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Country Policy and Information Note
Ukraine: Crimea, Donetsk and Luhansk

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Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country information

COI in this note has been researched in accordance with principles set out in the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI) and the European Asylum Support Office's research guidelines, Country of Origin Information report methodology, namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the Country Policy and Information Team.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,

5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: chiefinspector@icinspector.gsi.gov.uk

Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at https://www.gov.uk/government/organisations/independent-chief-inspector-of-borders-and-immigration/about/research.

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Policy guidance

Updated: 27 September 2017

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by state or non-state actors as a consequence of the general security and human rights situation in Crimea or in the so-called Luhansk and Donetsk 'People's Republics' (the Donbas).

1.2 Points to note

1.2.1 Where a claim is refused, it must be considered for certification under section 94 of the Nationality, Immigration and Asylum Act 2002 as Ukraine is listed as a designated state.

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2. Consideration of Issues

2.1 Credibility

2.1.1 For further guidance on assessing credibility, see the Asylum Instruction on Assessing Credibility and Refugee Status.

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the Asylum Instruction on Language Analysis).

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2.2 Assessment of risk

a. Crimea

2.2.1 There are reports of significant restrictions of freedom of speech and press, with Russia's Federal Security Bureau harassing journalists who express opposition to the Russian occupation. Freedom of assembly has also been reduced, with the number of places in Crimea where public events may be held almost halved and various meetings prohibited. Freedom of association for opponents of the Russian occupation is restricted. Most human rights organisations have since ceased activities in Crimea (see Freedom of speech, Freedom of assembly and Freedom of association).

2.2.2 Reports also include a number of cases of harassment, abduction, arbitrary arrest and detention by Russian authorities. It is reported that Russian authorities regularly detain and prosecute people for political reasons. Crimean Tatars, Ukrainian speakers, those who have refused Russian citizenship and all those whose opposition to the occupation is known are at an increased risk of abduction, arbitrary arrest and detention (see Abduction, disappearance and killings, Arbitrary arrest and Political prisoners).

2.2.3 The authorities have carried out raids on Crimean Tatar cultural and spiritual institutions. The Mejlis – an elected body of Crimean Tatars which is legally recognised by the Ukrainian government – was banned in 2015 and declared an extremist organisation (see Freedom of association).

2.2.4 There are reports of the Russian authorities raiding homes, particularly targeting Crimean Tatars and ethnic Ukrainians; tapping telephones and accessing electronic communications, particularly Crimean Tatars; as well as carrying out mass arrests of Crimean Tatars, which appear designed to intimidate the community (see Harassment and Arbitrary arrest).

2.2.5 There are reports of discrimination against Crimeans who have refused to acquire Russian citizenship. They are regarded by the Russian authorities as 'foreigners' and reportedly included in a list held by the security services in Crimea. They are unable to access state medical care, and face difficulties in obtaining employment, housing, in re-registering cars and in accessing banking. The use of the Ukrainian language has been severely limited in schools and universities located in Crimea (see Discrimination against non-Russians in Crimea and Education).

2.2.6 It was reported that many members of the LGBTI community left Crimea following the Russian occupation, and that those who remain fear verbal and physical abuse. There are reports that LGBTI persons have been attacked by groups opposing gay rights, and that such attacks are not investigated by the Police. The Russian occupation authorities forbade LGBTI groups from holding public events and their right to assemble peacefully was restricted (see LGBTI community and the country policy and information note on Ukraine: Sexual orientation and gender identity).

2.2.7 Each case must be considered on its facts. The onus is on the person to substantiate a claim that they would be at real risk of persecution or serious harm in Crimea. Decision makers must consider what the person has done, or is perceived to have done, to bring them to the adverse attention of the Russian authorities. Factors which indicate an increased risk include, but are not limited to, the person being:

- A Crimean Tatar;
- A Ukrainian speaker;
- Someone who has refused Russian citizenship;
- Someone who has opposed the occupation and whose opposition is known by the authorities.

2.2.8 A person who establishes they have come to the adverse attention of the authorities is likely to be at real risk of persecution or serious harm in Crimea.

b. Donetsk and Luhansk

2.2.9 Pro-Russian armed groups, backed and armed by Russia, seized Donetsk and Luhansk regions in 2014 and declared them independent 'People's Republics'. The armed conflict is continuing in these areas and escalated in the first quarter of 2017. Approximately 30,000–40,000 ceasefire violations occur per month in the Donbas, and there was a nearly 50 percent increase

in the number of violent clashes from January to June 2017 compared to the same period in 2016. Both the Ukrainian authorities and armed groups have used residential areas for firing positions and continue to lay new mines near civilian areas (see Security situation).

2.2.10 As of April 2017, some 620,000 in the Donbas were food insecure, including 38,000 IDPs. Access to healthcare is poor and not always guaranteed near the contact line; hospitals and schools have been directly hit by shelling along the contact line and OHCHR reported in August 2017 that 130 health care facilities along the contact line were either partially or fully nonoperational. In June 2017, UN OCHA estimated that some 3,400 educational establishments have been negatively impacted by the conflict (see Humanitarian situation).

2.2.11 Freedoms of expression and assembly have deteriorated in areas controlled by armed groups (see Freedom of expression, Freedom of assembly and Civil society and human rights groups).

