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UKRAINE 2019 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 who is head of state and commander in chief, and a prime minister who is chosen through a legislative majority and as head of government leads the Cabinet of Ministers; and a judiciary. On April 21, Volodymyr Zelenskyy was elected president in an election considered free and fair by international and domestic observers. On July 21, the country held early parliamentary elections that observers also considered free and fair.

The Ministry of Internal Affairs is responsible for maintaining internal security and order. The ministry oversees police and other law enforcement personnel. The Security Service of Ukraine (SBU) is responsible for state security broadly defined, nonmilitary intelligence, and counterintelligence and counterterrorism matters. The Ministry of Internal Affairs reports to the Cabinet of Ministers, and the SBU reports directly to the president. The Ministry of Defense protects the country against foreign and domestic aggression, ensures sovereignty and the integrity of national borders, and exercises control over the activities of the armed forces in compliance with the law. The president is the supreme commander in chief of the armed forces. The Ministry of Defense reports directly to the president. The State Fiscal Tax 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 maintained effective control over security forces in the territory controlled by the government.

Significant human rights issues included: unlawful or arbitrary killings; torture and other abuse of detainees by law enforcement personnel; harsh and life-threatening conditions in prisons and detention centers; arbitrary arrest and detention; substantial problems with the independence of the judiciary; restrictions on freedom of expression, the press, and the internet, including violence against

journalists, censorship, and blocking of websites; refoulement; widespread government corruption; and crimes involving violence or threat of violence targeting persons with disabilities, ethnic minorities, and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

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 alleged human rights abuses committed by government security forces.

In the Russia-induced and -fueled conflict in the Donbas region, Russia-led forces reportedly engaged in killings of civilians; forced disappearances and abductions; torture; unlawful detentions; and committed gender-based violence. Other egregious human right issues in the areas controlled by Russia-led forces included harsh and life-threatening prison and detention center conditions; political prisoners; the absence of judicial independence; severe restrictions on freedom of expression, the press, and the internet; restrictions on the rights of peaceful assembly, freedom of association, and religious freedom; restrictions on freedom of movement across the line of contact in eastern Ukraine; and unduly restricted humanitarian aid.

Significant human rights issues in Russia-occupied Crimea included: abductions; torture and abuse of detainees to extract confessions and punish persons resisting the occupation; unlawful detention; significant problems with the independence of the judiciary; restrictions on free expression, the press, and the internet, including for members of the press; restrictions on the rights of peaceful assembly and freedom of association and religion. Occupation authorities in Crimea continued to engage in violence against and harassment of Crimean Tatars and pro-Ukrainian activists in response to peaceful opposition to Russian occupation (see Crimea sub-report).

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 were reports that the government or its agents committed possible arbitrary or unlawful killings.

Human rights organizations and media outlets reported deaths due to torture or negligence by police or prison officers (see section 1.c.). For example, according to press reports, on June 11 in Vinnytsia, a police officer approached Civic Position political party activist Oleksandr Komarnitsky at a bus stop and beat him when he allegedly refused to serve as a witness in a criminal case. He was taken to the hospital in a coma and died 12 days later. On June 22, the State Bureau of Investigations (SBI) charged one officer with abuse of power and unlawful violence. A court placed the officer under house arrest on June 23. Several top officials of Vinnytsia Oblast police, including its chief, were suspended or fired in connection with the case.

There were reports that state actors ordered or took part in targeted attacks on civil society activists and journalists in connection with their work, which in some cases resulted in death. For example, on February 11, the Prosecutor General's Office arrested and charged the head of the Kherson regional legislature, Vladyslav Manger, with organizing the 2018 fatal acid attack on public activist and advisor to the Kherson city mayor Kateryna Handziuk. The same day the Prosecutor General's Office announced that it was investigating the deputy governor of Kherson Oblast, Yevhen Ryshchuk, for involvement in Handziuk's killing. In March investigative reporters at Slidstvo.info published allegations by one of the men who allegedly carried out the attack that Ryshchuk had sought to hire him to "punish" Handziuk. On April 17, authorities downgraded 2018 charges against former parliamentary aide Ihor Pavlovsky from complicity in murder to concealment of a crime, alleging that he worked to cover up responsibility for the killing of Handziuk. As of October his trial continued, but he had been released on bail. According to October press reports, Pavlovsky repeatedly refused to appear at court hearings, citing unsubstantiated health concerns. On June 6, a court in Dnipropetrovsk Oblast convicted five persons accused of carrying out the killing on charges of deliberately causing grievous bodily harm resulting in death. They were sentenced to terms of three to six-and-a-half years in prison. Each suspect agreed to testify against those who ordered the killing. As of late September, prosecutors had not charged anyone for ordering the killing. Human rights defenders and Handziuk's supporters alleged that authorities failed to investigate the crime fully. In July 2018 an unknown person poured concentrated sulfuric acid on Handziuk, resulting in serious chemical burns to more than a third of her body. Handziuk died of her injuries in November 2018.

There were reports of politically motivated killings by unknown actors. For example, on the morning of May 4, an unknown assailant attacked journalist Vadym Komarov, known for his investigative reports on corruption, in downtown

Cherkasy. The assailant hit him on the head several times with an object police believed to be a hammer, breaking his skull. On June 20, Komarov died in the local hospital. Komarov faced threats for years as a result of his reporting and was shot at in 2016 and seriously beaten in 2017, according to the Institute for Mass Information (IMI). As of October a police investigation continued, but no arrests had been made. Among the individuals reportedly under investigation for involvement in the crime was the father of a local deputy mayor.

On December 12, police arrested five suspects in connection with the killing of prominent Belarusian-Russian journalist Pavel Sheremet. All suspects had previous military experience as volunteers in the conflict with Russia-led forces. The investigation continued at year's end.

Law enforcement agencies continued to investigate killings and other crimes committed during the Euromaidan protests in Kyiv in 2013-2014. The Office of the UN High Commissioner for Human Rights Monitoring Mission in Ukraine (HRMMU) noted little progress had been made in investigating the killings of protesters. Human rights groups criticized the low number of convictions despite the existence of considerable evidence. A February 19 statement by Amnesty International alleged that law enforcement bodies "resisted and obstructed justice" in relation to Euromaidan cases. As of late November, the Prosecutor General's Office had identified 448 suspects in Euromaidan-related crimes, most of them former law enforcement officers, but also city administration officials, prosecutors, and judges. In total, the cases of 298 individuals were sent to court. Of those, 58 cases resulted in court decisions including 48 convictions, but only nine custodial sentences were handed down. Not one of the individuals imprisoned was a former police officer. On July 16, a Kyiv court authorized the release of one former Berkut officer on bail, and on October 24, a court removed the requirement that he wear a monitoring bracelet, which observers believed made him a flight risk. On August 31, a court acquitted a former Berkut officer and current police officer of torturing two Euromaidan activists. The prosecution appealed the case. On August 8, as part of reforms of the Prosecutor General's Office, the prosecutor general dissolved two units within the Special Investigation Department responsible for the majority of investigations into crimes committed during the Euromaidan protests. Human rights experts saw the decision as another step endangering investigations into Euromaidan-related crimes. On October 28, human rights groups and families of the victims released a joint statement expressing their fear that investigations into the killings will be further delayed or halted altogether, because the National Anticorruption Bureau and the SBI, two newly-created bodies to which the Prosecutor General's Office transferred the

Euromaidan investigations, did not have the necessary processes or personnel to fulfill the task. On December 29, the country released into the custody of proxy authorities in Donbas former Berkut officers Pavlo Abroskin, Oleksandr Marynchenko, Serhiy Tamtur, Oleh Yanishevsky, and Serhiy Zinchenko, who were charged with killing 48 protesters and wounding another 80 in Kyiv in 2014, as part of a negotiated prisoner and detainee exchange with Russia.

The HRMMU did not note any progress in the investigation and legal proceedings in connection with the 2014 trade union building fire in Odesa that stemmed from violent clashes between pro-Russian and Ukrainian unity demonstrators. During the clashes and fire, 48 persons died. As of August 15, preliminary hearings had begun against three high-ranking Odesa police officers and two officials charged with abuse of authority, forgery, and dereliction of duty in protecting people from danger.

There were civilian casualties in connection with Russian aggression in the Luhansk and Donetsk Oblasts (see section 1.g.).

b. Disappearance

There were reports that state agents abducted and deported without due process foreign citizens whose return was allegedly sought by their governments (see section 2.d.).

There were reports of politically motivated disappearances in connection with the Russian aggression in the Donetsk and Luhansk oblasts (see section 1.g.).

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, the HRMMU continued to document cases of abuse by government agents, including torture and arbitrary arrests. There were reports that Russia-led forces in the "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 detainees by police remained a widespread problem. For example, on September 17, the Prosecutor General's Office and SBI in Transcarpathia announced the opening of a criminal investigation into reports of torture by police in Uzhhorod. According to press accounts, on September 13, police detained Ihor Harmatiy and Ivan Bukov, who were reportedly ethnic Roma, on suspicion of involvement in a theft. According to Harmatiy, police took him to the police station, chained him to a radiator, beat him to coerce a confession, and hung him in stress positions until he lost consciousness. He was subsequently hospitalized with two broken arms, a ruptured spleen and bladder, and pelvic displacement. He also lost several teeth. Bukov managed to loosen his handcuffs and jumped out of a fourth-story window to escape abuse and was hospitalized for injuries sustained in the fall. As of October no arrests had been made.

In a report released on January 17 based on a May-June 2018 visit to the country, the UN special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (UN SRT) stated that he "had received numerous allegations of torture and ill-treatment at the hands of the police, including against juveniles as young as 14, almost always occurring at the time of apprehension and interrogation. Most inmates reported that investigative officers used such treatment to intimidate them or to force them to confess to an alleged crime." The report cited allegations of excessive use of force, including kicks and truncheon blows after being handcuffed and placed face down on the ground, and use of threats of death, pain, and violence, including rape with objects, during questioning. The special rapporteur further found that lawyers, police officers, prosecutors, and judges lacked basic knowledge to investigate and document allegations of torture and mistreatment adequately. As a consequence victims of torture or other mistreatment generally did not get help from state authorities.

According to the Kharkiv Human Rights Protection Group, those who filed complaints of torture with the Office of the Prosecutor General reported that law enforcement officers intimidated them or their relatives, forcing them to withdraw their complaints.

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

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: Overcrowding remained a problem in some pretrial detention facilities, although human rights organizations reported that overcrowding at such centers decreased as a result of reforms in 2016 that eased detention requirements for suspects. While authorities generally held adults and juveniles in separate facilities, there were reports that juveniles and adults were often not separated in some pretrial detention facilities.

Physical abuse by guards was a problem. For example, in March experts from the Kharkiv Human Rights Protection Group visited Prison #26 in Zhovti Vody in response to complaints of a mass beating of inmates after prison administrators called in special forces, allegedly to prevent a riot. The experts identified seven inmates with signs of serious physical abuse; eight other inmates were transferred to a prison facility in Kryvy Rih after the incident. Inmates alleged that prison staff beat them, restrained them with tape, put plastic bags on their heads, threw them in prison trucks, and transported them to a different facility. Prison administrators claimed the inmates had inflicted bodily injuries on themselves. Police opened an investigation of the incident that continued as of mid-October.

There were reports of prisoner-on-prisoner violence. For example, according to press reports, in March an inmate of a Berdyansk Prison raped an inmate, allegedly at the direction of the prison administration. The victim was reportedly a 23-year-old veteran serving time for going absent without leave. Authorities at the facility denied allegations that the rape occurred at the direction of prison administrators. Police opened an investigation, but no arrests had been made as of October. According to press reports, the local military prosecutor and police repeatedly approached the victim and demanded that he sign documents stating that he did not hold prison authorities responsible for the attack. According to human rights defenders, the facility had a reputation for torture.

Most detention facilities were old and needed renovation or replacement. According to the UN SRT, some cells and facilities had very poor sanitary conditions. Some detainees reported that their cells were poorly ventilated and infested with insects. In Odesa the UN SRT reported remand prison cell walls were covered with mold and that sanitary facilities were clogged. Conditions in police temporary detention facilities and pretrial detention facilities were harsher than in low- and medium-security prisons. Temporary detention facilities often had insect and rodent infestations and lacked adequate sanitation and medical facilities. In a report of its 2017 visit to the country, the Council of Europe's Committee for the Prevention of Torture (CPT) expressed concern that prisoners in pretrial detention were generally not offered any out-of-cell activities other than outdoor exercise for an hour per day in small yards.

The quality of food in prisons was generally poor. According to the January report of the UN SRT, inmates received three meals a day, although in most places the food was described as "inedible," leading inmates to rely on supplementary food they received through parcels from family. According to the CPT, in some pretrial detention centers, detainees did not have consistent access to food and water. According to the UN SRT, most hygienic products including toilet paper, soap, and feminine hygiene products were not provided, and detainees relied on supplies provided by family or donated by humanitarian organizations. In some facilities cells had limited access to daylight and were not properly heated or ventilated.

UN and other international monitors documented systemic problems with the provision of medical care. The CPT observed a lack of medical confidentiality, poor recording of injuries, and deficient access to specialists, including gynecological and psychiatric care. There was a shortage of all kinds of medications with an overreliance on prisoners and their families to provide most of the medicines. Conditions in prison health-care facilities were poor and unhygienic. Bureaucratic and financial impediments prevented the prompt transfer of inmates to city hospitals, resulting in their prolonged suffering and delayed diagnoses and treatment.

The condition of prison facilities and places of unofficial detention in Russia-controlled areas continued to deteriorate. 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. There were reports of severe shortages of food, water, heat, sanitation, and proper medical care. The HRMMU was denied access to detainees held inside Russia's proxies--the so-called Donetsk People's Republic ("DPR")

and Luhansk People's Republic ("LPR"). The lack of access to detainees raised concerns about the conditions of detention and treatment.

