement and travel.

In-country Movement: There were reports occupation authorities selectively detained and at times abused persons attempting to enter or leave Crimea. According to human rights groups, Russian authorities routinely detained adult men at the administrative boundary for additional questioning, threatening to seize passports and documents, seizing telephones and memory cards, and questioning them for hours.

Occupation authorities prohibited entry into Crimea by Mustafa Jemilev and Refat Chubarov, members of the Verkhovna Rada, and the former and current chairmen of the Crimean Tatar Mejlis, respectively, and Crimean Tatar activist Sinaver Kadyrov; and Ismet Yuksel, general director of the Crimean News Agency, on the pretext that they would incite radicalism.

Citizenship: Russian occupation authorities required all residents of Crimea to be Russian citizens. Those who refused Russian citizenship could be subjected to arbitrary expulsion. Multiple citizens of Ukraine were deported from Crimea for violating the Russian Federation's immigration rules. In one case the HRMMU reported that, on January 20, the Crimea-born chairman of an NGO from Yevpatoriya providing free legal aid was convicted of an illegal stay in Crimea because he did not have a Russian passport. He was then deported.

Residents of Crimea who chose not to adopt Russian citizenship were considered foreigners. In some cases they could obtain a residency permit. Persons holding a residency permit without Russian citizenship, however, were deprived of key rights and could not own agricultural land, vote or run for office, register a religious congregation, or reregister a private vehicle. Authorities denied those who refused Russian citizenship access to government employment, education, and health care, as well as the ability to open bank accounts and buy insurance, among other limitations.

According to media sources, Russian authorities prosecuted private employers who continued to employ Ukrainians.

In some cases authorities compelled Crimean residents to surrender their Ukrainian passports, complicating international travel, because many countries did not recognize passports issued by Russian occupation authorities.

Internally Displaced Persons (IDPs)

Approximately 27,600 residents of Crimea registered as IDPs on the mainland, according to the Ministry of Social Policy. The Mejlis and local NGOs, such as Krym SOS, believed the actual number could be as high as 100,000, as most IDPs remained unregistered. Many individuals fled due to fear that occupation authorities would target them for abuse because of their work as political activists or journalists. Muslims, Greek Catholics, and Evangelical Christians who left Crimea said they feared discrimination due to their religious beliefs.

Crimean Tatars, who made up the largest number of IDPs, said they were concerned about pressure on their community, including an increasing number of arbitrary searches of their homes, surveillance, and discrimination. In addition, many professionals left Crimea because Russian occupation authorities required them to apply for Russian professional licenses and adopt Russian procedures in their work.

Section 3. Freedom to Participate in the Political Process

Recent Elections: Russian occupation authorities prevented residents from voting in Ukrainian national and local elections since Crimea's occupation began in 2014.

In September 2016 Russia's nationwide parliamentary elections included seats allocated for occupied Crimea, a move widely condemned by the international community. The Crimea Human Rights Group recorded incidents in which occupation authorities coerced residents into voting in the elections, including through threats of dismissals and wage cuts.

Section 4. Corruption and Lack of Transparency in Government

Corruption: There were multiple reports during the year of systemic rampant corruption among Crimean "officeholders," including through embezzlement of Russian state funds allocated to support the occupation.

Financial Disclosure: There were no known requirements for Russian occupation authorities or their agents to file, verify, or make public any income or asset disclosure statements, nor was there a mechanism to provide for public access to information about their activities.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Most independent human rights organizations ceased activities in Crimea following Russia's occupation. Occupation authorities refused to cooperate with independent human rights NGOs, ignored their views, and harassed human rights monitors and threatened them with fines and imprisonment.

Russia continued to deny access to the peninsula to international human rights monitors from the OSCE and the United Nations.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Children

Birth Registration: Under both Ukrainian law and laws imposed by Russian occupation authorities, either birthplace or parentage determines citizenship. Russia's occupation and purported annexation of Crimea complicated the question of citizenship for children born after February 2014, since it was difficult for parents to register a child as a citizen with Ukrainian authorities. Registration in Ukraine required a hospital certificate, which is retained when a birth certificate is issued. Under the occupation regime, new parents could only obtain a Russian birth certificate and did not have access to a hospital certificate. In 2016 the Ukrainian government instituted a process whereby births in Crimea could be recognized with documents issued by occupation authorities.

Institutionalized Children: There were reports Russian authorities continued to permit kidnapping of orphans in Crimea and transporting them across the border into Russia for adoption. Ukraine's government did not know the whereabouts of the children.

Anti-Semitism

According to Jewish groups, an estimated 10-15,000 Jews lived in Crimea, primarily in Simferopol. There were no reports of anti-Semitic acts.