2.2.12 Reports state that both the Ukrainian authorities and separatist groups detain people unlawfully and engage in abductions. Separatist forces hold detainees in highly unsuitable conditions, including garages, sewage wells and basements, and both sides are reported to subject detainees to torture. Civilians in residential areas of Donbas where there are armed groups are at risk of sexual violence perpetrated by armed groups, with women being particularly at risk, but although such incidents are reported, the scale of sexual violence is not known as many victims are reluctant to report them (see Unlawful and arbitrary detention, Mistreatment of detainees, Violence and abuse and Accountability for human rights abuses).

2.2.13 Each case must be considered on its facts. The onus is on the person to substantiate a claim that they would be at real risk of persecution or serious harm in Donetsk or Luhansk. Decision makers must consider what the person has done, or is perceived to have done, to bring them to the adverse attention of the armed groups. Factors which indicate an increased risk include, but are not limited to, the person being:

- A journalist or blogger;
- A member of a civil society or humanitarian group;
- Roma;
- Those suspected of supporting the Ukrainian government.

2.2.14 A person who establishes they have come to the adverse attention of the groups controlling the Donbas is likely to be at real risk of persecution there.

2.2.15 For further guidance on assessing risk, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.3 Protection

2.3.1 Effective state protection against ill-treatment/persecution at the hands of non-state agents is not available. The Ukrainian judicial and law enforcement authorities may be willing but not able to prevent or punish human rights

abuses in Russian-occupied Crimea and separatist-held regions of Donetsk and Luhansk, whereas the armed separatist militia groups may be able but not willing to provide effective protection to those at risk (see Crimea: Legal situation and governance and Donbas: Russian control).

2.3.2 Under the Russian occupation in Crimea, the judiciary is not independent or impartial. The Russian authorities use anti-extremism and anti-terrorism legislation to prosecute those who oppose them. Parallel judicial structures exist in the Donbas and OHCHR raised concerns about the processes followed by these courts (see Justice and access to a fair trial and Fair trial and the judiciary).

2.3.3 For further guidance on assessing the availability of state protection, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.4 Internal relocation

a. Crimea

2.4.1 Persons crossing to and from occupied Crimea to the 'mainland' must pass through strict passport controls operated by both the Ukrainian and Russian occupation authorities and crossing points are sometimes closed. There are reports that Russian authorities sometimes subject persons wishing to enter or leave Crimea to detention, questioning and abuse. Human rights groups reported that adult males are 'routinely' detained at the boundary for additional questioning. However, the evidence is not such as to suggest that persons crossing between Crimea and the 'mainland' are subjected to treatment amounting to persecution or serious harm (see Freedom of movement in Crimea).

2.4.2 Rail and commercial bus services are forbidden from operating across the boundary; individuals are permitted to cross on foot or in private vehicles only. In addition, the Russian authorities require all Crimean residents to obtain Russian car licence plates and those Crimean residents with Ukrainian car licence plates were forbidden from driving out of Ukraine (see Freedom of movement in Crimea).

2.4.3 Those who refused to accept Russian nationality remain Ukrainian, and Ukraine continues to recognise as Ukrainian those Crimean citizens who obtained Russian passports (see Citizenship).

2.4.4 Although there can be difficulties in crossing the boundary to 'mainland' Ukraine, they are not in general insurmountable. Internal relocation is therefore likely to be reasonable in many cases. Notwithstanding this, all returns from the UK would be to government-controlled areas.

b. Donetsk and Luhansk

2.4.5 There are reports of corruption from armed forces on both sides of the contact line between the Donbas and government-controlled areas and of long waiting periods in areas close to the conflict without shelter and with only limited access to toilet facilities and water. There are also reports of sexual violence and harassment of young women at government-controlled checkpoints along the contact line. It has further been reported that arbitrary

disappearances take place at separatist-controlled checkpoints. Villages near the contact line faced isolation due to restricted freedom of movment (see Freedom of movement in the Donbas).

2.4.6 Although there can be difficulties in crossing the contact line, they are not in general insurmountable. Internal relocation is therefore likely to be reasonable in many cases. Notwithstanding this, all returns from the UK would be to government-controlled areas.

c. Internally displaced persons in Ukraine

2.4.7 In February 2017, the total number of IDPs was 1.63 million people due to both the situation in the Donbas and the Russian occupation of Crimea. Those registered as internally displaced are eligible for monthly benefit payments but payments are not always reliable. IDP pensioners are subject to a lengthy verification process which leads to long queues at contact lines and at banks. Collective centres provide housing for 10,000 IDPs and sporadic education for children but many IDPs live outside these centres. Roma are reported to be among the most vulnerable IDPs as their lack of documents often make it difficult to access services. Whilst there is some evidence of prejudice against IDPs from host communities, this varies across the country and many Ukrainians are willing to employ and house IDPs (see Internally displaced persons from the Donbas and Internally displaced persons from Crimea).

2.4.8 Humanitarian needs are pressing. Civil society and humanitarian groups provide the majority of the aid for IDPs but this support is limited (see Humanitarian situation).

2.4.9 For further guidance on internal relocation and the factors to be considered, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.5 Certification

2.5.1 Where a claim is refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002 unless the person's individual circumstances are such that they would be unable to internally relocate.

2.5.2 For further guidance on certification, see Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 (clearly unfounded claims).