The East Human Rights Group continued to report systemic abuses against prisoners in the LPR, 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. Based on interviews with prisoners transferred to government-controlled territory, the HRMMU reported that forced labor was used in Sukhodilsk Prison in Luhansk Oblast. Those who refused to work were punished through beatings or solitary confinement.

Since 2015 more than 500 inmates had been transferred from the areas in Donbas controlled by Russia-led forces to facilities in government-controlled areas.

Administration: 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. Human 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.

While 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 were entitled by law.

Independent Monitoring: The government generally permitted independent monitoring of prisons and detention centers by international and local human rights groups, including the CPT, the Ombudsman's Office, and the HRMMU.

d. Arbitrary Arrest or Detention

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

The HRMMU and other monitoring groups reported numerous arbitrary detentions in connection with the conflict between the government and Russia-led forces in the Donbas region (see section 1.g.).

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.

In a report on its 2017 visit to the country, the CPT expressed concern about a widespread practice of unrecorded detention, in particular, the unrecorded presence in police stations of persons "invited" for "informal talks" with police and noted that they encountered several allegations of physical mistreatment that took place during a period of unrecorded detention. Authorities occasionally held suspects incommunicado, in some cases for several weeks.

According to the Association of Ukrainian Human Rights Monitors on Law Enforcement, detainees were not always allowed prompt access to an attorney of their choice. 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.

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.

Arbitrary Arrest: The HRMMU and other human rights monitors reported a continued pattern of arbitrary detention by authorities.

In one case the HRMMU reported the SBU arbitrarily detained a man from August 7 to 12 without officially arresting him. On August 7, the national police detained the man at the Petropavlivka checkpoint in Donetsk Oblast. They took him to police stations in Petropavlivka and Sieverodonetsk, registered him as a visitor, interrogated him without a lawyer, forced him to take a polygraph test, and filmed him making a forced confession that he participated in armed groups. On August 8, two SBU officers took him to an unknown location and questioned him, again without a lawyer. The next morning they drove him to Sieverodonetsk, questioned and detained him in an apartment. On August 9, the man was taken to the prosecutor's office where he met a free legal aid lawyer. The same day, a judge of the Sieverodonetsk City Court scheduled a court hearing for August 12 without ordering his detention. After the hearing, when his lawyer had left, SBU officers continued to detain him arbitrarily, holding him in a rented flat in Sieverodonetsk for two nights. On August 12, a Lysychansk city court ordered that he be detained for 60 days.

As of mid-August, the HRMMU had documented 11 cases of arbitrary detention in the context of conscription into the armed forces. For example, on May 28, eight staff members of the local military commissariat, which has no arrest authority, detained a man, placed him in a vehicle, and brought him to the district conscription office where he was detained for a night. The next morning, they brought him to the preassignment unit and threatened him with 20 years of imprisonment if he attempted to refuse military service, despite his being exempt. On May 30, they released the man after he posted his story on social media.

Arbitrary arrest was reportedly widespread in both the "DPR" and the "LPR." The HRMMU raised particular concern over the concept of "preventive arrest" introduced in 2018 by Russia-led forces in the "DPR" and "LPR." Under a preventive arrest, individuals may be detained for up to 30 days, with the possibility of extending detention to 60 days, based on allegations that a person was involved in crimes against the security of the "DPR" or "LPR." During preventive arrests detainees were held incommunicado and denied access to lawyers and relatives.

Pretrial Detention: The HRMMU continued to report the Ukrainian security services' persistent use of extended pretrial detention of defendants in conflict-related criminal cases as a means of pressure to force them to plead guilty. In

March the HRMMU documented 34 cases in which defendants spent more than four years in pretrial custody. In September the Constitutional Court found unconstitutional an article of the criminal code that made pretrial detention compulsory in conflict-related criminal cases. The HRMMU viewed the ruling as a positive step and noted that following the decision, in some conflict-related cases, courts replaced pretrial detention with house arrest or allowed defendants to be released on bail.

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 Prosecutor General's Office, 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 staffing, and the inability of courts to enforce rulings.

During a visit to the country from March 4 to 8, representatives of the International Commission of Jurists (ICJ) emphasized that attacks on lawyers were often associated with their defense of clients in politically sensitive criminal cases. The ICJ concluded such attacks undermined the ability of lawyers to adequately perform their duties and protect the rights of their clients. In one such case, on August 22, an unknown person shot lawyer Oleksandr Ivanov near a pretrial detention center in Kropyvnytsky. Ivanov died on the scene from his wounds. Police opened a murder investigation. The National Bar Association stated that it believed the killing was in response to Ivanov's professional activities.

In March the HRMMU expressed concern about intimidation of judges, defendants, and defense lawyers by members of violent radical groups. The HRMMU noted three documented cases in which members of these groups disrupted court hearings by verbally abusing judges and defendants. In one case they beat a defendant in a conflict-related case outside the courtroom, but police did not stop the beating.

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 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.

The HRMMU documented violations of the right to a fair trial in criminal cases related to the Russia-led conflict in Donbas, notably the right to a trial without undue delay and the right to legal counsel. Authorities also failed to effectively investigate and prosecute perpetrators for interfering in investigations and manipulating court proceedings. The HRMMU reported persistent allegations that during pretrial investigation in conflict-related criminal cases, ammunition or other incriminating evidence was planted in suspects' homes to strengthen weak cases.

Russia-led forces terminated Ukrainian court system functions on territories under their control in 2014. The "DPR" and "LPR" did not have an independent judiciary, and the right to a fair trial was systematically restricted. The HRMMU reported that in many cases individuals were not provided with any judicial review of their detention and were detained indefinitely without any charges or trial. In cases of suspected espionage or when individuals were suspected of having links to the Ukrainian government, closed-door trials by military tribunals were held. There were nearly no opportunities to appeal the verdicts of these tribunals.

Subsequent "investigations" and "trials" seemed to serve merely to create a veneer of legality to the "prosecution" of individuals believed to be associated with Ukrainian military or security forces. The HRMMU reported that de facto authorities generally impeded private lawyers from accessing clients and that court-appointed defense lawyers generally made no efforts to provide an effective defense and participated in efforts to coerce guilty pleas.

Political Prisoners and Detainees

There was one individual that some human rights groups considered to be subjected to politically motivated detention.

As of mid-September the trial of Zhytomyr journalist Vasyl Muravytsky continued. Muravytsky was charged in 2017 with state treason, infringement of territorial integrity, incitement of hatred, and support for terrorist organizations based on statements deemed pro-Russian. He could face up to 15 years in prison. Some domestic and international journalist unions called for his release, claiming the charges were politically motivated.

According to the SBU, as of mid-September Russia-led forces kept an estimated 227 hostages in Donbas (see section 1.g). A December 29 prisoner exchange affected this number, but the SBU had not issued a revised estimate as of year's end.

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 European Court of Human Rights (ECHR) after exhausting domestic legal remedies.

Property Restitution

The country endorsed the 2009 Terezin Declaration but has not passed any laws dealing with the restitution of private or communal property, although the latter has been dealt with partly through regulations and decrees. In recent years most

successful cases of restitution have taken place as a result of tacit and behind-the-scenes lobbying on behalf of Jewish groups.

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. The SBU and law enforcement agencies, however, 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. There was no implementing legislation, and 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 the government had accessed private communications and monitored private movements without appropriate legal authority. For example, on September 20, the head of the SBI claimed that he found a listening device in his office. The SBI was investigating the case.

There were reports that the government improperly sought access to information about journalists' sources and investigations (see section 2.a.).

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. Russia continued to arm, train, lead, and fight alongside local militants in two Russia-controlled proxies, the so-called Donetsk people's republic ("DPR") and the so-called Luhansk people's republic ("LPR"). Russia-led forces throughout the conflict methodically obstructed and threatened international monitors, who did 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 the Organization for Security and Cooperation in Europe (OSCE) fielded 1,305 persons supporting a special monitoring mission, which issued daily reports on the situation and conditions in most major cities.

According to the HRMMU, since the start of Russia's aggression against Ukraine, more than three million residents have left areas of Donetsk and Luhansk Oblasts controlled by Russia-led forces. As of mid-September the Ministry of Social Policy had registered 1.4 million internally displaced persons (IDPs).

The HRMMU noted that hostilities continued to affect the lives of 3.9 million civilians residing in the conflict zone. Regular exchanges of fire across the line of contact exposed those residents to the constant threat of death or injury, while their property and critical civilian infrastructure continued to be damaged.

Killings: As of mid-June the HRMMU reported that since the start of the conflict, fighting had killed at least 13,000 persons in Ukraine, including civilians, government armed forces, and members of armed groups. The HRMMU reported that 3,331 of these were civilian deaths. This figure included the 298 passengers and crew on board Malaysian Airlines flight MH-17, shot down in 2014 over the Donbas region. In mid-August the HRMMU reported 18 civilian deaths since January 1.

The HRMMU noted the continued use of indirect and explosive weapons by both sides of the conflict remained the primary concern regarding protection of civilians, that significant numbers of civilians continued to reside in villages and towns in close proximity to the contact line, and that both government forces and Russia-led forces were present in areas where civilians resided. According to the HRMMU, on July 20, one woman was killed and three men, three women, and two girls were injured during the government shelling of armed-group-controlled Pervomaisk (Luhansk region). According to the HRMMU, on July 19, a man in Krasnohorivka in the government-controlled part of Donetsk Oblast died in a shelling by Russia-led forces of the "DPR." The UN Office of the High Commissioner for Human Rights (OHCHR) reported the presence of military personnel and objects within or near populated areas on both sides of the line of contact.

The HRMMU also regularly noted concerns about the dangers to civilians from landmines, booby traps, and unexploded ordnance. According to the Ministry of Defense, 2,700 square miles of government-controlled territory and 3,500 square

miles of territory controlled by Russia-led forces in Donetsk and Luhansk Oblasts needed humanitarian demining. According to the government of Ukraine, as of mid-June, 977 civilians had been killed and 1,530 had been injured by mines and explosive ordinance since the start of the conflict.

According to the HRMMU, between February 15 and August 15, 18 civilians were killed in mine-related incidents and the handling of explosive remnants of war. Of these deaths, nine were in government territory, and nine were in territory controlled by armed groups. On July 25, a woman died after she stepped on a mine near the village of Zaitseve on territory controlled by the government. On February 22, two civilians died and three were wounded when a bus ran over a mine near the checkpoint Olenivka on territory controlled by Russia-led forces.

According to human rights groups, more than 1,000 bodies in government-controlled cemeteries and morgues, both military and civilian, remained unidentified, mostly from 2014.

Abductions: As of September more than 700 missing persons were registered with the International Committee of the Red Cross and the Ukrainian Red Cross as unaccounted for, approximately half of whom were civilians. According to the Kharkiv Human Rights Protection Group, 1,165 persons have gone missing in connection with the conflict in eastern Ukraine from April 2014 through June 2019.

There were reports of abductions on both sides of the line of contact. A report by the UN Working Group on Enforced or Involuntary Disappearances (WGEID) following a June 2018 visit stated: "There is almost total impunity for acts of enforced disappearances on both sides of the contact line, mainly due to a lack of interest and political will. In Kyiv as well as in Russia-controlled territory in Donbas, the WGEID perceived little interest in pursuing cases unless the perpetrator is identified as someone supporting the opposite side. Bringing to justice anyone from its own side appears to be perceived as 'unpatriotic.'"

The HRMMU reported in mid-March that, as of February 15, the family of a man reportedly detained by the SBU in November 2018 had no information about the man's whereabouts. According to the HRMMU, two men (allegedly SBU officers) wearing camouflage and masks, detained a Russian citizen in Kyiv and took him to an unknown location. After the man's wife reported his disappearance, police opened a criminal investigation but closed it five days later. In December 2018 the prosecutor's office instructed police to reopen the investigation. Also in December

2018, the man's personal information appeared on the Myrotvorets website, which has reported links to the country's security services and publishes the personally identifying information of purported enemies of the country.

According to the head of the SBU, Russia-led forces held 227 Ukrainian hostages in Donbas as of September. A December 29 prisoner exchange affected this number, but the SBU had not issued a revised estimate as of year's end. Human rights groups reported that Russia-led forces routinely kidnapped persons for political purposes, to settle vendettas, or for ransom.

Civilians were most often detained by Russia-led forces at entry-exit checkpoints along the line of contact. As of mid-May, the HRMMU documented five cases in which individuals were detained while attempting to cross the line of contact. In such cases relatives could not obtain information about the whereabouts of the detained persons, particularly during the initial stage of detention. There were several cases in which individuals were held incommunicado for more than one month.

The HRMMU repeatedly expressed concern about the use of "preventive arrest" procedures used in the "LPR" and "DPR" since 2018, which it assessed as amounting to incommunicado detention and which "may constitute enforced disappearance" (see section 1.d.).

For example, on February 23, representatives of the "ministry of state security" of the "LPR" reportedly detained a man travelling to visit his friends in Stanytsia Luhanska. After a witness informed the victim's mother about the incident, she turned to the "ministry of state security" to inquire about her son's whereabouts; the ministry claimed to have no information about him. On March 19, the mother received information that her son had been detained by the "ministry of state security" under the "preventive arrest procedure," which allows incommunicado detention for up to 60 days. On April 26, the victim was released after 62 days.

Physical Abuse, Punishment, and Torture: Both government and Russia-led forces reportedly abused and tortured civilians and soldiers in detention facilities, but human rights organizations consistently cited Russia-led forces for large-scale abuses. Observers noted that an atmosphere of impunity and absence of rule of law compounded the situation. 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 continued to receive allegations that the SBU detained and abused individuals in both official and unofficial places of detention in order to obtain information and pressure suspects to confess or cooperate. The number of reported cases was considerably lower than in previous years. The HRMMU 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.

