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Pride march in Kyiv, 23 June 2019. © Oleksandr Kovalenko/Amnesty International

UKRAINE

Ukraine

Head of state: **Volodymyr Zelensky** (replaced **Petro Poroshenko** in May)

Head of government: **Oleksiy Honcharuk** (replaced **Volodymyr Groysman** in August)

Intimidation and attacks by groups advocating discrimination against marginalised minorities and rights activists continued, although more public assemblies by activists were protected by police. Only a handful of perpetrators of serious human rights violations during the EuroMaydan protests were brought to justice, while security service officials responsible for secret imprisonment and torture in eastern Ukraine in 2014-2016 continued to enjoy blanket impunity. Progress in bringing to justice those suspected of past attacks against activists and journalists was reported only in some

high-profile cases. New initiatives were put in place to address gender-based violence, but their practical impact was undermined by a lack of political will or resources for implementation. Territories in eastern Ukraine (Donbas) were controlled by Russian-backed separatists and remained inaccessible to many civil society and humanitarian actors. Limited information available from there included reports of violent suppression of all forms of dissent and pervasive torture and other ill-treatment of prisoners. The human rights situation in Russia-occupied Crimea continued to deteriorate, with further extensive reprisals against dissenting voices and religious minorities.

BACKGROUND

The year was marked by presidential and parliamentary elections, resulting in a major political overhaul. In the

run-off voting on 21 April, comedian and political novice Volodymyr Zelensky scored a landslide victory over the incumbent President Petro Poroshenko. A day after his inauguration, Zelensky called a snap parliamentary election on 21 July, which delivered his newly-formed Servant of the People party a strong parliamentary majority. Zelensky's key electoral promise to find a political solution to the conflict in Donbas, prompted initiatives such as partial withdrawal of forces from the contact line, condemned by various opposition figures at home as a sell-out to Russia.

A prisoner exchange on 7 September saw 35 Ukrainian nationals returned to Ukraine, including high profile figures such as film director Oleg Sentsov and 24 sailors captured by Russian forces in the Kerch Strait in November 2018. Among the 35 individuals handed over to Russia in return was a key suspect wanted by the Dutch authorities in

connection with the shooting down of a civilian airplane over Donbas in 2014. On 29 December, Ukraine exchanged 124 detainees for 76 individuals held by Russia-backed separatists in Donbas; a further five were released by the separatists but decided to remain in Donbas.

Reports that in a July telephone call US President Donald Trump had pressured Volodymyr Zelensky to investigate the son of his political rival Joe Biden led to impeachment proceedings against President Trump and diplomatic complications for Ukraine.

In January, the newly-instituted Orthodox Church of Ukraine was granted ecclesial independence by the Ecumenical Patriarchate of Constantinople. It was recognised by some other Orthodox churches but denounced as a schism by the rival Russian Orthodox Church (Moscow Patriarchate). The latter reportedly lost several hundred parishes to the Orthodox Church of Ukraine but remained the single biggest church in Ukraine.

LEGISLATIVE AND CONSTITUTIONAL CHANGES

On 30 June, an amendment to Article 124 of the Constitution came into force, opening the way for the ratification of the Rome Statute of the International Criminal Court. By year's end, however, Ukraine had still not ratified the Rome Statute which it had signed in 2000.

FREEDOM OF ASSEMBLY

Activists systematically targeted by groups advocating discrimination and violence were able to hold several of public events which attracted a higher number of participants compared to previous years. On 8 March women's rights rallies were held across Ukraine, including in Kharkiv, Lviv, Mariupol, Odesa, Uzhgorod, Zaporizhia and the capital, Kyiv. Police successfully prevented violent attacks that marred similar rallies in 2018. The Women's March in Kyiv, for example, was

attended by some 1,300 participants and protected by a 900-strong police contingent.¹

Over 8,000 people participated in the Pride march in Kyiv on 23 June, making it the biggest Pride in the country's history. Prior to the march the President's Office had directly called on the police to ensure its safety, and police officers effectively isolated aggressive counter-demonstrators during the event. The Pride in Odesa, on 26 September, was attended by around 300 people and protected by 500 law enforcement officers.

On 23 November, thanks to police protection, dozens of transgender rights activists held a rally in central Kyiv to mark Transgender Day of Remembrance, despite opponents attempting to disrupt the event.

However, a Pride march planned in Kryvyi Rih in late July was cancelled by organizers due to threats. On 15 September in central Kharkiv, police cordoned off some 2,000 or 3,000 participants in the first-ever local Pride, enabling them to hold the event despite threats from counter-protesters. However, as soon as it was over, some participants described being chased down and beaten while police present at the site failed to intervene. Some police officers at the event were also described as displaying homophobic attitudes or making homophobic remarks.²

IMPUNITY FOR PAST VIOLATIONS BY LAW ENFORCEMENT OFFICERS

The Security Service of Ukraine's (SBU) 2014-2016 practice of running secret prisons was still denied and not effectively investigated. Attempts to shelve or close the investigation were challenged by the lawyers of a small number of former prisoners who continued to seek justice. At least one of the former victims complained of further harassment by SBU officers during the year, including arbitrary detention and being forced to make a verbal promise on a camera to be their secret informant; he

formally complained about this incident and an official investigation into it was opened in July but no outcome reported by the end of the year.