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3. Policy summary

3.1.1 Following the annexation of Crimea by Russia and introduction of Russian Federation legislation, there has been a deterioration in the human rights situation. Crimean Tatars have experienced mass arrests and raids on their homes and the Mejlis has been banned. Those refusing Russian citizenship have experienced difficulties in accessing employment, housing, medical care and banking. Ukrainian speakers and persons opposed, or perceived to be opposed, to the de facto authorities are reported to be at particular risk of persecution or serious harm, with reports of kidnapping and disappearance.

3.1.2 In Donetsk and Luhansk regions the armed conflict continues, with a nearly 50 percent increase in the number of violent clashes from January to June 2017 compared to the same period in the previous year. Civilians are at risk from mines, residential areas being used as firing positions and from sexual violence. However, the security situation does not present a real risk to a civilian's life or person such that removal would be in breach of Article 15(c) of the Qualification Directive.

3.1.3 The regional governments of Donetsk and Luhansk ceased to function after the uprising, as did the police and judiciary. Detainees are held in poor conditions and there are reports of physical and psychological torture, ill-treatment and other serious human rights violations. A person who establishes that they have come to the adverse attention of the groups controlling the Donbas is likely to be at real risk of persecution there.

3.1.4 Ukrainian judicial and law enforcement authorities are unable to prevent or punish human rights abuses in Russian-occupied Crimea and separatist-held regions of Donetsk and Luhansk. Effective state protection against persecution or serious harm by non-state agents is not therefore available.

3.1.5 Internal relocation to government-controlled areas of Ukraine is likely to be reasonably available in most cases in order to avoid any risk of persecution or serious harm. Notwithstanding this, all returns from the UK would be to government-controlled areas.

3.1.6 If a claim is refused it is likely to be certifiable as clearly unfounded.

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Country information

Updated: 21 September 2017

4. Background

4.1.1 For the evolution and timeline of events in Ukraine see the BBC's 'Ukraine crisis in maps'[1] and the resources available on the UNHCR Ukraine website[2] and the UNOffice for the Coordination of Humanitarian Affairs (OCHA)'s Reliefweb website.[3]

4.1.2 Further background information is provided in the report of January 2017 by the Congressional Research Service.[4]

4.1.3 The Perry-Castañeda Libraray collection published a map of Ukraine. [5]

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5. Crimea

5.1 Legal situation and governance

5.1.1 In the Country Report on Human Rights Practices in 2016, the US Department of State ('the USSD's 2016 report') noted:

'In February 2014 Russian forces entered Ukraine's Crimean Peninsula and occupied it militarily. In March 2014 Russia announced the peninsula had become part of the Russian Federation following a sham referendum that violated Ukraine's constitution. On March 27, 2014, the UN General Assembly adopted Resolution 68/262 on the "Territorial Integrity of Ukraine," which called on states and international organizations not to recognize any change in Crimea's status and affirmed the commitment of the UN 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… Russian law has de facto applied in Ukraine's Crimea since the Russian occupation and purported "annexation" of the peninsula.'[6]

5.1.2 In a September 2015 report, the UNHCR noted that 'Following a referendum, which was not authorized by Ukraine, in the Autonomous Republic of Crimea in 2014, the legislative framework of the Russian Federation has been applied across the territory of Crimea as of 1 January 2015.'[7]

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[1] BBC. 'Ukraine crisis in maps,' 18 February 2015. http://www.bbc.co.uk/news/world-europe-27308526. Accessed: 30 August 2017.
[2] UNHCR. Ukraine website. http://unhcr.org.ua/en. Accessed: 30 August 2017.
[3] UN Office for the Coordination of Humanitarian Affairs (OCHA)'s Reliefweb website. http://reliefweb.int/country/ukr. Accessed: 30 August 2017.
[4] Congressional Research Service. 'Ukraine: Current Issues and US Policy', 3 January 2017. https://www.fas.org/sgp/crs/row/RL33460.pdf. Accessed: 30 August 2017
[5] The University of Texas. Perry-Castañeda Library Map Collection. Ukraine 2016. http://www.lib.utexas.edu/maps/cia16/ukraine_sm_2016.gif Accessed: 30 August 2017.
[6] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.
[7] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to

5.1.3 The USSD's 2016 report further noted:

'A local authority installed by the Russian government and led by Sergey Aksyonov as "prime minister" of the "state council of the republic of Crimea" administered occupied Crimea. The "state council" was responsible for day-to-day administration and other functions of governing. On September 18, Russia's nationwide parliamentary elections included seats allocated for occupied Crimea, a move widely condemned by the international community. "Authorities" closed the election to independent observers; it was not free and fair and was held in contravention of the Ukrainian constitution.'[8]

5.1.4 See Referendum of March 2014 for further information on this subject.

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5.2 Citizenship

5.2.1 Euromaidan Press (an English-language news website covering events in Ukraine) explained the following in an article dated February 2017:

'According to Article 4 of the Russian law from 23 March 2014 "On the Acceptance of the Republic of Crimea into the Russian Federation and the Creation of New Federal Subjects – the Republic of Crimea and the City of Federal Significance Sevastopol," citizens of Ukraine and stateless persons who were permanently residing in Crimea as of March 18, 2014 are recognized as citizens of Russia, unless they declare within one month (by April 18, 2014) their desire to maintain another citizenship or to remain stateless.