For example, according to the HRMMU, on February 12, the SBI launched an investigation into torture allegations made by an Armenian national regarding abuse at the hands of SBU officers in December 2018. On March 15, two men who identified themselves as SBU officers reportedly forced the man into a car, purportedly to sign documents, and seized his passport, wallet, and phone. They took him to the border with Moldova, forced him to make a video statement that he was leaving the country voluntarily, made him walk over the border, and threatened to hurt his family if he returned. In mid-December 2018 armed SBU officers had reportedly entered the man's house in Svitlodarsk, searched it without a warrant, seized electronics and documents, threatened him and his family with deportation, placed a bag over his head, and transported him to a basement location. There, the officers reportedly interrogated him, beat him for several 20- to 30-minute periods, and coerced him at gunpoint to make a filmed confession of espionage. He was then taken to an apartment in Kyiv, where he was again severely beaten for two days. The officers then took him to a hospital for treatment for his injuries, registering him under a fake name. Instead of hospitalization, as recommended by doctors, the SBU officers took him to another apartment and held him there for approximately two weeks. At one point he did not receive food for two days. In late December the officers finally released him, telling him to keep silent about his ordeal.

According to the HRMMU, the lack of effective investigation into previously documented cases of torture and physical abuse remained a concern.

There were reports that Russia-led forces 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. The HRMMU reported that on March 3, a man argued with representatives of the "ministry of state security" of the "DPR" when crossing the line of contact in Olenivka by car. The incident started when several vehicles were allowed to cut the line. The man objected to this and was taken into a booth and abused verbally. When he resisted,

armed men reportedly beat him until he was unconscious. When he regained consciousness, he realized he was handcuffed on the floor. The militants took him outside, handcuffed him to a fence, and threatened to kill him. He was released after signing documents he was not allowed to read.

As of late August, the Prosecutor General's Office identified 3,500 individuals (1,700 civilians and 1,800 military personnel) who had been illegally incarcerated and tortured in the "DPR" and "LPR" since the start of Russia's aggression against Ukraine.

International organizations, including the HRMMU, were refused access to places of deprivation of liberty in territory controlled by Russia-led forces and were therefore not able to assess fully conditions in the facilities.

A 2017 HRMMU special report on sexual and gender-based violence in the conflict, the most recent one available, noted that both sides committed these abuses, and that the majority of cases occurred in the context of detention. In these cases both men and women were subjected to sexual violence. Beatings and electric shock in the genital area, rape, threats of rape, forced nudity, and threats of rape against family members were used as a method of torture and mistreatment to punish, humiliate, or extract confessions. The HRMMU noted that women were vulnerable to sexual abuse at checkpoints along the contact line.

According to the HRMMU's 2017 report, in the territory controlled by Russia-led forces, sexual violence was also used to compel individuals deprived of liberty to relinquish property or perform other actions demanded by the perpetrators, as an explicit condition for their safety and release. While the majority of these incidents dated back to 2014-2015, the HRMMU continued to receive testimonies indicating that such practice still occurred on both sides of the contact line and in Crimea.

There were reports that in territory controlled by Russia-led forces, conditions in detention centers were harsh and life threatening (see section 1.c.).

In areas controlled by Russia-led forces, the Justice for Peace in Donbas Coalition indicated that sexual violence was more prevalent in "unofficial" detention facilities, where in some cases women and men were not separated. The report stated that at least one out of every four detainees in these irregular prisons (both women and men) was a victim or witness of sexual violence. The reported forms of abuse included rape, threats of rape, threats of castration, intentional damage to

genitalia, threats of sexual violence against family members, sexual harassment, forced nudity, coercion to watch sexual violence against others, forced prostitution, and humiliation.

Both sides employed land mines without fencing, signs, or other measures to prevent civilian casualties (see "Killings" above). Risks were particularly acute for persons living in towns and settlements near the contact line as well as for the approximately 35,000 persons who crossed the contact line daily.

Other Conflict-related Abuse: On June 19, during a televised press conference, the Netherlands' chief public prosecutor announced the results of the activities of the Joint Investigation Group looking into the 2014 downing of Malaysian Airlines flight MH17 in the Donbas. The Prosecutor General's Office issued indictments against three former Russian intelligence officers and one Ukrainian national. In 2018 the investigation concluded that the surface-to-air missile system used to shoot down the airliner over Ukraine, killing all 298 persons on board, came from the Russian military.

Russia-led forces in Donetsk Oblast banned Ukrainian government humanitarian aid and restricted aid from international humanitarian organizations. As a result prices for basic groceries were reportedly beyond the means of many persons remaining in Russia-controlled territory. Human rights groups also reported severe shortages of medicine, coal, and medical supplies in Russia-controlled territory. Russia-led forces continued to receive convoys of Russian "humanitarian aid," which Ukrainian government officials believed contained weapons and supplies for Russia-led forces.

The HRMMU reported the presence of military personnel and objects within or near populated areas on both sides of the line of contact.

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 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 jeansa payments (publishing unsubstantiated news articles for a fee), and slanted news coverage by media outlets 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 as well as the manufacture or promotion of the St. George's ribbon, a symbol associated with Russia-led forces in the Donbas region. On July 16, the country's constitutional court upheld the ban on displaying communist and Nazi symbols. During the May 9 celebration of World War II Victory Day, police issued 27 administrative offense citations in Odesa, Mykolaiv, Luhansk, Zaporizhzhia, and Donetsk Oblasts and detained several individuals in Kyiv, Kryvy Rih, Lviv, and Odesa for carrying banned Soviet symbols.

On October 10, a court in Kryvy Rih convicted a local resident of wearing a T-shirt with the state symbol of the USSR in a public place. The man reportedly wore the shirt at a local shopping center on June 14. He was given a one-year suspended sentence and another year of probation.

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 (see "Censorship" and "National Security").

Press and Media, Including Online Media: 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 owned by 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.

There were reports of continuing state pressure on the National Public Broadcasting Company (UA:PBC), created as a result of a 2014 law to provide an independent publicly funded alternative to oligarch-controlled television channels. On January 31, the supervisory board of UA:PBC announced the removal of the channel's director, Zurab Alasania. Observers alleged the decision was made because the channel broadcast anticorruption investigations in the pre-electoral period that had been unflattering to then president Petro Poroshenko. According to press reports, the supervisory board's initial draft decision cited the channel's failure to cover events favorable to Poroshenko, but the final decision did not contain this language and instead alleged financial mismanagement. Following public outcry, the board announced Alasania would remain in place until May 6. Alasania challenged the board's decision in court, and on June 19, a Kyiv court ruled the board's decision was illegal. Alasania was reinstated in his position on July 1. On August 30, the SBI and SBU jointly raided the premises of UA:PBC, several of its regional affiliates, and the home of Alasania, apparently in connection with the allegations of financial mismanagement. The OSCE high representative on freedom of the media expressed concern about the raids and the potential impact of "any pressure on the independence of public media."

"Jeansa"--the practice of planting one-sided or favorable news coverage paid for by politicians or oligarchs--continued to be widespread. Monitoring by the IMI of national print and online media for jeansa indicated a wide range of actors ordered political jeansa, including political parties, politicians, oblast governments, and oligarchs. The IMI recorded a 22 percent increase of jeansa in the national online media before the parliamentary elections in 13 popular internet media outlets.

Violence and Harassment: Violence against journalists remained a problem. Human rights groups and journalists criticized what they saw as government inaction in solving the crimes as giving rise to a culture of impunity.

According to the IMI, as of September 1, there had been 20 reports of attacks on journalists, including one killing during the year, compared with 22 cases and no killings during the same period in 2018. As in 2018, private, rather than state, actors perpetrated the majority of the attacks. As of September 1, there were 33 incidents involving threats against journalists, as compared with 24 during the same period in 2018. The 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.

There were multiple reports of attacks on journalists by government officials. For example, according to the Committee to Protect Journalists, on March 6, officials in the village of Chabany near Kyiv attacked Radio Liberty investigative reporter Kateryna Kaplyuk and cameraman Borys Trotsenko, leaving Trotsenko with a concussion and breaking his camera. The journalists were attempting to interview a village official for an investigation into allegations that officials were allocating state lands for private use, when a group of people that included two deputy mayors of the village, Yuriy Bondar and Volodymyr Chuprin, began shoving and punching them. They filed a police report, and police began an investigation, but no charges had been brought as of November.

There were reports of attacks on journalists by nongovernment actors. For example, according to the Committee to Protect Journalists, on August 30 in Chernihiv, two unidentified individuals attacked blogger Ihor Stakh. Stakh was later treated for a concussion and required stitches for a cut on his face. The National Union of Journalists made statements indicating its belief that the attack was in retaliation for Stakh's reporting on local corruption. Stakh reported receiving threats before the attack. Police opened an investigation but as of November had made no arrests.

On July 13, according to press reports, an unknown attacker fired a rocket-propelled grenade at the Kyiv office of pro-Russian television news broadcaster 112 Ukraine, damaging the building but causing no injuries. Police opened an investigation, but no arrests had been made as of October.

There were allegations that the government prosecuted journalists in retaliation for their work (see section 1.e.).

There were reports that government officials sought to pressure journalists through the judicial system, often to reveal their sources in investigations. For example, on February 4, the Pechersk District Court granted the Prosecutor General's Office access to internal documents and email correspondence of the independent news outlet *Novoye Vremya*. Prosecutors were seeking to identify a source who spoke to the *Novoye Vremya* for a 2016 story revealing corruption by a high-ranking prosecutor, alleging that the source violated investigatory secrecy rules.

Journalists received threats in connection with their reporting. For example, according to the Institute for Mass Information, on September 10, journalists of the Chesno civic movement alleged that Member of Parliament Oleksandr Kovalev threatened them in response to news published on their website describing Kovalev's illegal proxy voting on behalf of other members of parliament. The journalists filed a complaint with law enforcement authorities.

On December 12, police arrested five suspects in the 2016 killing of well-known Belarusian-Russian journalist Pavel Sheremet (see section 1.a.).

Censorship or Content Restrictions: Human rights organizations frequently criticized the government for taking an overly broad approach to banning books, television shows, websites, and other content (see subsections on National Security and Internet Freedom).

The State Committee on Television and Radio Broadcasting (Derzhkomteleradio) maintained a list of banned books seen to be aimed at undermining the country's independence, spreading propaganda of violence, inciting interethnic, racial, religious hostility, promoting terrorist attacks, or encroaching on human rights and freedoms. As of July the list contained 211 titles.

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

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.

For example, on August 20, the head of the Presidential Administration, Andriy Bohdan, filed a libel lawsuit against the investigative journalism program Skhemy (Schemes), a joint program by Radio Free Europe/Radio Liberty and UA:PBC. Bohdan clarified on August 23 that he was suing over *Schemes'* reports about his repeated travel to visit oligarch Ihor Kolomoiskyy abroad, which he asserted were false.

National Security: In the context of the continuing conventional conflict in the Donbas, as well as continuing Russian disinformation and cyber campaigns, authorities took measures to prohibit, regulate, and occasionally censor information deemed a national security threat, particularly those emanating from Russia and promoting pro-Russian lines.

The government continued the practice of banning specific works by Russian actors, film directors, and singers, as well as imposing sanctions on pro-Russian journalists. According to the State Film Agency, as of mid-September approximately 800 films and television shows had been banned on national security grounds since 2014. In response to Russia's continued barrage of cyberattacks and disinformation as part of its efforts to destabilize Ukraine, the government maintained its ban on the operations of almost 600 companies and 1,228 persons that allegedly posed a "threat to information and the cyber security of the state." Among them were two widely used social networks based in Russia and major Russian television channels as well as smaller Russian channels that operated independently of state control.

There were reports that the government used noncompliance with national security-related content bans to pressure outlets perceived as having a pro-Russian editorial policy. For example, on February 7, the National Council on Television and Radio Broadcast imposed a fine on NewsOne TV, a channel owned by associates of Russian-backed Ukrainian politician Viktor Medvedchuk, for alleged "hate speech and propaganda promoting conflict and national hatred." According to the National Council, monitoring of NewsOne TV broadcasts from late 2018 to early 2019 revealed "calls for aggressive actions, incitement of national, racial, or religious hatred, and justification of aggression against the territorial integrity" of Ukraine. On July 8, NewsOne announced that it had cancelled a planned July 12 joint live television program with the state-owned Russian television channel Rossiya 24, which is banned in the country, because of threats of violence. The proposed program, announced the day before on Russian state-owned television, was to be called *We Have to Talk* and would have linked up two studios in Kyiv and Moscow for a purportedly "apolitical" discussion between "everyday people" in the two countries the week ahead of parliamentary elections. The program's announcement sparked public outrage, a protest outside NewsOne's offices, and widespread condemnation from officials. On July 8, the prosecutor general called the program "attempted treason" and announced that NewsOne's leadership had been called in for interrogation, while the SBU issued a warning letter to NewsOne. The National Security and Defense Council convened to discuss the program on July 8, after which the council's head stated: "State bodies, including

the SBU and National Police have received a number of orders, including in regards to defending the information space. Additional details cannot be revealed because of secrecy." On July 10, the prosecutor general announced that a criminal case had been opened against NewsOne's owner, Member of Parliament Taras Kozak, for "financing terrorism." On July 9, Derzhkomteleradio announced it would hold an unscheduled inspection of NewsOne, which it conducted on July 24. On September 10, Derzhkomteleradio filed a lawsuit in a Kyiv district court seeking the revocation of the license, based upon its "incitement to hatred in Ukrainian society."

On September 26, Derzhkomteleradio ruled that five affiliated media companies of pro-Russian Channel 112 TV violated their license conditions by changing their program concepts without required approvals. As a result of the decision, Channel 112 TV could not be broadcast by digital terrestrial signal in the country, but it was still available on satellite and cable networks. The OSCE representative on freedom of the media expressed concern about the decision, while a coalition of independent Ukrainian media watchdogs issued a statement of support of Derzhkomteleradio's decision.

On August 19, the Supreme Court upheld a 2018 ban by the Lviv Oblast Council on all Russian-language books, films, and songs, in order to combat "hybrid warfare" by Russia. The Zhytomyr and Ternopil Oblast Councils mirrored this measure on October 25 and November 6, respectively, in 2018. There were no reported attempts at enforcing these bans.