The authorities failed to attain justice for all victims of human rights violations committed during the EuroMaydan protests in 2013-2014, which were violently suppressed by security forces resulting in more than 100 people killed and hundreds injured. The ongoing investigation, slow and ineffective,³ was further hampered by the institutional reform involving the delayed and internally disputed transfer of investigative functions from the Prosecutor General's Office to the newly instituted State Investigation Bureau, the break-up of the initial team of investigators and dismissal of its long-standing leader and its other members, and the parliament delaying the required legislative amendments.

By November, only a fraction of over 4,000 criminal episodes under investigation for such abuses had reached the courts, resulting in the conviction of 59 individuals. The total number of criminal suspects reached 445, around half of them former law enforcement officers, but also including senior officials, prosecutors, judges and almost 100 "titushkas" (private individuals effectively deployed by the authorities to target protesters with violence). These figures were only marginally higher than those a year earlier.

Five former riot police officers from among those identified by the investigation as implicated in the EuroMaydan killings and remanded as criminal suspects, were released and exchanged for Ukrainian prisoners held by Russia-backed separatists in December (see above).

IMPUNITY FOR HATE-MOTIVATED ATTACKS

Assaults against journalists, civic activists and members of marginalized groups such as Roma, continued. Past

attacks were not effectively investigated, and their apparent hate motive was downplayed by the authorities in the few cases where some alleged perpetrators were identified.

In June, five men were convicted in connection with the 2018 death of activist Katerina Handzyuk, for deliberately causing grave injuries (the initial charges of killing were requalified in April), and sentenced to between three and six and a half years' imprisonment. One alleged accomplice was put on an international wanted list. Questions still remained as to who had ordered the attack on Handzyuk and their motive, and in December parliament instituted a temporary investigative commission to scrutinize the investigation in this and other cases of attacks against activists in 2017-2018. A similar commission had existed in the previous parliament, and its findings were presented and approved by the new parliament on 11 July. The findings pointed to multiple flaws, mistakes and conflicts of interest in the Handzyuk investigation in 2018.

Only two of the six assailants who in March 2018 targeted Vitalina Koval, a women's rights and LGBT rights activist from Uzhhorod, were prosecuted for causing "minor injuries". The prosecution submitted their case to court, but months later, in December, court proceedings were still at an early stage. However, the hate motive of the attack had been made the subject of a separate investigation, launched in December 2018 and still ongoing a year later.

FREEDOM OF EXPRESSION

Print, broadcast and online media remained pluralistic, but violence against journalists caused concern as did restrictions targeting mostly visiting foreign journalists and outlets accused of Russian anti-Ukrainian propaganda.

At the end of his tenure in March, President Poroshenko extended the direct ban on several Russian social media and online resources. However, it appeared that popular services VKontakte and

Yandex, alongside some other previously banned online resources, became accessible via at least some networks later in the year.

For months, the National Broadcasting Council contemplated the closure of media outlets with allegedly pro-Russian editorial policies and owned by an opposition member of parliament. In September, the Council cited persistent technical infringements when refusing to extend the licenses of five regional TV companies that broadcast content from the cable TV channel 112 Ukraine.

In October, parliament created a temporary investigative commission to examine legal compliance by past and present owners of NewsOne, ZIK and 112 Ukraine TV channels during the change of their ownership, and investigate alleged Russian influence over their editorial policies.

In August, Kyiv Commercial Court ruled against Hromadske national TV channel in the defamation suit brought against it by C14, a group whose members advocate discrimination, engage in violence and openly use symbols associated with white supremacist ideology. The court agreed that Hromadske's tweet describing C14 as neo-Nazi, was defamatory, and issued a fine equivalent to US\$145. In November, Hromadske lost its appeal against this decision.

The trial of prisoner of conscience Vasyl Muravytskyi, charged in August 2017 with treason and terrorism-related offences on account of his publications in Russian online media, was ongoing. Meanwhile, in November the court replaced his house arrest with a night curfew. Another journalist awaiting trial for alleged treason following his arrest in May 2018, Kyrilo Vyshynskyi, was released in September and flown to Moscow as part of the prisoner swap with Russia (see above).

Violent attacks and threats against journalists were reported, with perpetrators seldom if ever brought to justice. The National Union of Journalists

documented at least 65 violent incidents targeting media workers during the year.

Investigative journalist Vadym Komarov, from Cherkasy, was severely assaulted on 4 May and died of his injuries on 20 June. His assailants had not been identified by year's end.

At a press conference on 13 December, the police reported the arrest of three men and two women as suspects in the killing of journalist Pavlo (Pavel) Sheremet in July 2016 but questions remained regarding the motive and the identity of those who ordered the killing. The government proposed introducing new media regulations and penalties, including criminal liability for disinformation. These proposals, which caused concern among the journalist community, were not put before parliament by the end of the year.