'Within only a month, Crimeans were forced to make a difficult choice: to take Russian citizenship, granting them their existing rights in Crimea, and a Russian passport, or to refuse a Russian passport and identify as nationally Ukrainian. According to several reports, the process for retaining Ukrainian citizenship was very vague and intentionally bureaucratic. To increase the pressure placed on citizens to take a Russian passport, the Russian Federation approved a law which would mean that all citizens of Crimea who opted to retain their Ukrainian citizenship had their right to remain indefinitely on the territory revoked.

'This new legislation brought in by the Russian Duma discriminated against those who did not conform to the Russian identity imposed upon them. In fact, the entire transition process from Ukrainian to Russian citizenship was highly coercive in nature. The bureaucratic opacity of the whole process meant that many who did not want to assimilate were left with no other option.'[9]

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the Developments in Ukraine – Update III,' 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html. Accessed: 30 August 2017.

[8] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.

[9] Euromaidan Press. 'Ukrainians in Crimea: Six sanctions for refusing a Russian passport,' 13 February 2017. http://euromaidanpress.com/2017/02/13/ukrainians-in-crimea-six-sanctions-for-refusing-a-russian-passport/#arvlbdata. Accessed: 28 July 2017.

5.2.2 The USSD's 2016 report noted, 'In some cases authorities compelled Crimean residents to surrender their Ukrainian passports, complicating international travel, as many countries did not recognize passports issued by Russian occupation authorities. Occupation authorities announced that, as of January 1 [2016], individuals who retained Ukrainian citizenship must register their passports or be subjected to fines or imprisonment.'[10]

5.2.3 In an article dated May 2017, Human Rights Watch reported that 'the majority of Crimean residents have obtained Russian passports.' The article added:

'To be sure, many Crimean residents took Russian citizenship because they genuinely wanted it. But many people we spoke to ended up accepting Russian citizenship – or obtaining a Russian permanent residence permit – out of necessity to be able to afford health care or to keep or seek a job. Access to health insurance in Crimea is contingent upon having a Russian passport or a permanent residence permit. The Russian government says it didn't force anyone to take Russian citizenship, but the reality is that residents were never given a free and fair choice. Despite the coercion, some people refused to apply for Russian citizenship or – like several members of Crimean Tatar community we interviewed – maintained a principled position of taking no action with regard to their citizenship.'[11]

5.2.4 For further information on this subject, see Discrimination against non-Russians in Crimea.

5.2.5 The European Union Democracy Observatory on Citizenship explained the position of Ukrainian citizenship for those Crimeans who have obtained Russian passports:

'The Crimean crisis challenged Ukraine's long-standing policy of non-recognition of multiple citizenship, and the available information shows that the Ukrainian government is treating Crimea as a special case. Ukrainian legislation does not recognize multiple citizenships and voluntary acquisition of foreign citizenship is one of the grounds for initiating of a procedure of terminating Ukrainian citizenship. However, Ukrainian officials stated that Ukraine will continue considering Crimean residents, including those who will apply and will be issued Russian passports, as citizens of Ukraine and will guarantee them political and economic rights. Acknowledging that this "to a certain extent" goes against Ukrainian legislation, the Ukrainian Cabinet of Ministers official explained that the case of illegal annexation of Ukrainian territory and "forceful issuance" of passports by Russia are circumstances that warrant an exception. The Ukrainian State Migration Service explained that Ukrainian citizenship can be terminated only after a person who permanently lives abroad (to become such a person under the Ukrainian law is a complex and lengthy procedure) acquires another citizenship and then applies to have his or her Ukrainian citizenship

[10] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.
[11] Human Rights Watch. 'Crimea: "Not our home any more,"' 3 May 2017. https://www.hrw.org/news/2017/05/03/crimea-not-our-home-anymore Accessed: 30 August 2017.

terminated. Citizenship termination comes into effect once the President of Ukraine signs a decree on this matter, so no action by the Russian state can terminate Ukrainian citizenship in the eyes of the Ukrainian state. While this is correct, Ukrainian citizenship law also contains a provision that allows Ukrainian authorities to initiate citizenship termination procedure in cases when citizen of Ukraine voluntarily acquired a foreign citizenship, but it appears that Ukraine will not be applying this clause to residents of Crimea.'[12]

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5.3 Discrimination against non-Russians in Crimea

5.3.1 In their report, 'Nations in Transit 2017,' Freedom House stated that 'Crimea remains under Russian occupation, and the civil rights of the local population—including indigenous Crimean Tatars, Ukrainian speakers, and opponents of the occupation—are widely violated.'[13]

5.3.2 In March 2017, the UN Human Rights Council published their 'Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Ukraine,' covering the period 16 November 2016 to 15 February 2017, which stated:

'On 19 December 2016, the United Nations General Assembly adopted resolution 71/205 on the "Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol", recalling resolution 68/262 on the "Territorial integrity of Ukraine" of 27 March 2014. Resolution 71/205 calls on the Russian Federation "as an occupying power" to bring an immediate end to "all the abuses against residents of Crimea," and to ensure proper and unimpeded access to the peninsula to regional and international human rights monitoring mechanisms. The incidents and issues in Crimea documented during the reporting period are assessed in light of applicable international human rights law and international humanitarian law.'[14]