Media professionals continued to experience pressure from the SBU, the military, and other officials when reporting on sensitive issues, such as military losses. For example, on November 6, the Joint Forces Operation (JFO) headquarters refused to accredit photo correspondent Maks Levin because of his reporting from the area of disengagement near Zolote, which the headquarters claimed violated the rules on reporting in the area of JFO in unspecified ways.

Authorities continued to deport and bar entry to foreign journalists on national security grounds. For example, on March 24, the State Border Service denied entry to Marc Innaro, a Moscow correspondent of the Italian public service broadcaster RAI and his colleague, a cameraman, claiming he "frequently engaged in anti-Ukrainian rhetoric in his reports."

Nongovernmental Impact: There were reports that radical groups committed attacks on journalists. For example, according to press reports, on July 30,

approximately a dozen members of the radical group Tradition and Order broke down the door of the state-run Ukrinform news agency in Kyiv and disrupted a press conference by parliamentary candidates who were alleging fraud in the July parliamentary election. They attacked and injured three Ukrinform staff members and poured water and threw eggs around the room. Police opened a criminal investigation into the incident, but as of November no arrests had been made.

The ability to exercise freedom of expression reportedly remained extremely limited in territory controlled by the "DPR" and "LPR." Based on HRMMU media monitoring, critical independent media on the territory controlled by Russia-led forces was nonexistent. According to CyberLab Ukraine, an independent digital forensic analysis organization, the authorities in the "LPR" blocked more than 50 Ukrainian news outlets.

The HRMMU reported that journalists entering Russia-controlled territory of the "DPR" 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 October 22, press outlets reported that a "court" in the "DPR" convicted journalist Stanislav Aseyev of espionage on behalf of Ukraine and sentenced him to 15 years in prison. Human rights defenders maintained that the charges were baseless and brought in retaliation for his independent reporting on events in territory controlled by Russia-led forces. Aseyev was released December 29 as part of a Ukraine-Russia prisoner and detainee exchange.

Internet Freedom

Law enforcement bodies monitored the internet, at times without appropriate legal authority, and took significant steps during the year to block access to websites based on "national security concerns."

On March 19, then president Poroshenko endorsed new sanctions approved by the National Security and Defense Council that, among other things, extended sanctions on the Russian company Yandex and its services until 2022. Ukrainian internet providers continued to block websites at government demand based on national security concerns. On February 11, the SBU announced that it intended to block 100 websites that promote Russian interests in the country. As of October, 240 sites were blocked in the country. According to monitoring by CyberLab

Ukraine, internet service-provider compliance with the government's orders to block sites varied greatly. On July 22, the National Security and Defense Council announced it would continue the policy of blocking Russian social networks.

On September 30, a district administrative court in Kyiv dismissed a lawsuit brought by the For Free Net Ukraine Coalition against the Ministry of Information Policy, asking it to disclose the government's criteria and methodology when creating its lists of internet resources to be banned on national security grounds.

Free speech advocates expressed concern that courts began to block access to websites on grounds other than national security. For example, on July 23, a Kyiv court ruled to block access to 18 websites, including blogging platform *enigma.ua*, at the request of the Kyiv Oblast prosecutor's office on vague grounds related to violations of intellectual property rights. The owner of *enigma.ua* stated that he believed the blocking of his site was in retaliation for its publication of material critical of the country's security services.

There were reports of the disclosure of personally identifiable information of persons to penalize expression of opinions. Between October 31 and November 5, Andriy Portnov, a former lawmaker and deputy head of former president Viktor Yanukovych's administration, released personally identifying information of editorial and staff members of the anticorruption television program *Schemes*, as well as the registration data on 16 vehicles used by staff members of the program, on his Telegram messaging channel. In a November 5 message, Portnov invited anyone who comes across these vehicles to "give a stiff rebuff" to the drivers; he also suggested on October 31 that a driver whose personal data he disclosed was also under surveillance and could be exposed to physical harm. Portnov's actions were apparently in response to an investigation by *Schemes* into his relationships with officials currently in the government.

The Myrotvorets (peacemaker) database, which published the personally identifying information of individuals it deemed to be "anti-Ukrainian" online and which reportedly maintained close ties to the country's security services, published the personal data of journalists and public figures who had been critical of the country's security services or had made other statements the site considered unpatriotic. On December 10, the database announced it was shutting down its servers to public access, but it noted some officials would continue to have access.

There were reports of cyberattacks on journalists who reported on corruption. For example, according to the Institute for Mass Information, for several weeks in

February and March, journalists with the investigative anticorruption television program *Schemes* reported repeated attempts to hack their social network and messenger accounts.

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 improved very slightly after two years of decline. It noted in particular that "the online information landscape is partly censored, with the government blocking Russian and proxy websites, and the Russia-led forces blocking Ukrainian websites in the areas under their control. Implementation of these blocks, however, was lax on both sides, and the digital environment is otherwise vibrant, despite efforts by political actors to manipulate debates through disinformation and paid content. These efforts intensified ahead of the presidential election, held in March and April. Arrests of users were commonplace, primarily as an extension of continuing hostilities between the government in Kyiv and Russian-led forces, as were attacks against online journalists. Adding to these challenges, persistent cyberattacks continued to constrain internet freedom."

There were reports that the government prosecuted individuals for their posts on social media. For example, according to press reports, on April 16, the SBU searched the home of a man in Odesa, whom they alleged had written posts supporting Russia-led forces in eastern Ukraine on social media, and seized computer equipment, mobile devices, and material with banned communist symbols. He was charged with "encroachment on territorial integrity."

Academic Freedom and Cultural Events

There were reports the government investigated academic personnel for their research. For example, according to the Kharkiv Human Rights Protection Group, on April 24, the Lviv regional branch of the SBU announced a check into what it called a "provocative survey" by the respected research institute Kyiv International Institute of Sociology. The opinion poll was commissioned by the independent media outlet *Dzherkalo Tyzhnya* and included a question that asked residents of "Galicia," a historical region that spans parts of current Ukraine and Poland, how

they viewed the fate of their region after the presidential elections. One of the possible answers was "Galicia should join Poland," which the SBU viewed as a possible "call to violate Ukraine's territorial integrity."

The government maintained a list of Russian or pro-Russian musicians, actors, and other cultural figures that it prohibited from entering the country on national security grounds.

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 demonstrations.

During the year citizens generally exercised the right to assemble peacefully without restriction in areas of the country under government control. There were occasional reports of police using excessive force to disperse a protest. On February 9, police clashed with demonstrators, including members of violent radical group C14 and activists from the "Who Ordered Katya Handziuk" civic initiative, in Kyiv protesting at a rally by the Batkyvshchyna political party held because the one of the party's members was allegedly complicit in the 2018 high-profile killing of activist Kateryna Handziuk (see section 1.a.). Police beat demonstrators, sprayed tear gas, and detained approximately a dozen persons. At the police station, the detained individuals were met by a crowd of supporters, who allegedly attempted to storm the station and attacked and used tear gas against police. Police reported that three officers were injured and hospitalized. An investigation into the actions of both police and the demonstrators continued as of September.

Large-scale LGBTI events including pride marches in Kyiv, Odesa, and Kharkiv took place in largely peaceful manner, protected by thousands of police officers. Police at times did not adequately protect participants from attack before or after

these events, and they did not adequately protect smaller demonstrations, especially those organized by persons belonging to minority groups or opposition political movements. For example, according to press reports, organizers of a pride festival in the city of Kriviy Rih cancelled a planned march on July 24, citing the inability of police to guarantee the event's security around the time of parliamentary elections. On December 24, the Rivne City Council voted to ban the holding of pride marches.

Events organized by women's rights activists or the LGBTI community were regularly disrupted by members of violent radical groups. For example, on May 8, a group of approximately 10 members of C14 disrupted the gender issues festival Find the Balance in Kryvy Rih, occupying the premises shortly before the beginning of the event, putting up homophobic posters, and insulting the organizers. Police investigated the incident under hooliganism-related charges.

In Russia-controlled territory, the HRMMU observed the absence of free and peaceful assembly and noted, "such a restrictive environment, where dissenting opinions may trigger retaliation, has a long-lasting chilling effect on the population." The HRMMU also noted the only demonstrations permitted in these areas were ones in support of local "authorities," often apparently organized by Russia-led forces with forced public participation.

Freedom of Association

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

In June the Constitutional Court invalidated a much-criticized law requiring assets to be reported for civil society organizations and journalists working on anticorruption matters.

Human rights organizations reported a decrease of attacks on activists following a spike in attacks in 2018 (37 attacks during the year, down from 66 in 2018). Some civil society organizations, however, saw the decrease in reported attacks as underreporting by civic activists opting not to submit complaints because they viewed it as a futile gesture that might invite further persecution. International and domestic human rights NGOs remained concerned about the lack of accountability for attacks on members of civil society organizations, which they believed had created a climate of impunity.

There were reports government targeted activists for raids, arrests, or prosecution in retaliation for their professional activity. For example, according to the Kharkiv Human Rights Protection Group, on October 4, police raided the home of human rights activist Oleh Tsvily, the head of the NGO Alliance for Ukrainian Unity. They handcuffed him near his apartment and allegedly intentionally banged his head against the steps while bringing him up to his apartment. Police raided his apartment, seized his computer and other devices containing information, but did not arrest Tsvily. Tsvily's lawyer maintained that law enforcement officials had no court warrant for the search. During the raid police claimed they were investigating Tsvily for purportedly selling drugs on the internet. Tsvily maintained the search and attack was in retaliation for his work exposing torture and abuse in the penitentiary system. A former head of the State Penitentiary Service posted a video of Tsvily's arrest on his Facebook page with a comment calling Tsvily and other human rights activists "animals" and predicting that Tsvily would be sent to prison for selling drugs.

There were reports that unknown actors made death threats against activists because of their work. For example, according to the Kharkiv Human Rights Protection Group, on August 26, unknown persons in Chuhuiv, Kharkiv Region left a coffin, funeral wreath with his name, a note, and an axe wedged into the door of the home of Roman Likhachov, a lawyer and head of the Chuhuiv Human Rights Group. The note read, "if you don't stop doing stupid things, the next [axe] will be in your head." Likhachov believed the threats to be linked with his work with a network of anticorruption centers investigating local tax evasion schemes in Chuhuiv involving local authorities and law enforcement as well as the sale of alcohol without a license in a local cafe owned by a city council member.

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 civil society organizations run by Russia-led forces, 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 https://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.

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 line of contact remained arduous. On July 17, the government adopted new regulations establishing a list of goods prohibited for transfer across the line of contact to replace the list of goods allowed for transfer, thereby providing more flexibility for people to bring items across the line from both sides. Public passenger transportation remained prohibited; private transportation was available at high prices and was generally unaffordable for the majority of people crossing.

Although 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 39,000 individuals crossed the line daily. The HRMMU reported that individuals crossing the line of contact, predominantly the elderly and persons with medical issues, had to spend several hours standing in line. The government required those seeking to cross into government-controlled territory to obtain a pass. The pass system imposed significant hardships on persons crossing into government-controlled territory, in particular those seeking to receive pensions and government benefits, not distributed in the territory controlled by Russia-led forces. The government attempted to reform a pass system involving an online application process to control movement into government-controlled territory. All passes issued after March 28 had no expiration date, but the measure did little to improve ease of movement across the contact line since many persons in Russia-controlled territory did not have access to the internet to obtain such passes.

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 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. Civil society, journalists, and independent defense lawyers reported that the government made efforts to ease requirements for entering Crimea, improving previously lengthy processes to obtain required permissions that hindered their ability to document and address abuses taking place there.

e. Internally Displaced Persons

According to the Ministry of Social Policy, as of late September more than 1.4 million persons were registered IDPs due to Russia's aggression in eastern Ukraine and its 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 Kharkiv, Dnipropetrovsk, and Zaporizhzhia Oblasts and Kyiv. Many resided in areas close to the line of contact in the hope they would be able to return home.

The government granted social entitlements only to persons who had registered as IDPs. Local departments of the Ministry of Social Policy regularly suspended payment of pensions and benefits to IDPs pending verification of their physical presence in government-controlled territories, ostensibly to combat fraud, requiring recipients to go through a burdensome reinstatement process.

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 Russia-controlled areas; 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.

Humanitarian aid groups had good access to areas under government control.

IDPs were unable to vote in local elections and for single-mandate district seats in parliamentary elections unless they changed their registration to their new residence.

According to the HRMMU, IDP integration remained impeded by the lack of a government strategy and the absence of allocation of financial resources, leading to IDPs' economic and social marginalization. UN agencies reported the influx of IDPs led to tensions arising from competition for scarce resources.

NGOs reported employment discrimination against IDPs. IDPs continued to have difficulty obtaining education, medical care, and necessary documents. According to the law, the government should provide IDPs with housing, but authorities did not take effective steps to do so. 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 temporary accommodations. Other IDPs stayed with host families, volunteers, and in private accommodations, although affordable private accommodations were often in poor condition. Some IDPs, particularly those in government-controlled areas of Donetsk and Luhansk Oblasts, lacked sufficient sanitation, shelter, and access to potable water.

Romani activists expressed concern that some Roma could not afford to flee conflict areas, while others had no choice but to leave their homes.

Media reports indicated that banks continued to restrict services for Crimean IDPs even after a court ruling that they should be considered residents of the country.

f. Protection of Refugees

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

The government cooperated with the Office of the UN High Commissioner for Refugees (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.

Refoulement: There were reports that the government did not provide for protection against the expulsion or return of some 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. There were also allegations that officials deported some individuals to countries where they were at risk of imprisonment without providing

an opportunity for them to apply for asylum. For example, on December 12, Azerbaijani blogger Elvin Isayev was removed from Ukraine to Azerbaijan for allegedly violating migration laws. On September 10, before Isayev arrived in Ukraine, the ECHR invoked Rule 39 halting extradition of Isayev from Russia to Azerbaijan after his Russian citizenship had been revoked.