National/Racial/Ethnic Minorities

Since the beginning of Russia's occupation, authorities singled out Crimean Tatars and Ukrainians for discrimination, abuse, deprivation of civil liberties and religious and economic rights, and violence, including killings and abductions (also see sections 1.a.-1.d., 1.f., 2.a., 2.b., and 2.d.).

There were reports that government officials openly advocated discrimination and violence against Crimean Tatars. Occupation authorities harassed Crimean Tatars for speaking their language in public and forbade speaking it in the workplace. There were reports teachers prohibited schoolchildren from speaking Crimean Tatar to one another. Crimean Tatars were prohibited from celebrating their national holidays and commemorating victims of previous abuses. The Mejlis reported that Crimean Tatar communities did not seek permission for gatherings, because they assumed that occupation authorities would forbid them. School administrations were instructed to inform occupation authorities of the number and identities of students absent on May 18, a day commemorating the 1944 deportation of Crimean Tatars from the peninsula.

Occupation authorities also restricted the use of Crimean Tatar flags and symbols. On September 16, for example, police barred Crimean Tatar youth from holding a football match and forced them to remove their Crimean Tatar flag. The match, which had already begun, was forcibly stopped, and three Crimean Tatars were questioned. Occupation authorities claimed the match had not been authorized and was therefore illegal.

Occupation authorities placed restrictions on the Spiritual Administration of Crimean Muslims, which was closely associated with Crimean Tatars. According to human rights groups, Russian security services routinely monitored prayers at mosques for any mention that Crimea remained part of Ukraine. Russian security forces also monitored mosques for anti-Russian sentiment and as a means of recruiting police informants.

On April 19, the International Court of Justice ruled, in response to Ukraine's January 17 request for provisional measures concerning the "Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of all Forms of Racial Discrimination," that the Russian Federation must refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis.

Russian occupation authorities also targeted ethnic Ukrainians. By the end of 2014, Ukrainian as a language of instruction was removed from university-level education in Crimea. According to the Crimea Human Rights Group, the number of school children instructed in Ukrainian decreased by 36 times since the start of the occupation. On April 19, the International Court of Justice ruled on provisional measures in proceedings brought by Ukraine against the Russian Federation,

concluding unanimously that the Russian Federation must “ensure the availability of education in the Ukrainian language.”

Occupation authorities have not permitted churches linked to ethnic Ukrainians, in particular the Ukrainian Orthodox Church-Kyiv Patriarchate (UOC-KP) and the Ukrainian Greek Catholic Church, to register under Russian law. Occupation authorities harassed and intimidated members of the churches and used court proceedings to force the UOC-KP in particular to leave properties it had rented for years. On August 31, Russian law enforcement authorities broke into the UOC-KP cathedral of the Holy Apostolic Prince Volodymyr and Olga in Simferopol in connection with a property contracts dispute. According to Archbishop Klyment of Simferopol and Crimea, security services plundered and damaged property of the UOC-KP cathedral, tore down the altar, and confiscated icons. Archbishop Klyment received minor injuries during the raid. Occupation authorities sealed and blocked access to the first floor, despite a “court ruling” that bailiffs were supposed to seal only 134 square yards of the property. Church officials reported regular and systematic surveillance of UOC-KP churches and parishioners.

Russian occupation authorities targeted businesses and properties belonging to ethnic Ukrainians and Crimean Tatars for expropriation and seizure. In particular they prohibited Crimean Tatars affiliated with the Mejlis from registering businesses or properties.

Acts of Violence, Discrimination, and other Abuses Based on Sexual Orientation and Gender Identity

Human rights groups and local gay rights activists reported that much of the LGBTI community fled Crimea after the Russian occupation began. Those who remained live in fear of verbal and physical abuse due to their sexual orientation.

Russian occupation authorities prohibited any LGBTI group from holding public events in Crimea. LGBTI individuals faced increasing restrictions on their right to assemble peacefully, because occupation authorities enforced a Russian law that criminalizes the so-called propaganda of nontraditional sexual relations to minors (see section 6 of the *Country Reports on Human Rights* for Russia).

Section 7. Worker Rights

Russian occupation authorities announced the labor laws of Ukraine would no longer be in effect after the start of 2016 and that only the laws of the Russian Federation would apply.

Russian occupation authorities imposed labor laws and regulations of the Russian Federation on Crimean workers, limited worker rights, and created barriers to freedom of association, collective bargaining, and the ability to strike. The pro-Russian authorities threatened to nationalize property owned by Ukrainian labor unions in Crimea. Ukrainians who did not accept Russian citizenship faced job discrimination in all sectors of the economy. Only holders of Russian national identification cards were allowed to work in “government” and municipal positions. Labor activists believed that unions were threatened in Crimea to accept “government” policy without question and faced considerable restrictions on advocating for their members.

Although no official data were available, experts estimated there was growing participation in the underground economy in Crimea.