5.3.3 In January 2015 the UNHCR stated 'There are … reports of discrimination affecting those who have refused to acquire Russian citizenship. For example, only Russian passport holders are allowed to occupy government and municipal jobs, leading to discrimination in access to employment. It has also been reported that the use of the Ukrainian language has been severely limited in schools and universities located in Crimea.'[15]

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[12] European Union Democracy Observatory on Citizenship. 'The aftermath of annexation: Russia and Ukraine adopt conflicting rules for changing citizenship of Crimean residents (updated),' published 11 April 2014 and updated 16 April 2014. http://eudo-citizenship.eu/news/citizenship-news/1113-the-aftermath-of-annexation-russia-and-ukraine-adopt-conflicting-rules-for-changing-citizenship-of-crimean-residents Accessed: 19 September 2017

[13] Freedom House. 'Nations in Transit 2017;' Ukraine. https://freedomhouse.org/report/nations-transit/2017/ukraine. Accessed: 23 May 2017.

[14] UN Human Rights Council (formerly UN Commission on Human Rights). 'Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Ukraine;' (16 November 2016 to 15 February 2017) [A/HRC/34/CRP.5], 16 March 2017. Available at ecoi.net: http://www.ecoi.net/file_upload/1930_1490713212_a-hrc-34-crp-5-e.doc. Accessed: 26 May 2017.

[15] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update II,' 15 January 2015. Para 10. Available at: http://www.refworld.org/docid/54c639474.html. Accessed: 25 August 2015.

5.3.4 The USSD's 2016 report noted the following:

'Russian occupation authorities require all residents of Crimea to be Russian citizens. Those who refuse Russian citizenship may be subjected to arbitrary expulsion. According to the Russian Office of the Federal Bailiff's Service, occupation authorities expelled a couple with Israeli and Ukrainian citizenships from Kerch in February. Additionally, 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. One media report detailed the case of a woman in Yevpatoria who could not have stitches removed because she had not accepted Russian citizenship. In another case, a displaced person from the Donbas could not receive treatment for a dog bite.

'According to media sources, Russian authorities prosecuted private employers who continued to employ Ukrainians. According to the Crimea Human Rights Group, on April 8, occupation authorities fined the company Voyazhkrym 35,000 rubles ($570) for employing a Ukrainian. On April 18, authorities fined the Fregat shipbuilding company in Kerch 250,000 rubles ($4,100) for employing a Ukrainian.'[16]

5.3.5 Country Policy and Information Team attempted to find further information on the Crimea Human Rights Group, but could only find a non-English language Facebook page.

5.3.6 Euromaidan Press stated in an article dated February 2017 that there were six 'sanctions' for refusing a Russian passport:

'Crimeans who officially renounced Russian citizenship, were immediately put on a "special" list of the Russian occupationary security services in Crimea. If pro-Ukrainian sentiments are expressed openly, persecution becomes systematic, namely arrests at the border, detention, and intimidation…Persecution continues against activists who didn't renounce their citizenship within the time limit (one month), or haven't yet received a Russian passport. Human rights activists believe that many ordinary citizens are arrested because of their pro-Ukrainian position…'[17]

5.3.7 The article further cited a lack of access to healthcare:

'According to current regulations, medical services should be available to everyone residing in Crimea, but only if they show a mandatory health insurance policy. Those who do not have such documents cannot get an appointment at a state hospital…

'The head of the Crimea Human Rights Group, Olha Skrypnyk maintains that such practices are discriminatory.

[16] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.

[17] Euromaidan Press. 'Ukrainians in Crimea: Six sanctions for refusing a Russian passport,' 13 February 2017. http://euromaidanpress.com/2017/02/13/ukrainians-in-crimea-six-sanctions-for-refusing-a-russian-passport/#arvlbdata. Accessed: 28 July 2017.

'"It's virtually impossible for Crimean residents who refuse to take Russian citizenship or a Russian residency permit to get medical insurance. These people can't get free medical care, and aren't covered for some pay medical services."

'Access to health insurance and medical care is one way to coerce Crimean residents to ask for a Russian passport…'[18]

5.3.8 The Euromaidan Press article also stated that Ukrainians without a Russian passport may experience difficulties in the workplace:

'After March 2014, Crimean "authorities" consider all Ukrainians as foreigners even if they have been registered in Crimea for a long time.

'"To get a job, Ukrainian, and foreigners, must have a labour patent. The situation is hopeless without one." says Mykhailo [a Ukrainian activist]...

'Guri Korniliev [a Ukrainian fired from his job] declared that two other employees of the Nikitsky Botanical Garden had been fired for taking a pro-Ukrainian stance.

'"The director of the Nikitsky Botanical Garden informed us that he allegedly has to justify in writing to his superiors why his company employs foreign citizens!"

'Employers who hire Ukrainians are actually fined – for example, if an employer has not notified the Migration Service of an employment contract with a foreigner, or if the company hires a Ukrainian citizen without a special work permit or labour patent…'[19]

5.3.9 The article stated that Crimean residents who do not have a Russian passport may encounter difficulties in re-registering cars:

'Antonina [a resident of Crimea] complains that as she does not have a Russian passport she cannot re-register her car or get Russian license plates.