According to the Kharkiv Human Rights Protection Group, on June 18, the SBU in Kyiv detained Belarussian anarchist Aleksandr Frantskevich when he came to the State Migration Service to extend his permanent residence permit. Frantskevich, who had lived in Kyiv since 2015, was considered by human rights groups to be a former Belarusian political prisoner. SBU officers reportedly forced him into a van, beat and strangled him, and took him to the border with Belarus, where they handed him a document saying that his activities, which were unspecified, were in conflict with the interests of Ukraine's national security, sovereignty, territorial integrity, and constitutional order, and that he was banned from the country for three years.

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. According to the State Migration Service, the number of refugees and asylum seekers has decreased. The country is a transit and destination country for asylum seekers and refugees, principally from Afghanistan, the Russian Federation, Bangladesh, Syria, and Iraq.

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: Refugees frequently have a hard time finding employment due to lack of qualifications and language proficiency. Some worked illegally, increasing the 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. A UNHCR report indicated all newly recognized refugees received a one-time grant of approximately 30 hryvnias ($1.26). Some reports, however, indicated the government did not always provide payment.

Temporary accommodation centers had a reception capacity of 421. Asylum seekers living outside an official temporary accommodation center often experienced difficulties obtaining residence registration, and authorities regularly fined them more than 500 hryvnias ($21) because they lacked registration. According to the State Migration Service, refugees could receive residence registration at homeless shelters for up to six months.

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. UNHCR noted a lack of educational programs and vocational activities for those in detention for extended periods.

Temporary Protection: The government also provided temporary protection ("complementary protection") to individuals who may not qualify as refugees; as of August 1, authorities had provided complementary protection to 41 persons.

g. Stateless Persons

UNHCR estimated there were 35,600 stateless persons in the country. Persons who were either stateless or at risk of statelessness included Roma, homeless persons, current and former prisoners, and persons older than 50 who never obtained a Ukrainian personal identification document after the fall of the Soviet Union and were no longer able to obtain one.

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 type of documentation to verify their identity. Homeless persons had 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: The country's presidential election was held across two rounds, on March 31 and April 21. A joint international election observation mission (IEOM) by the European Parliament (EP), the OSCE's Office of Democratic Institutions and Human Rights, the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe, and the NATO Parliamentary Assembly (NATO PA) assessed that the election "was competitive, voters had a broad choice and turned out in high numbers. In the pre-electoral period, the law was often not implemented in good faith by many stakeholders, which negatively impacted the trust in the election administration, enforcement of campaign finance rules, and the effectiveness of election dispute resolution. Fundamental freedoms were generally respected. Candidates could campaign freely; yet, numerous and credible indications of misuse of state resources and vote buying undermined the credibility of the process. The media landscape is diverse, but campaign coverage in the monitored media lacked in-depth analysis and was often biased. Election Day was assessed positively overall and paves the way to the second round. Still, some procedural problems were noted during the count, and conditions for tabulation were at times inadequate."

The newly elected president disbanded the parliament to call for an early parliamentary election, which was held on July 21. A joint IEOM by OSCE/ODIHR, the OSCE PA, the NATO PA, and the EP assessed that: "fundamental rights and freedoms were overall respected and the campaign was competitive, despite numerous malpractices, particularly in the majoritarian races. Generally, the electoral administration was competent and effective despite short time available to prepare the elections, which were seen as an opportunity to consolidate reforms and changes in politics that Ukrainian voters are hoping for. In sharp contrast, the campaign was marked by widespread vote-buying, misuse of incumbency, and the practice of exploiting all possible legislative loopholes,

skewing equality of opportunity for contestants. Intertwined business and political interests dictate media coverage of elections and allow for the misuse of political finance, including at the local level."

Voting did not take place in either election in Crimea or in parts of Donbas under the control of Russia-led forces.

Political Parties and Political Participation: The Communist Party remains banned. On February 2, the Central Election Commission refused to register the Communist Party presidential candidate, Petro Symonenko, stating that his party violates the law banning communist symbols.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities in the political process, and they did participate. Following the July parliamentary election, the proportion of women in the parliament increased from 12 percent to 20 percent.

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.

The High Anticorruption Court (HACC) started its work on September 5. The HACC's creation completed the country's system of bodies to fight high-level corruption, complementing two previously created anticorruption agencies, the National Anticorruption Bureau (NABU) and the Special Anticorruption Prosecutor. The new independent anticorruption bodies faced political pressure that undermined public trust, raised concern about the government's commitment to fighting corruption, and threatened the viability of the institutions.

On February 26, the Constitutional Court declared unconstitutional an article of the criminal code proscribing criminal liability for illegal enrichment. The decision led NABU to close 65 corruption cases it had been developing against high-level officials. According to legal experts and civil society, elimination of illicit enrichment from the criminal code was a serious setback in the fight against high-level corruption. On November 26, President Zelenskyy signed a law reinstating criminal liability for illicit enrichment of government officials.

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

On March 5, NABU initiated an investigation into Ihor Hladkovskyy, the son of the former first deputy secretary of the National Security and Defense Council of Ukraine, for large-scale embezzlement. Hladkovskyy reportedly procured military equipment from Russia, which was then sold to Ukraine's state-run defense enterprise, Ukroboronprom, at several times market rate. The scheme netted about 250 million hryvnias ($10.5 million). The investigation continued as of October.

On July 9, the Malynovsky District Court of Odesa acquitted Odesa mayor Hennadiy Trukhanov of embezzlement. The court moved quickly to hold hearings prior to the establishment of the HACC, experts maintained. The case was appealed and will be heard by the HACC.

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. By law the National Agency for the Prevention of Corruption (NAPC) is responsible for reviewing financial declarations, monitoring the income and expenditures of high-level officials, and checking party finances. Observers increasingly questioned, however, whether the NAPC had the capacity and independence to fulfill this function.

In October the NAPC reported that First Deputy Minister of Culture Svitlana Fomenko declared false information in her 2015 asset declaration. The amount of undeclared income totaled 1.4 million hryvnias ($59,000). Declaration information was transferred to the NABU.

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.

Authorities in Russia-controlled areas 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).

Government Human Rights Bodies: The constitution provides for a human rights ombudsman, officially designated as parliamentary commissioner on human rights.

In March 2018 parliament appointed Lyudmila Denisova parliamentary commissioner on human rights. The Office of the Parliamentary Commissioner on Human Rights cooperated with NGOs on various projects to monitor human rights practices in various institutions, including detention facilities, orphanages and boarding schools for children, and geriatric institutions. Denisova took a proactive stance advocating on behalf of political prisoners held by Russia as well as Crimean Tatars, Roma, IDPs, and persons with disabilities.

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

During the year the OHCHR and human rights groups documented fewer incidents of xenophobic societal violence and discrimination, compared with a spike in these incidents in 2018. Civil society groups remained concerned, however, about the lack of accountability for crimes committed by radical groups in cases documented in 2018. During the year members of such groups committed violent attacks on ethnic minorities (especially Roma), LGBTI persons, feminists, and other individuals they considered to be "un-Ukrainian" or "anti-Ukrainian." The HRMMU noted that the failure of police and prosecutors to prevent these acts of violence, properly classify them as hate crimes, and effectively investigate and prosecute them created an environment of impunity and lack of justice for victims.

There were continued reports that the government provided grant funds to or cooperated with radical groups. For example, according to monitoring by independent investigative media outlet *Bellingcat*, during the year the Ministry of Youth and Sport awarded 845,000 hryvnias ($35,000) to groups--such as National Corps and C14 that have committed violence against minorities--to run "national-patriotic education projects" for children.

Women

Rape and Domestic Violence: The law prohibits rape of men or women. The penalty for rape is three to 15 years' imprisonment. Sexual assault and rape continued to be significant problems.

On January 11, amendments to the criminal code increasing liability for sexual, domestic, and gender-based violence came into force. The amendments expanded the definition of rape and introduced stricter punishment for sexual coercion by up to three years of prison and forced abortion or sterilization by up to five years.

Domestic violence against women remained a serious problem. Spousal abuse was common. According to the Ministry of Internal Affairs, 761 cases of domestic violence were registered during the first nine months of the year. Police issued approximately 44,000 domestic violence warnings and protection orders during the first nine months of the year. Punishment included fines, emergency restraining orders of up to 10 days, ordinary restraining orders from one to six months, administrative arrest, and community service. Human rights groups noted that the ability of agencies to detect and report cases of domestic violence was limited. Human rights groups asserted that law enforcement often did not consider domestic violence to be a serious crime but rather a private matter to be settled between spouses, but they also noted that police were starting to take the problem more seriously.

According to press reports, in early March an intoxicated man stabbed his 25-year-old former wife in Podolsk. The woman managed to run to a hospital, despite being pursued by her former husband. Their seven-year-old daughter witnessed the crime. Odesa police found and detained the perpetrator two days later. He was charged with "intentional infliction of bodily harm."

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. IDPs reported instances of rape and sexual abuse; many claimed to have fled areas controlled by Russia-led forces because they feared sexual abuse.

As of late September the government operated 24 shelters for victims of domestic violence and 21 centers for social and psychological aid across the country for victims of domestic violence and child abuse.

Sexual Harassment: While the law prohibits coercing a person to have sexual intercourse, legal experts stated that safeguards against harassment were inadequate. The law puts sexual harassment in the same category as discrimination and sets penalties ranging from a fine to three years in prison. Women's rights groups 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.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: While the law provides that women enjoy the same rights as men, women experienced discrimination in employment. According to the government commissioner on gender policy, women on average received 30 percent lower salaries than men. The Ministry of Health maintained a list of 50 occupations that remain prohibited for women.

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 Russia-controlled areas in Donbas 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. Persons living in Crimea and parts of Russia-controlled Donbas had to turn to Ukrainian courts with birth or death documents issued by occupational authorities in order to receive Ukrainian documents. The courts were obliged to make rulings in 24 hours; these decisions were then carried out by the registry office. Due to the lack of judges in local courts, Ukrainians living in regions occupied by Russia and Russia-led forces faced serious difficulty obtaining Ukrainian documents.

Child Abuse: Penalties for child abuse range from three years to life, depending on severity. The law criminalizes sexual relations between adults and persons younger than 16; violations are punishable by imprisonment of up to five years. A January 11 amendment to the criminal code qualifies sexual relations with a person younger than 14 as rape.

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 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, particularly 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 for a child during the investigation of alleged parental violence.

According to press reports, on May 27, police officers in Zhytomyr Oblast, while visiting the home of local residents, learned that a child was missing. Police uncovered that a few months earlier, the stepfather had hit a child, who fell and died as a result. Both spouses then burnt the body. Authorities detained the parents detained on charges of first-degree murder and removed two other children from the family and placed them in a rehabilitation center.

Early and Forced Marriage: The minimum age for marriage is 18. A court may grant a child as young as 16 permission to marry if it finds marriage to be in the child's interest. Romani rights groups reported early marriages involving girls younger than 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 eight years. Molesting a child younger than 16 is punishable by imprisonment for up to five years. The same offense committed against a child younger than 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 (IOM) reported that children from socially disadvantaged families and those in state custody continued to be at high

risk of trafficking, including for commercial sexual exploitation and the production of pornography. For example, on September 4, the Pechersk District Court in Kyiv authorized the arrest of a Kyiv resident who allegedly produced and disseminated pornography of his two children. An investigation was underway as of October.

Displaced Children: The majority of IDP children were from Donetsk and Luhansk Oblasts. According to the Ministry of Social Policy, authorities registered more than 240,000 children as IDPs. Human rights groups believed this number was low.

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. A government strategy for 2017-2026 calls for the transformation of the institutionalized child-care system into one that provides a family-based or family-like environment for children.

Human rights groups and media outlets 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.

On August 15, press outlets reported that 20 children between the ages of 10 and 17 from the Batiovo Orphanage in Zakarpattia Oblast reported physical violence and sexual abuse. Local police started an investigation.

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 https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.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 conflict in eastern Ukraine,

according to VAAD, approximately 30,000 Jews lived in the Donbas region. Jewish groups estimated that between 10,000 and 15,000 Jews lived in Crimea before Russia's attempted annexation.

According to the National Minority Rights Monitoring Group (NMRMG), as in 2018, no cases of suspected anti-Semitic violence were recorded as of October 1. The last recorded anti-Semitic violence against individuals occurred in 2016. The NMRMG recorded approximately 10 cases of anti-Semitic vandalism as of October 1, compared with 11 incidents during the same period in 2018. According to the NMRMG, the drop in violence and anti-Semitic vandalism was due to better police work and prosecution of those committing anti-Semitic acts.

Graffiti swastikas continued to appear in Kyiv, Lviv, Poltava, and other cities. According to press reports, on September 15, perpetrators vandalized a memorial to more than 55,000 Jews murdered in Bohdanivka in Mykolaiv Oblast. Jewish organizations expressed concern about the continued existence of Krakivsky Market and new construction atop a historic Jewish cemetery in Lviv. There were several anti-Semitic incidents targeting the Babyn Yar memorial reported during the year.

In line with the country's 2015 decommunization and denazification law, authorities continued to rename communist-era streets, bridges, and monuments. Some were renamed in honor of 20th century Ukrainian nationalists, some of whom were associated with anti-Semitism.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at https://www.state.gov/trafficking-in-persons-report/.

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, health services, information, communications, transportation, and the judicial system 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.).

Patients in mental-health facilities remained at risk of abuse, and many psychiatric hospitals continued to use outdated methods and treatments. According to February press reports, patients of a psychiatric institution in Bilopillia in Sumy Oblast complained about cruel and humiliating treatment by staff who allegedly beat and verbally abused them and left them naked for several days. The facility's administration reportedly forced patients to work on the institution's cattle farm. The local prosecutor's office opened an investigation.

Law enforcement generally took appropriate measures to punish those responsible for violence and abuses against persons with disabilities.

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.