VIOLENCE AGAINST WOMEN

Gender-based violence, and specifically domestic violence, were increasingly recognised as a problem which the state needs to address. In January, amendments were introduced into the Criminal and the Criminal Procedural Codes to align them with the requirements of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), but the Convention was still not ratified. The amendments, inter alia, expressly criminalised domestic violence (but only if committed "systematically" after repeatedly documented by police as an administrative offence), introduced legal definitions of rape and consent based on international standards, and introduced and gave police and courts the authority to issue, respectively, urgent protection orders and restraining orders for perpetrators of domestic violence.

In February, the Ministry of Health issued a protocol and guidelines for medical documentation of injuries resulting from domestic violence, and provision of medical assistance to survivors. In April, the Ministries of Social Policy and of the Interior issued the police with a template

for assessing the risk of domestic violence. In September, 45 police anti-domestic violence units (POLINA) were launched across Ukraine.

However, these legal and institutional measures fell short of providing an effective system for preventing and addressing domestic violence. Thus, the police were poorly trained, if at all, to use the new protocols. In eastern Ukraine, for example, Amnesty International documented cases of police being reluctant to issue urgent protection orders when confronted with instances of domestic violence. In rare instances when urgent protection orders were issued by police or restraining orders were issued by judges, they were not effectively enforced.

Oksana Mamchenko suffered physical, psychological and economic abuse from her husband for years before divorcing him. On at least three occasions during the year the court issued restraining orders, ordering the man to move out and prohibiting him from approaching his former wife and their children, but he continued living under the same roof and violence continued, even after criminal proceedings were opened against him (on charges of domestic violence, and failure to comply with a court decision). Oksana Mamchenko repeatedly called the police, but they consistently failed to enforce the court orders.

CRIMEA

The human rights situation in Russia-occupied Crimea continued to

deteriorate. Numerous rights, including to freedom of expression, peaceful assembly and association, remained severely restricted. Prominent members of the Crimean Tatar community, pro-Ukrainian activists and any outspoken critics of the de facto authorities were subjected to harassment, intimidation or politically-motivated prosecution. Independent media and journalists were unable to operate in Crimea, and a growing number of online media resources was blocked. The Mejlis of the Crimean Tatar People, a self-governing body, remained arbitrarily banned as “extremist”. Reprisals against Crimean Solidarity, an informal self-help group formed by Crimean Tatars in 2016, were more extensive. Dozens of its members were arrested in a coordinated campaign on unfounded terrorism-related charges, including during Russian security forces’ raid on members of the Crimean Tatar community when, on a single day on 27 March, they searched numerous households and arrested 24 men.⁴ In September, the founder of Crimean Solidarity, prisoner of conscience Server Mustafayev who had been detained since May 2018, was transferred to southwest Russia for trial in a military court, alongside seven co-defendants.

In November, the Southern District Military Court in Russia sentenced Crimean prisoners of conscience, Emir-Usein Kuku and his five co-defendants, to imprisonment of between seven and 19 years, on unfounded terrorism-related charges.

In April, the Orthodox Church of Ukraine (OCU) parish in Crimea was refused

registration on technical grounds. The de facto authorities demanded that the OCU vacate the cathedral building in Simferopol, claiming that its lease had expired. Members of other religious minorities were also harassed.

The fate and whereabouts of all those forcibly disappeared in Crimea after its occupation by Russia remained unclarified.

DONBAS

Territories in eastern Ukraine controlled by Russia-backed separatists were beyond the reach of many civil society and humanitarian actors, and independent information emanating from them remained sparse. Among the individuals released by the separatists and transferred to government-controlled territory were human rights defenders, journalists and bloggers who had been imprisoned in connection with their critical reporting, including Stanislav Aseyev “sentenced” in October to 15 years’ imprisonment for “spying”.⁵ The interviews given by some of them tell a consistent story of suppression of all forms of dissent, including through arrest, interrogation and torture and other ill-treatment by the de facto authorities’ “Ministry of State Security”, and imprisonment in often inhumane conditions. Many former prisoners displayed trauma. Among the disturbing stories were those of sexual exploitation and sexual violence, including systematic rape, of women but also of men in detention.

1. <https://www.amnesty.org/download/Documents/EUR5001592019ENGLISH.pdf>

2. <https://www.amnesty.org/en/documents/eur50/1077/2019/en/>

3. <https://www.amnesty.org/en/latest/news/2019/02/ukraine-five-years-after-the-maydan-protests-justice-still-not-attained-for-victims/>

4. <https://www.amnesty.org/en/latest/news/2019/03/crimea-at-least-20-people-detained-in-a-new-crackdown-against-crimean-tatar-minority/>

5. <https://www.amnesty.org/en/latest/news/2019/10/ukraine-de-facto-authorities-in-donetsk-sentence-journalist-aseev-to-15-years-in-jail-for-spying/>