'"The two letters – AK – are temporarily withdrawn and new Crimean numbers are issued – RF region 82. That's not good for me as I can't travel to the Ukrainian mainland as often as I wish."

'She said that during one trip she was stopped at the border checkpoint where Russian customs officers gave her a "kind of voluntary option… some sort of deportation."

'"You could say that they forced me to change the registration in my passport. I had to register with a friend in Mykolayiv (mainland Ukraine-Ed.). My son and I go there quite often. The Russian border guards allow my son to travel with his migration card despite the fact that his father has a residency permit. So, now I come into Crimea on my migration card as a

[18] Euromaidan Press. 'Ukrainians in Crimea: Six sanctions for refusing a Russian passport,' 13 February 2017. http://euromaidanpress.com/2017/02/13/ukrainians-in-crimea-six-sanctions-for-refusing-a-russian-passport/#arvlbdata. Accessed: 28 July 2017.
[19] Euromaidan Press. 'Ukrainians in Crimea: Six sanctions for refusing a Russian passport,' 13 February 2017. http://euromaidanpress.com/2017/02/13/ukrainians-in-crimea-six-sanctions-for-refusing-a-russian-passport/#arvlbdata. Accessed: 28 July 2017.

foreigner and can stay 90 days and my car is allowed in only on a temporary basis.”’[20]

5.3.10 The Euromaidan Press article also described difficulties in banking for those without a Russian passport:

‘If a Crimean turns up at a bank with a Ukrainian passport and no official Crimean residency permit, no one will talk to him.

‘Yuriy Formus, a resident of Yalta, asked the Black Sea Bank for Reconstruction and Development to pay a state court fee. The bank refused to serve him when he showed his Ukrainian passport. He was officially told that the bank only services people with Russian or foreign documents.

‘However, Elena [a resident of Crimea] points out that even Crimeans who are issued a residency permit have problems with the banks.

‘“Persons with a residency permit can’t get a bank card in Crimea… I mean I can open a bank account at a local bank, but I can’t get a card. That really complicates matters as my salary is automatically credited to my account.

‘”If you want to get residency by setting up a private business enterprise you’ll have to provide tons of documents, and you’ll also have problems opening a bank account.”’[21]

5.3.11 Finally, the Euromaidan article looked at difficulties with housing for those without a Russian passport:

‘Elena tells us about another major obstacle. In Russia (and now in Crimea), if a person does not own a house or an apartment, he must sign a social rent contract, that is, conclude an agreement on low-rent housing with the municipal administration.

‘Elena’s parents don’t own a home and live in a communal apartment. When Elena got her residency permit, she was automatically registered in her apartment. But, when her parents wanted to join her, they were refused.

‘“The authorities refer to the fact that Ukrainian citizens are registered in this apartment, namely my child and I. I’ve been living there for 20 years, but that didn’t help our case at all!”

‘Elena decided to leave her apartment, and when she tried to register in a different flat, she was told that only owners were allowed to register residency.

‘So, now Elena and her child are living “in limbo”. In fact, she must search for the owners of the apartment who will then register her and her child.

‘Russian legislation does not offer any solutions to such surreal situations. When Crimean Ukrainians run up against such legal “holes”, local authorities simply turn a blind eye.’ [22]

[20] Euromaidan Press. ‘Ukrainians in Crimea: Six sanctions for refusing a Russian passport,’ 13 February 2017. http://euromaidanpress.com/2017/02/13/ukrainians-in-crimea-six-sanctions-for-refusing-a-russian-passport/#arvlbdata. Accessed: 28 July 2017.

[21] Euromaidan Press. ‘Ukrainians in Crimea: Six sanctions for refusing a Russian passport,’ 13 February 2017. http://euromaidanpress.com/2017/02/13/ukrainians-in-crimea-six-sanctions-for-refusing-a-russian-passport/#arvlbdata. Accessed: 31 July 2017

5.3.12 OHCHR's report covering the period from 15 May to 15 August 2017 stated:

'Several Ukrainian citizens lacking Russian citizenship were deported from Crimea for violating immigration rules of the Russian Federation… Among the most vulnerable groups of Crimean residents are those Ukrainian citizens who, at the time of start of the occupation, had no formal registration ("propiska") in Crimea and, therefore, did not qualify for the Russian Federation citizenship. Russian authorities in Crimea consider them "foreigners" and subject to Russian Federation immigration laws. Several persons lacking Russian Federation citizenship were deported from Crimea to mainland Ukraine for violating immigration rules of the Russian Federation, which were imposed in Crimea in violation of General Assembly resolution 68/262 on the territorial integrity of Ukraine.

'In January 2017, the Crimea-born chairman of an NGO providing free legal aid was convicted of "illegal stay" and ordered to be deported. The court found him to be a foreigner who violated immigration rules by staying in Crimea beyond the authorized 90-day period. Following the ruling, he was transferred from Crimea to Krasnodar (Russian Federation), detained for 27 days, and then deported to mainland Ukraine where he currently lives as an IDP. He is banned from entering Crimea, where his wife and son live, until 19 December 2021. This case illustrates the adverse effects stemming from the unlawful implementation of Russian Federation laws in Crimea. The forced transfer and deportation of this man contravene international humanitarian law rules applying to protected persons in situations of occupation. The entry ban violates his freedom of movement and right to family life by separating him from his relatives. OHCHR received information that 20-25 other Ukrainian citizens have been similarly deported from Crimea to mainland Ukraine.' [23]

5.3.13 For further information about citizenship, see Citizenship. See section on Freedom of movement - Crimea for information about the difficulties of movement between Crimea and mainland Ukraine. For further information about the situation for Crimean Tatars, see the Country Policy and Information Note on Ukraine: Minority groups.