A law adopted in 2017 guaranteed every child with a disability the right to study at regular secondary schools. It called for the creation of inclusive groups in preschool facilities, secondary and vocational schools, and colleges. According to the president's commissioner for the rights of children, 12,000 children with disabilities went to regular schools within the program of inclusive education.

Persons with disabilities in Russia-controlled areas in the east of the country suffered from a lack of appropriate care.

National/Racial/Ethnic Minorities

Mistreatment of members of minority groups and harassment of foreigners of non-Slavic appearance remained problematic. According to the Ethnic Minorities' Rights Monitoring Group at the Congress of Ethnic Communities of Ukraine, as of October 1, the number of xenophobic incidents (attacks, vandalism, and "public expressions of xenophobia") totaled 61, compared with 89 during the same period in 2018. Human rights organizations stated 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. Police and prosecutors continued to prosecute racially motivated crimes under laws against hooliganism or related offenses.

There were reports of societal violence against Roma. For example, according to press reports, on October 24, an unknown assailant in Zaporizhzhia attacked Romani rights activist Anzhelika Belova with a knife. According to press reports, the attacker followed her home from a supermarket into her apartment building, where he stabbed her. Belova survived, and police arrested the alleged perpetrator. An investigation was under way.

There were reports of attacks on Romani settlements. In one such case, there was an arson attack on a Romani camp on the outskirts of Ivano-Frankivsk on March 25. Ten men dressed in black attacked the settlement and hurled Molotov cocktails at the camp. The ensuing fire damaged two homes. When police arrived, Romani residents refused to file a complaint.

There were multiple reports that members of some radical groups disrupted gatherings related to the rights of Roma. In one example, human rights groups reported that on May 27, a man carrying an ax, two knives, and other weapons attempted to disrupt a briefing of human rights activists about violence against members of the Romani community. He broke into the room and started verbally insulting Romani individuals present. When a press center guard intervened, he threatened those present with two knives and pepper spray. Police responded and removed the perpetrator.

Human rights activists were concerned about the lack of accountability in cases of attacks on Roma documented in 2018. For example, on August 14, a Lviv district court found two high school students guilty of hooliganism for participating in an attack on a Romani camp that resulted in the killing of a man in June 2018. The court sentenced them to four-and-a-half years of prison. The court did not consider racial motivations or hate crime provisions.

In April the Kyiv Oblast Prosecutor's Office appealed a November 2018 decision of the Holosiivsky District Court in Kyiv dropped charges against C14 leader Serhiy Mazur, the alleged perpetrator in another violent attack against a Romani settlement in Kyiv in April 2018. Court hearings have been postponed six times. Human rights NGOs voiced concerns that impunity for past attacks fueled more violence.

Roma continued to face governmental and societal discrimination and significant barriers accessing education, health care, social services, and employment. According to Council of Europe experts, 60 percent of Roma were unemployed, 40 percent had no documents, and only 1 percent had a university degree. 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

There were reports that police used laws on human trafficking or prostitution as a pretext to target LGBTI persons. For example, on April 20, police in Dnipro raided a gay nightclub. According to the LGBTI rights organization Nash Mir, at around 1 a.m., 20 to 25 police officers burst into the nightclub, forced all those present to lie down on the floor for three hours, and seized all mobile phones and the club's equipment. Officers reportedly behaved in an aggressive and homophobic way, expressed insults, made jokes related to sexual orientation, and forced two foreigners, who were in the club, to sing loudly the anthem of Ukraine. While the purported grounds for the raid were the prevention of human trafficking, the published police report about the raid contained no evidence of human trafficking but claimed that the club's owners took money from patrons in exchange for "creating the conditions for disorderly sexual intercourse." Nash Mir called the police actions "obviously homophobic and illegal."

There was societal violence against LGBTI persons often perpetrated by members of violent radical groups, and authorities often did not adequately investigate these cases or hold perpetrators to account. The HRMMU noted that attacks against members of the LGBTI community and other minorities were rarely classified under criminal provisions pertaining to hate crimes, which carried heavier penalties. Crimes and discrimination against LGBTI persons remained underreported. For example, according to press reports, on June 23, four unknown

men beat two participants in the Kyiv Pride March who were heading home after the event, spraying them with pepper spray, kicking them, and insulting them.

According to the Nash Mir, radical groups consistently tried to disrupt LGBTI events with violence or threats of violence. For example, on April 11, members of radical groups Tradition and Order and Katechon attacked participants of the European Lesbian Conference in Kyiv. Perpetrators broke into the premises and sprayed tear gas, injuring 10 persons. Police intervened and detained the attackers; the attackers were subsequently released, and no charges were filed.

Although leading politicians and ministers condemned attacks on LGBTI gatherings and individuals, officials sometimes made public statements that were homophobic or that called for violence against LGBTI persons. For example, Sumy deputy mayor Maksym Halytsky posted on a social network a picture of a concentration camp with the caption "before long the so-called prides will look like this." The Prosecutor General's Office initiated criminal proceedings on charges of "deliberate actions to incite national, racial, or religious hatred, to humiliate national honor and dignity, or to offend the feelings of citizens in the light of their beliefs."

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

Transgender persons reported difficulties obtaining official documents reflecting their gender identity, which resulted in discrimination in health care, education, and other areas.

During the year the HRMMU reported that in the Russia-controlled parts of Donetsk and Luhansk Oblasts, social stigma and intolerance based on sexual orientation and gender identity have become more acute, reportedly due to the application of laws criminalizing the "propaganda of same-sex relationships."

HIV and AIDS Social Stigma

Stigma and discrimination in health-care centers were barriers to HIV-positive individuals' receiving medical 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.

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. There are no laws or legal mechanisms to prevent antiunion discrimination, although the labor code requires employers to provide justification for layoffs and firings, and union activity is not an acceptable justification. Legal recourse is available for reinstatement, back wages, and punitive damages, although observers describe court enforcement as arbitrary and unpredictable, with damages too low to create incentives for compliance on the part of employers.

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 excessively complex and contradictory. For example, the status of trade unions under two laws provides they are considered legal entities only after state registration. Under another law, however, a trade union is considered a legal entity upon adoption of its statute. The inherent conflict between these laws creates obstacles for workers seeking to form trade unions. Unions also reported significant bureaucratic hurdles in the registration process, including the payment of notary fees and requirements to visit as many as 10 different offices. Moreover, independent unions have reported multiple incidents of harassment by local law enforcement officials while navigating the registration process, including atypical and irregular requests for documentation and membership information.

The legal procedure to initiate a strike is complex and severely hinders strike action, artificially lowering the numbers of informal industrial actions. The legal process for industrial disputes requires consideration, conciliation, and labor arbitration allowing involved parties to draw out the process 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. The government is allowed to deny workers the right to

strike on national security grounds or to protect the health or "rights and liberties" of citizens. The law prohibits strikes by broad categories of workers, including personnel in the Office of the Prosecutor General, the judiciary, the armed forces, the security services, law enforcement agencies, the transportation sector, and the public-service sector.

Legal hurdles make it difficult for independent unions that are 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.

Worker rights advocates continued to express concerns about the independence of unions from government or employer control. 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. Authorities further 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 two decades.

Independent union representatives continued to be the subjects of violence and intimidation and reported that local law enforcement officials frequently ignored or facilitated violations of their rights. Worker advocates reported an increase in retaliation against trade union members involved in anticorruption activities at their workplaces.

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor. Penalties for violations were sufficiently stringent to deter violations, but resources, inspections, and remediation were inadequate to enforce the law sufficiently.

During the year the IOM responded to numerous instances of compulsory labor, to include pornography, criminal activity, labor exploitation, begging, and sexual and other forms of exploitation. IOM Ukraine reported it assisted six children (four female and two male), three of whom were subjected to forced labor or begging. Annual reports on government action to prevent the use of forced labor in public procurement indicated that the government has not taken action to investigate its

own supply chains for evidence of modern slavery. Traffickers subjected some children to forced labor (see section 7.c.).

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. Observers reported, however, that the provision of assistance was problematic due to funding shortfalls and high turnover of trained staff. The government continued to rely on international organizations and NGOs with international donor funding to identify victims and provide the vast majority of victim protection and assistance.

Also see the Department of State's *Trafficking in Persons Report* at https://www.state.gov/trafficking-in-persons-report/.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for most employment is 16, but children who are 14 may perform undefined "light work" with a parent's consent. While the law prohibits the worst forms of child labor, it does not always provide inspectors sufficient authority to conduct inspections.

From January to October, the State Service on Labor conducted 2,516 inspections to investigate compliance with child labor laws. The inspections identified 41 organizations engaged in child labor activities. Of these, 14 were in the service sector, five in the industrial sector, five in the agricultural sector, and 17 in other areas. The inspections uncovered 57 cases of undeclared labor and 15 minors receiving undeclared wages. Increased child labor in amber mining was a growing problem, according to reports by international labor groups.

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. The government established institutional mechanisms for the enforcement of laws and regulations on child labor. The limited collection of penalties imposed for child labor violations, however, impeded the enforcement of child labor laws.

Penalties for violations of the child labor laws were insufficient to deter violations.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods.

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 effectively 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 were not sufficient to deter violations.

Women received lower salaries due to limited opportunities for advancement and the types of industries that employed them. According to the State Statistics Office, men earned on average 23 percent more than women. The gap was not caused by direct discrimination in the setting of wages, but by horizontal and vertical stratification of the labor market: Women were more likely to work in lower-paid sectors of the economy and in lower positions. Women held fewer elected or appointed offices at the national and regional levels. In July government research on women and men in the energy sector was presented to identify possible ways to resolve the problem of gender imbalance in the sector. The research reflected data from 2018 and early 2019 and indicated that, even though the share of women in the sector was gradually growing, women still constituted only 25 to 27 percent of the national oil and gas industry workforce.

e. Acceptable Conditions of Work

The country's annual budget establishes a government-mandated national minimum wage, which is above the poverty level. Some shadow employees received wages below the established minimum.

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 they 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. Employers in the metal and mining industries often violated the rule and retaliated against workers by pressuring them to quit.

Wage arrears continued to be a major problem. 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 fell during the year through September 1 to 2.8 billion hryvnias ($118 million) from 3.6 billion hryvnia ($152 million) in September 2018. The majority of wage arrears occurred in Luhansk and Donetsk Oblasts. The Independent Trade Union of Miners of Ukraine reported that arrears in the coal sector had reached almost 1.3 billion hryvnias ($55 million) in September, compared with arrears of 930 million hryvnias ($39 million) in September 2018. Arrears and corruption problems exacerbated industrial relations and led to numerous protests.

On September 11, the government adopted Resolution No. 838 On issues of the Ministry of Economy, Trade, and Agriculture. This resolution changed the labor-related authorities of the Ministry of Social Policy and transferred responsibility for employment, labor, and labor migration to the Ministry of Economic Trade, Development, and Agriculture. Moreover, the State Labor Service (Labor Inspectorate) has also been transferred to the Ministry of Economic Trade, Development, and Agriculture.

The government did not always effectively enforce labor law. In 2017 the government adopted a new procedure for state control and supervision of labor law compliance that introduces new forms and rules for oversight of labor law compliance, extends the powers of labor inspectors, amends the procedure for imposing fines for violation of labor law requirements, and introduces specific

forms for exercise of control by labor inspectors, namely, inspection visits and remote inspections. The labor inspectorate, however, lacked sufficient funding, technical capacity, and professional staffing to conduct independent inspections effectively.

Labor inspectors may assess compliance based on leads or other information regarding possible unreported employment from public sources. This includes information the service learns concerning potential violations from other state agencies. For example, when tax authorities discover a disparity between a company's workforce and its production volumes as compared with average data for the industry, they may refer the case to labor authorities who will determine compliance with labor laws.

While performing inspection visits to check potential unreported employment, labor inspectors may enter any workplace without prior notice at any hour of day or night. The law also allows labor inspectors to hold an employer liable for certain types of violations (e.g., unreported employment), empowering them to issue an order to cease the restricted activity. Labor inspectors may also visit an employer to monitor labor law compliance and inform the company and its employees about labor rights and best practices.

In May a court overturned the inspection decree because it found that the Cabinet of Ministers had adopted it in violation of the procedure. The government thereafter adopted a new decree, which once again allowed labor inspectors to carry out labor inspections without notice.

On August 30, Regulation No. 823 of the Cabinet of Ministers (dated August 21, 2019) became effective and brought into force the new Procedure for Exercising State Control over Compliance with Labor Legislation. The procedure expands the list of possible grounds for labor inspections conducted by the State Labor Service, its territorial bodies, and municipalities. It also allows the labor inspector not to report on the inspection visit if there is a suspicion of undeclared work. When inspectors find cases of labor violations, they are authorized to hold the perpetrator liable if there is clear evidence of labor inspection violations.

In September 2018 the Cabinet of Ministers approved a regulation that increased regulatory oversight to monitor and counter "shadow" employment in the informal economy, the widespread practice of paying for labor without an existing employment contract. The regulation compels the State Labor Service, the State Tax Service, the State Pension Fund, and the National Police to review their

internal regulations to introduce stricter control measures to combat shadow employment. Agencies are also required to conduct public awareness campaigns to inform employers of the new procedures.

Penalties for violations of workplace safety standards were insufficient to deter violations. The State Labor Inspectorate was responsible for enforcing labor laws. Inspectors were limited in number, funding, and authority to enforce existing regulations. The absence of a coordination mechanism with other government bodies was also significant.

Mineworkers, particularly in the illegal mining sector, faced serious safety and health problems. Operational safety problems and health complaints were common. Lax safety standards and aging equipment caused many injuries on the job.

During the first six months of the year, authorities reported 1,943 individual injuries, including 207 fatalities; 352 injuries to coal miners, including 11 fatalities; 238 injuries in the agro-industrial sector, including 33 fatalities; and 149 injuries in engineering, including nine fatalities.

Despite active fighting close to industrial areas in the government-controlled areas of 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. The UN General Assembly's Resolution 68/262 on the "Territorial Integrity of Ukraine" of March 27, 2014, and Resolution 74/168 on the "Situation of Human Rights in the Autonomous Republic of Crimea and the City of Sevastopol (Ukraine)"of December 9, 2019, 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 occupation 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 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 government agencies, including the Ministry of Internal Affairs, the Federal Security Service (FSB), the Federal Investigative Committee, and the Office of the Prosecutor General applied and enforced Russian law in Crimea as if it were a part of the Russian Federation. 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. Russian authorities maintained control over Russian military and security forces deployed in Crimea.

Significant human rights issues included: disappearances; torture, including punitive psychiatric incarceration; mistreatment of persons in detention as punishment or to extort confessions; harsh prison conditions and transfer of prisoners to Russia; arbitrary arrest and detention; political prisoners; pervasive and arbitrary interference with privacy; severe restrictions on free expression, the press, and the internet, including violence against journalists and website blocking; gross and widespread suppression of freedom of assembly and religion; severe restriction of freedom of association, including barring the Crimean Tatar Mejlis; significant restrictions on freedom of movement; restrictions on political participation; systemic corruption; and violence and systemic discrimination against Crimean Tatars and ethnic Ukrainians.

Occupation authorities took few steps to investigate or prosecute officials or individuals who committed human rights abuses, creating an atmosphere of impunity and lawlessness.

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 were several reports of killings of Crimean Tatars by unknown individuals. At least four missing Crimean Tatars were found dead during the year; there were no reported investigations nor indications that occupation authorities took action to apprehend perpetrators. For example, on April 22, Rashid Yagyaev went missing. On July 9, his body washed up on the shore of the Black Sea near the village of Nikolayevka with a weight tied to his neck. No arrests had been made in the case by year's end.

Occupation authorities did not adequately investigate 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

There were reports of abductions and disappearances by occupation authorities. For example, according to press reports, the FSB arrested Crimean Tatar Edem Yayachikov during mass raids on Crimean Tatar homes that took place on March 27 (see section 1.d.); as of November his whereabouts were still unknown. Relatives filed a missing-person's report, which was reportedly under investigation, and human rights defenders sought to find him in the detention facilities holding others arrested that day, but they were unable to establish his whereabouts.

According to an August special report by the UN secretary-general, citing data from the HRMMU, from 2014 to June 30, some 42 persons were victims of enforced disappearances. 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 disappearances. 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.

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

There were widespread reports occupation authorities in Crimea tortured and otherwise 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. For example, on April 17, FSB agents detained Crimean Tatar activist Raim Aivazov when he attempted to cross the administrative line from Crimea into government-controlled Ukraine. According to his lawyer, FSB officers beat him, put him in a car, and took him to a nearby forest, carried out a mock execution by shooting several times next to his head. Aivazov was charged with terrorism and remained in pretrial detention in Simferopol as of October. Observers believed the charges to be baseless.

Occupation authorities demonstrated a pattern of using punitive psychiatric incarceration as a means of pressuring detained individuals. For example, according to press reports, on July 25, Arsen Abkhairov, Eskender Abdulganiev and Rustem Emiruseinov, who were on trial for allegedly belonging to the Islamic organization Hizb ut-Tahrir, which is banned in Russia as a terrorist group but legal in Ukraine, were transported to a Simferopol hospital for a forced psychiatric evaluation. Their lawyer viewed the authorities' move as an attempt to break his clients' will and intimidate them.

According to the Crimean Human Rights Group, as of early October, approximately 30 Crimean Tatar defendants had been subjected to psychiatric evaluation and confinement against their will without apparent medical need since the beginning of the occupation (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 whom authorities believed were opposed to the occupation.

There were reports of attacks on opponents of the occupation by unknown individuals. For example, on January 2, according to the Kharkiv Human Rights Protection Group, two unknown assailants attacked Crimean Tatar activist Risa

Asanov, known for his support of Crimean Tatar political prisoners, while he was filming for a documentary. He was hit in the head with a baton. When he regained consciousness, the two men told him that this was his "last warning" and "next time you'll die." Doctors diagnosed a concussion and other injuries. He reported the attack to police but claimed he received no confirmation of his report.

Prison and Detention Center Conditions

Prison and detention center conditions reportedly remained harsh and life threatening due to overcrowding and poor conditions.

Physical Conditions: The HRMMU reported inhuman conditions in official places of detention in Crimea. According to the August special report by the UN secretary-general, the Simferopol pretrial detention facility was heavily overcrowded; its maximum capacity was 747, but the average number of prisoners has reached more than 1,300 during the past few years. Overcrowding forced prisoners to sleep in shifts in order to share beds. According to the Crimean Human Rights Group, detainees held in the Simferopol pretrial detention center complained about poor sanitary conditions, broken toilets, and insufficient heating. Detainees diagnosed with HIV, as well as tuberculosis, and other communicable diseases were kept in a single cell.

There were reports that detainees were denied medical treatment, even for serious health conditions. According to the August UN secretary-general's special report, "prison officials are alleged to have either ignored the health needs of detainees or not provided effective medical assistance." For example, according to Human Rights Watch, Edem Bekirov, a 58-year-old Crimean Tatar with an amputated leg, diabetes, and a serious heart condition, and in detention at the Simferopol pretrial detention facility since December 2018, received improper treatment for diabetes, was denied essential heart surgery, and was not provided essential medical supplies to care for an unhealed wound. On June 11, the European Court of Human Rights ruled that he be urgently hospitalized for examination and treatment, but occupation authorities refused to do so, claiming that they could not verify the facts in the court's ruling nor the authenticity of the ruling itself. He was transferred to a hospital on August 27, after his condition worsened, and was released to mainland Ukraine on September 7 as one of the subjects of a "prisoner exchange" between Ukraine and Russia.

According to the Crimean Human Rights Group, as of September 1, 61 Crimean prisoners have been transferred to the Russian Federation since the occupation

began in 2014. 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 August UN secretary-general's special report, prisoners considered Russian citizens by the Russian Federation were denied Ukrainian consular visits, and some Crimeans were transferred to prison facilities in Russia without Ukrainian passports.

There were reports of prisoner-on-prisoner violence. For example, according to the Crimean Human Rights Group, on May 15, occupation authorities reported a prisoner had been injured in the Simferopol pretrial detention center and later died at a hospital. Authorities claimed the prisoner was attacked by his cellmate.

Prison authorities reportedly retaliated against detainees who refused Russian Federation citizenship by placing them 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.

d. Arbitrary Arrest or Detention

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, which observers believed were a means of instilling fear, stifling opposition, and inflicting punishment on those who opposed the occupation. Security forces regularly conducted raids on Crimean Tatar villages, accompanied by detentions, interrogations, and often criminal charges. The Crimean Resource Center recorded 69 detentions and 97 interrogations that were politically motivated as of June.

The HRMMU noted that justifications underpinning the arrests of alleged members of "terrorist" or "extremist" groups often provided little evidence that the suspect posed an actual threat to society by planning or undertaking concrete actions.

The HRMMU noted the prevalence of members of the Crimean Tatar community among those apprehended during police raids. According to the Crimean Tatar Resource Center, of the 69 individuals detained between January and June, 57 were Crimean Tatars. The HRUMMU noted raids were often carried out on the pretext of purported need to seize materials linking suspects to groups which are banned in the Russian Federation, but which are lawful in Ukraine.

For example, according to the HRMMU, on March 27, the FSB raided 25 houses of Crimean Tatars in the city of Simferopol as well as villages in the Bilohirsky and Krasnohvardiysky districts. Security forces targeted the houses of activists belonging to the Crimean Solidarity movement, a human rights organization that provides the relatives and lawyers of political prisoners with legal, financial, and moral support, 20 individuals were arrested during the raid, but one man disappeared immediately following arrest (see section 1.b.). According to human rights groups, security forces had no warrant for the raid and denied detained individuals access to lawyers. The following day FSB agents searched every house in the village of Strohanivka seeking, unsuccessfully, four Crimean Tatars who were not at their own homes during the searches the previous day. Occupation officials cordoned off the village and set up checkpoints to examine all vehicles. On March 28, three of the men were detained in Rostov-on-Don in Russia. Of the 24 men arrested over March 27-28, five were charged with organizing the activities of a terrorist organization (Hizb ut-Tahrir, which is legal in Ukraine), which carries a sentence of up to life in prison. The rest were charged with participating in the activities of a terrorist organization, which carries a sentence of up to 20 years in prison. On March 30, all of the men were transferred to Russia for pretrial detention, where they remained as of October.

Jehovah's Witnesses were also targeted during the year for raids and arbitrary arrests. For example, on March 20 occupation authorities raided the homes of Jehovah's Witnesses in Yalta and Alupka and detained six members of the group, which is banned in Russia as an extremist organization, for questioning.

Detainees were often denied access to a lawyer during interrogation. For example, on May 30, occupation authorities from the "ministry of interior's" "center for combating extremism" detained two Crimean Tatar female activists--Mumine Salieva, the wife of a political prisoner and a participant in the Crimean Solidarity

movement, and Luftie Zudieva, a director of a children's center and a civic activist. According to the Crimean Human Rights Group, the activists were interrogated for several hours, while authorities refused to inform their lawyers where they were detained or grant them access to their clients. Both women were charged with propaganda for public display of "extremist symbols." A court fined them 1,000 Russian rubles ($15) and 2,000 Russian rubles ($30) respectively.

e. Denial of Fair Public Trial

Under the Russian occupation regime, the "judiciary" was neither independent nor impartial. Judges, prosecutors, and defense attorneys were subject to political directives from occupation authorities, and the outcomes of trials appeared predetermined by government interference. The HRMMU noted that lawyers defending individuals accused of extremism or terrorism risked facing similar charges themselves. The HRMMU cited longstanding pressure on human rights lawyer Emil Kurbedinov, who was arrested in December 2018 and sentenced to eight days in prison for a social media post, made before the occupation began, that purportedly contained "extremist symbols." Following the conviction, the occupation authorities' "ministry of justice" filed a complaint in January with the Crimean "bar chamber," seeking his disbarment. As of November he had not been disbarred.

Trial Procedures

Defendants in politically motivated cases were increasingly transferred to the Russian Federation for trial. 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 defendants' ability to access an attorney. According to the August UN secretary-general's special report, defendants facing terrorism or extremism-related charges were often pressured into dismissing their privately hired lawyers in exchange for promised leniency.

Political Prisoners and Detainees

According to the Crimean Human Rights Group, as of August, 93 Crimeans were being deprived of freedom in occupied Crimea or in Russia on political or religious charges, 66 of whom were Crimean Tatar Muslims prosecuted on terrorism charges.

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.

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.

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." According to the Crimean Tatar Resource Center, occupation authorities conducted 73 searches between January and June, 55 of which were in the households of Crimean Tatars.

Human rights groups reported that Russian authorities had widespread authority to tap telephones and read electronic communications and had established a network of informants to report on suspicious activities. 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.

On October 11, the SBU reported that the FSB was pressuring Crimeans working at local internet service providers to provide the FSB with information about internet users suspected of having pro-Ukrainian views. The FSB reportedly demanded the service providers' employees gather and turn over personal data, information about social media use, and well as other private information on certain users.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

Occupation authorities significantly restricted freedom of expression and subjected dissenting voices including the press to harassment and prosecution.

Freedom of Expression: The HRMMU noted occupation authorities placed "excessive limitations on the freedoms of opinion and 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 occupation.

Occupation authorities often deemed expressions of dissent "extremism" and prosecuted individuals for them. For example, according to press reports, on June 10, the Sevastopol "district court" sentenced the head of the Sevastopol Worker's Union, Valeriy Bolshakov, to two years and six months of suspended imprisonment for "public calls to extremist activities" for his criticism of occupation authorities on social networks. Bolshakov called to replace the "Putin regime" with a "dictatorship of the proletariat."

Occupation authorities harassed and fined individuals for the display of Ukrainian or Crimean Tatar symbols, which were banned as "extremist." For example, according to NGO reporting, on June 26, the Saky "district court" fined local resident Oleg Prykhodko for "public demonstration of paraphernalia or symbols of extremist organizations." Prykhodko had displayed Ukrainian and Crimean Tatar flags on his car. On October 9, authorities arrested Prykhodko during a raid on his home, where they purportedly "found" explosives in his garage, which human rights defenders maintained were planted there. On October 28, authorities charged Prykhodko with terrorism and possession of explosives.

Occupation authorities deemed expressions of support for Ukrainian sovereignty over the peninsula to be equivalent to undermining Russian territorial integrity. For example, according to the Crimean Human Rights Group, on January 29, occupation authorities charged Crimean Tatar Mejlis member Iskander Bariyev with calling for the violation of the territorial integrity of the Russian Federation, in connection with a December 2018 Facebook post in which he called for the

"liberation" of Crimea from Russian occupation and criticized repression taking place on the peninsula.

There were multiple reports that occupation authorities detained and prosecuted individuals seeking to film raids on homes or court proceedings. For example, according to press reports, on March 27, a Simferopol court sentenced Crimean Tatar activist Iskender Mamutov to five days in prison for "minor hooliganism" because he filmed security services as they raided Crimean Tatar homes.

During the year occupation authorities prosecuted individuals for the content of social media posts written before Russia began its occupation of Crimea. For example, on July 2, police detained a resident of the town of Sudak, Seyar Emirov, for a video posted on a social network in 2013. The video was of a local meeting of Hizb ut-Tahrir, which is legal in Ukraine. The local occupation "court" fined him 1,500 rubles ($23) for "production of extremist material."

There were reports that authorities prosecuted individuals for their appearance in social media posts that they did not author. For example, according to the Crimean Human Rights Group, on May 31, a court in Simferopol fined Crimean Tatar activist Luftiye Zudiyeva 2,000 rubles ($30) for being tagged in social media posts in 2014 authored by another person, which authorities alleged also contained banned symbols.