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5.4 Abduction, disappearance and killings

5.4.1 In the Annual Report 2016/17, published in February 2017, Amnesty International stated:

'None of the enforced disappearances that followed the Russian occupation were effectively investigated. Ervin Ibragimov, member of the World Congress of Crimean Tatars, was forcibly disappeared near his home in Bakhchisaray, central Crimea, on 24 May [2016]. Available video footage

[22] Euromaidan Press. 'Ukrainians in Crimea: Six sanctions for refusing a Russian passport,' 13 February 2017. http://euromaidanpress.com/2017/02/13/ukrainians-in-crimea-six-sanctions-for-refusing-a-russian-passport/#arvlbdata. Accessed: 31 July 2017

[23] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

from a security camera shows uniformed men forcing Ervin Ibragimov into a minivan and driving him away. An investigation was opened, but no progress had been made at the end of the year.'[24]

5.4.2 The USSD's 2016 report stated:

'According to the Ukrainian Ministry of Foreign Affairs, 12 Crimean residents who had disappeared during the [Russian] 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.

'According to the Ukrainian Ministry of Foreign Affairs and the Crimean Tatar Mejlis, as of October 1, 28 persons had disappeared since the occupation of Crimea, including 12 later found dead. Russian occupation authorities did not adequately investigate the deaths and disappearances. Human rights groups reported that police often refused to register reports of disappearances and intimidated and threatened with detention those who tried to report a disappearance. Ukrainian government and human rights groups believed Russian security forces kidnapped the individuals for opposing Russia's occupation to instill fear in the population and prevent dissent.'[25]

5.4.3 See also Arbitrary arrest and Discrimination against non-Russians in Crimea for further information on these subjects.

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5.5 Arbitrary arrest

5.5.1 The USSD's 2016 report noted: 'There were reports that Russian occupation authorities made arbitrary arrests, in particular targeting Crimean Tatars.

'On May 12, police arrested Ilmi Umerov, a member of the Crimean Tatar Mejlis, accusing him of "undermining the territorial integrity of the Russian Federation" for stating that Crimea remains part of Ukraine. Umerov, who suffered from health problems, has since been taken from court hearings in poor health. On August 18, Umerov was forcibly subjected to psychiatric hospitalization, ostensibly for an examination, exacerbating his health problems. On September 7, occupation authorities released him from the hospital following international publicity over the case. At year's end his case remained in pretrial investigation.

'As of October 25, occupation authorities had arrested 19 Crimean residents, mostly Crimean Tatars, accusing them of belonging to Hizb-ut-Tahrir, a pan-Islamic organization prohibited in Russia but not Ukraine. Human rights groups believed occupation authorities intended to intimidate Crimean

[24] Amnesty International. 'Annual report 2016/17;' Ukraine, 22 February 2017. https://www.amnesty.org/en/countries/europe-and-central-asia/ukraine/report-ukraine/. Accessed: 3 August 2017.
[25] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.

Tatars, discredit the Mejlis leadership, and instill fear in the local population to prevent dissent through the arrests.

'Russian authorities continued to detain Akhtem Chiygoz, the deputy leader of the Crimean Tatar Mejlis. Russian authorities arrested Chiygoz in January 2015 and charged him with "inciting a mass riot" during protests he organized at the Crimean parliament in 2014 that were disrupted by pro-Russian activists, resulting in clashes between the groups. Subsequently, occupation authorities prosecuted individuals alleged to have participated in the protest, although Russia did not exercise control over Crimea at the time. Human rights groups reported that authorities reviewed video of the incident and selectively brought charges against leading Crimean Tatar and Ukrainian individuals who subsequently opposed the occupation, in particular members of the Crimean Tatar Mejlis. Video footage shows Chiygoz and other Crimean Tatar leaders working to defuse tensions in the hopes of avoiding clashes with counterprotesters. Occupation authorities refused to investigate acts of violence committed by pro-Russian "protesters," who were likely working for Russian security services according to independent observers. On December 12, authorities extended Chiygoz's detention until April 2017.'[26]

5.5.2 In the Annual Report 2016/17, published in February 2017, Amnesty Intenational also reported on the case of Ahtem Chiygoz, stating:

'The trial continued of the Mejlis' deputy leader, Ahtem Chiygoz, on trumped-up charges of organizing "mass disturbances" on 26 February 2014 in Simferopol (a predominantly peaceful rally on the eve of the Russian occupation, marked by some clashes between pro-Russian and pro-Ukrainian demonstrators). Held in a pre-trial detention centre in the vicinity of the court building, he was only allowed to attend his court hearings via a video link, purportedly because of the "danger" he would pose. Ahtem Chiygoz remained one of several prisoners of conscience in Crimea. Ali Asanov and Mustafa Degermendzhi also continued to be held in pre-trial detention for allegedly participating in the same "mass disturbances" on 26 February 2014.'[27]

5.5.3 The USSD's 2016 report added:

'Throughout the year Russian authorities conducted mass arrests designed to humiliate and intimidate Crimean Tatars. On April 1, Russian security forces detained 35 men, mostly Crimean Tatars, in Pionierske, took them to a "center to combat extremism," and collected DNA samples from them. Human rights groups claimed that Russian security forces attempted to recruit some as police informants. On May 6, Russian security forces detained more than 100 Crimean Tatars at a mosque in Molodizhne. On May

[26] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.
[27] Amnesty International. 'Annual report 2016/17;' Ukraine, 22 February 2017. https://www.amnesty.org/en/countries/europe-and-central-asia/ukraine/report-ukraine/. Accessed: 3 August 2017.