Press and Media, Including Online Media: Independent print and broadcast media could not operate freely. Most independent media outlets were forced to close in 2015 after occupation authorities refused to register them. According to the Crimean Human Rights Group, after the occupation began, many local journalists left Crimea or abandoned their profession. With no independent media outlets left in Crimea and professional journalists facing serious risks for reporting from the peninsula, civic activists were a major source of information on developments in Crimea.

Violence and Harassment: There were numerous cases of security forces or police harassing activists and detaining journalists in connection with their civic or professional activities. For example, during the year security forces reportedly harassed, abused, and arrested journalist Yevgeniy Haivoronskiy. Haivoronskiy initially supported the Russian occupation, but in recent years came to oppose it, a position he expressed publicly. On March 6, police raided Haivoronskiy's home and seized computers and documents. On March 22, the newspaper that published his articles, *Primechania,* announced it would no longer carry his work due to his

pro-Ukrainian position. On March 26, Haivoronskiy was arrested several hours after he gave an interview criticizing occupation authorities and calling for control of the peninsula to be returned to Ukraine. Police alleged he had been using drugs, and a judge sentenced him to 12 days in jail and to undergo drug treatment. Haivoronskiy denied he used drugs and maintained the charge was an effort to frame him in retaliation for his political views. On May 7, a court sentenced him to a further 10 days in jail for refusing a medical examination during the March prison stay. On October 22, police detained Haivoronskiy, reportedly beating him and slamming his head into the side of a police car during detention. The same day a court sentenced him to 15 additional days in jail for failing to complete the drug treatment program ordered by the court in March. On December 31, Russian occupation authorities forcibly removed Haivoronskiy from Crimea to mainland Ukraine.

Censorship or Content Restrictions: Following Russia's occupation of Crimea, journalists resorted to self-censorship to continue reporting and broadcasting. The August UN secretary-general's special report stated, "In order to avoid repercussions for independent journalistic work, [journalists] frequently self-censored, used pseudonyms and filtered their content prior to publication. Ukrainian journalists, as well as public figures who are perceived as critics of Crimea's occupation, have faced entry bans issued by FSB and were unable to access Crimea to conduct their professional activities."

There were reports occupation authorities sought to restrict access to or remove internet content about Crimea they disliked. For example, on February 5, YouTube informed the Crimea-focused website *The Center for Journalistic Research*, which operated in mainland Ukraine, that it had received a notification from Russian censorship authorities (Roskomnadzor) that material on the *Center's* YouTube account violated the law. Occupation authorities specifically deemed a documentary about Crimean Tatar political prisoner Emir-Usain Kuku to be "extremist." YouTube notified the *Center* that if it did not delete the material, it could be forced to block it. On February 7, Amnesty International released a statement urging YouTube not to block the video, and YouTube did not do so.

Occupation authorities banned most Ukrainian and Crimean Tatar-language broadcasts, replacing the content with Russian programming. According to Crimean Human Rights Group media monitoring, during the year occupation authorities jammed the signal of Ukrainian radio stations by transmitting Russian radio stations at the same frequencies.

Human rights groups reported occupation authorities continued to forbid songs by Ukrainian singers from playing on Crimean radio stations.

Censorship of independent internet sites was widespread (see Internet Freedom).

According to the Crimean Human Rights Group, 10 Crimean internet service providers blocked 14 Ukrainian information websites and two social networks during the year, including the sites of the Jehovah's Witnesses and of the Mejlis of the Crimean Tatar People.

National Security: Authorities cited laws protecting national security to justify retaliation against opponents of Russia's occupation.

The Russian Federal Financial Monitoring Service included prominent critics of the occupation on its list of extremists and terrorists. Inclusion on the list prevented individuals from holding bank accounts, using notary services, and conducting other financial transactions. As of October the list included 47 persons from Crimea, including numerous political prisoners and their relatives as well as others reportedly being tried for their pro-Ukrainian political positions, such as Oleh Prykhodko (see Freedom of Expression, above).

Authorities frequently used the threat of "extremism," "terrorism," or other purported national security grounds to justify harassment or prosecution of individuals in retaliation for expressing opposition to the occupation. For example, on July 12, according to press reports, a court authorized the in absentia arrest of independent Crimean Tatar journalist Gulsum Khalilova for "participating in an armed formation in the territory of a foreign state" for allegedly joining an armed battalion in Ukraine. Khalilova, who moved to mainland Ukraine, denied having any dealings with armed groups and characterized the case as fabricated in retribution for her independent reporting on the peninsula.

Internet Freedom

Russian occupation authorities restricted free expression on the internet by imposing repressive Russian Federation laws 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 and harassed residents of Crimea for online postings with pro-Ukrainian opinions (see Censorship or Content Restrictions, above).

More than 30 Ukrainian online outlets were among the hundreds that authorities blocked in Crimea, including several sites that were not on the Russian federal internet block list.

Academic Freedom and Cultural Events

Occupation authorities engaged in a widespread campaign to suppress the Crimean Tatar and Ukrainian languages (see section 6, National/Racial/Ethnic Minorities).

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

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.

According to the August UN secretary-general's special report, "public events initiated by perceived supporters of Ukrainian territorial integrity or critics of policies of the Russian Federation in Crimea were reportedly prevented and/or prohibited by occupation authorities." For example, on August 9, the head of the Zarechenskoye village council denied an application filed by Crimean Tatar activist Kemal Yakubov to hold a public celebration of the Muslim holiday Kurban Bayram. She cited a lack of a support letter from the pro-occupation Administration of Muslims of Crimea as the reason for her denial.

The Crimean Human Rights Group reported Crimeans were regularly charged with administrative offenses for peacefully assembling without permission. For example, on August 21, a court in Sudak convicted environmental activist Igor Savchenko of holding an unauthorized demonstration and fined him 20,000 rubles ($313); Savchenko had organized a demonstration on August 14 against illegal construction on the Meganom Cape.

Occupation authorities brought charges for "unauthorized assemblies" against single-person protests, even though Russian law imposed on Crimea does not require preauthorization for individual protests. For example, according to the Crimean Human Rights Group, on March 29, police in Simferopol detained Crimean Tatar activist Tair Ibragimov, who was standing alone with a poster that read, "Give 166 children their fathers back!!!," in protest against the mass arrests

of March 27. He was charged with violating regulations on public protest. A court convicted him the same day and fined him 15,000 rubles ($235).

There were reports that authorities used a ban on "unauthorized missionary activity" to restrict public gatherings of members of religious minorities. For example, three administrative cases were initiated against a group of members of the Hare Krishna faith who gathered in a Sevastopol park to sing mantras. On August 6, the Leninskiy "district court" in Sevastopol fined each of them 5,000 rubles ($78) for "unauthorized missionary activity."

A "regulation" limits the places 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," a move that appeared "designed to dissuade the exercise of the right of freedom of assembly."

There were reports of occupation authorities using coercive methods to provide for participation at rallies in support of the "government." Students, teachers, and civil servants were forced to attend a commemoration event on the day of deportation of the Crimean Tatars organized by occupation authorities in Simferopol on May 18.

There were reports 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

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 broadly restricted freedom of association for individuals who opposed the occupation. For example, there were numerous reports of authorities taking steps to harass, intimidate, arrest, and imprison members of the human rights group Crimean Solidarity, an unregistered movement of friends and family of victims of repression by occupation authorities (see section 1.d.). During the year the Crimean Human Rights Group documented multiple cases in which police visited the homes of Crimean Solidarity activists to threaten them or warn them not to engage in "extremist" activities. For example, at least seven Crimean Solidarity activists were given such "preventative warnings" on the eve of the May 17 anniversary of the 1944 deportation of the Crimean Tatar people.

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.

The Mejlis of the Crimean Tatar People remained banned for purported "extremism" despite an order by the International Court of Justice requiring occupation authorities to "refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis." 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.

c. Freedom of Religion

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

d. Freedom of Movement

Occupation authorities did not respect the right to freedom of movement.

In-country Movement: Occupation authorities maintained a state border at the administrative boundary between mainland Ukraine and Crimea. According to the HRMMU, the boundary and the absence of public transportation between Crimea and mainland Ukraine continued to undermine freedom of movement to and from the peninsula, affecting mainly the elderly, individuals with limited mobility, and young children.

There were reports occupation authorities selectively detained and at times abused persons attempting to enter or leave Crimea. According to human rights groups, occupation authorities routinely detained adult men at the administrative boundary for additional questioning, threatened to seize passports and documents, seized telephones and memory cards, and questioned them for hours. For example, on June 11, the FSB detained activist Gulsum Alieva at the administrative borderline when she was entering the peninsula. They brought the activist to the police

station in the nearby town of Armyansk. According to her lawyer, authorities charged Alieva with extremism and released her later the same day.

In other cases, authorities issued entry bans to Crimean Tatars attempting to cross the administrative boundary from mainland Ukraine. For example, according to the Crimean Human Rights Group, on February 5, occupation authorities at the administrative boundary detained Crimean Tatar Rustem Rashydov, who was seeking to visit his family in Crimea. He was released after being interrogated for 12 hours and given a document stating he was banned from entering the "Russian Federation."

Occupation authorities launched criminal cases against numerous high-profile Crimean Tatar leaders, including member of the parliament Mustafa Jemilev and Refat Chubarov, the current chairmen of the Crimean Tatar Mejlis; by Crimean Tatar activist Sinaver Kadyrov; and by Ismet Yuksel, the general director of the Crimean News Agency.

According to the HRMMU, Ukrainian legislation restricts access to Crimea to three designated crossing points and imposes penalties, including long-term entry bans, for noncompliance. Crimean residents lacking Ukrainian passports, who only possessed Russian-issued Crimean travel documents not recognized by Ukrainian authorities, often faced difficulties when crossing into mainland Ukraine.

Citizenship: Russian occupation authorities required all residents of Crimea to be Russian citizens. Those who refused Russian citizenship could be subjected to arbitrary expulsion. According to the Crimean Human Rights Group, during the five years of Russia's occupation, more than 1,500 Ukrainians were prosecuted for not having Russian documents, and 450 persons were ordered to be deported.

According to the HRMMU, in 2018 "courts" in Crimea ordered deportation of 231 Ukrainian nationals, many of whom were Crimean residents with Ukrainian citizenship, whose residence rights in Crimea were not recognized.

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 were deprived of key rights and could not own agricultural land, vote or run for office, register a religious congregation, or register a 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 the Crimean Human Rights Group, Russian authorities prosecuted private employers who continued to employ Ukrainians. Fines could be imposed on employers for every recorded case of employing a Ukrainian citizen without a labor license. Fines in such cases amounted to several million dollars.

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

Approximately 33,000 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 left because 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.

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. For example, on April 3, de facto Crimean law enforcement authorities detained the mayor of the city of Yevpatoriya, Andrey Filonov. He was charged with abuse of power that entailed

losses for the municipal budget in the amount of 35 million Russian rubles ($5.5 million).

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 the country requires 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 occupation 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 10,000 to 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 the 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.). The August UN secretary-general's special report noted a "narrowing of space for manifestations of Ukrainian and Crimean Tatar identities and enjoyment of the respective cultures in Crimea. The restrictions have reportedly been closely connected to the suppression of political dissent and alternative political opinion."

There were reports that government officials openly advocated discrimination 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. For example, on June 26, occupation authorities denied a request by the residents of the town of Oktyabrske to hold a car rally for Crimean Tatar Flag Day. Police arrived at the gathering, informed them the event was unauthorized, and video-recorded those present. According to press reports, as the cars proceeded anyway, they were pulled over four times by police for "document checks."

Occupation authorities also restricted the use of Crimean Tatar flags and symbols (see section 2.a.).

By the end of 2014, Ukrainian as a language of instruction was removed from university-level education in Crimea. According to the HRMMU, in the 2017-2018 academic year no school provided instruction in Ukrainian, and there were eight available Ukrainian language classes in Russian schools that were attended by 318 children. In 2017 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 Orthodox Church of Ukraine (OCU) 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 OCU in particular to leave properties it had rented for years. The largest OCU congregation in Crimea closed on September 23 following a ruling by occupation

authorities that the cathedral located in Simferopol must be "returned to the state." The church was shut down after repeated refusals by the authorities to allow it to register.

Occupation authorities allegedly selectively seized property belonging to ethnic Ukrainians and Crimean Tatars. According to the August UN secretary-general's special report, during the year the HRMMU "received information about numerous cases of allocation of land plots to formerly displaced persons in Crimea, including Crimean Tatars, free of charge, as part of plans to legalize the unauthorized appropriation of land or allocation of alternative land plots."

Russian occupation authorities prohibited Crimean Tatars affiliated with the Mejlis from registering businesses or properties as a matter of policy.

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

Human rights groups and local LGBTI activists reported that most LGBTI individuals fled Crimea after the Russian occupation began. Those who remained lived in fear of abuse due to their sexual orientation or gender identity.

According to the HRMMU, NGOs working on access to health care among vulnerable groups have found it impossible to advocate for better access to healthcare for LGBTI persons due to fear of retaliation by occupation authorities.

Occupation authorities prohibited any LGBTI group from holding public events in Crimea. According to the HRMMU, LGBTI residents of Crimea faced difficulties in finding a safe environment for gatherings because of occupation authorities' encouragement of an overall hostile attitude towards the manifestation of LGBTI identity. LGBTI individuals faced increasing restrictions on their right to free expression and assembly 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). For example, on June 29, the organizers of the theater company Territoria apologized for producing a play that showed two women kissing during a state-sponsored theater festival. High-ranking members of the Russian government called for the company to be prosecuted under the Russian law that prohibits the "propaganda" of "nontraditional sexual relations" to minors.

Section 7. Worker Rights

Occupation authorities announced the labor laws of Ukraine would not be in effect after 2016 and that only the laws of the Russian Federation would apply.

Occupation authorities imposed the 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. Trade unions are formally protected under Russian law but limited in practice. As in both Ukraine and Russia, employers were often able to engage in antiunion discrimination and violate collective bargaining rights. 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.