7, Russian security forces detained another 35 Muslims, many of whom were Crimean Tatars, at a market in Simferopol.'[28]

5.5.4 See also Discrimination against non-Russians in Crimea and Abduction, disappearance and killings for further information on these subjects.

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5.6 Harassment

5.6.1 In their Country Report covering 2016, the US Department of State reported:

'There were widespread reports that Russian authorities in Crimea abused residents who opposed the occupation. Human rights monitors reported that Russian occupying forces subjected Crimean Tatars and ethnic Ukrainians in particular to physical abuse…

'Human rights monitors reported that occupation authorities also threatened individuals with violence or imprisonment if they did not testify in court against individuals that authorities believed were opposed to the occupation.'[29]

5.6.2 The USSD's 2016 report noted examples of harassment by the occupation authorities:

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

'Russian occupation authorities routinely conducted raids on homes to intimidate the local population, particularly Crimean Tatars and ethnic Ukrainians, ostensibly on the grounds of searching for weapons, drugs, or "extremist literature." In its June report, the HRMMU [UN Human Rights Monitoring Mission in Ukraine] expressed concern about "the growing number of large scale 'police' actions conducted with the apparent intention to harass and intimidate Crimean Tatars and other Muslim believers." On February 11 and 12, Russian occupation authorities raided Crimean Tatar villages in the Yalta and Bakhchisaray regions. According to the Crimea Human Rights Group, men with guns and in balaclavas burst into homes and in some cases broke through doors or windows, despite encountering no resistance from the residents. Between April 16 and 20, authorities conducted several raids on Crimean Tatar homes in the Alyushta region. According to press reports, police entered Crimean Tatar homes and demanded to know how many persons lived in the house, where they went shopping, where their children studied, and who sold drugs in the village. They also demanded to inspect gardens and greenhouses.

'Human rights groups reported that Russian authorities had widespread authority to tap telephones and read electronic communications and had

[28] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.
[29] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.

established a network of informants to report on suspicious activities. According to Mejlis members, Russian authorities had invited hundreds of Crimean Tatars to "interviews" where authorities played back the interviewees' telephone conversations and read their e-mail aloud. Media reported that in July the FSB [Russia's Federal Security Bureau] interviewed a doctor in a Feodosia hospital after a colleague had denounced him for privately expressing pro-Ukrainian views. The doctor stated that posters in the hospital hallways advertised an FSB hotline. The eavesdropping and visits by security personnel create an environment in which persons are afraid to voice any opinion contrary to the occupation authorities, even in private.

'According to press reports, on January 22, the Russian FSB sent a notice to all post offices in Crimea containing a list of individuals deemed "extremist," but which was in fact a list of individuals known to oppose the occupation, with instructions to report to the FSB any correspondence sent or received by these individuals.

'Occupation authorities harassed family members of a number of political opponents. On February 2, Russian migration and security officials questioned Erol Abdulzhelilov, grandson of Crimean Tatar leader Mustafa Jemilev, demanding his passport and summoning him to a police station. On February 18, Russian authorities summoned Yevgeny Kostenko, the brother of Oleksander Kostenko, imprisoned on political grounds, and threatened him with a forced psychiatric examination when he refused to answer questions. On September 26, occupation authorities pressured the young children of imprisoned Crimean Tatar activist, Emir-Ussein Kuku, to make statements about Kuku that could be used to strip him of his parental rights.

'Following the sabotage of electrical lines from government-controlled territory to occupied Crimea, Russian officials cut power and natural gas to the homes of Crimean Tatar Mejlis members in retaliation.'[30]

5.6.3 For further information about the situation for Crimean Tatars, see the Country Policy and Information Note on Minority groups.

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5.7 LGBTI community

5.7.1 The USSD's 2016 report noted:

'Human rights groups and local gay rights activists reported that much of the LGBTI community fled Crimea after the Russian occupation began. Those who remained live in fear of verbal and physical abuse due to their sexual orientation. According to a report commissioned by the Ukrainian Center for Civil Liberties and Memorial's Antidiscrimination Center in Saint Petersburg, the Russian group Occupy Pedophilia is active in Crimea. The group used

[30] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.

social media to lure suspected LGBTI persons to locations where they are humiliated, filmed, and beaten. According to one report, a group of six men patrolling a park beat two individuals in Simferopol. The victims did not file a complaint with police for fear of retaliation. Individuals were accosted and abused for wearing nonconformist clothing, on the assumption that they must be LGBTI persons. Human rights groups stated that these groups operated with the tacit support of local authorities, who did not investigate such crimes.

'Russian occupation authorities prohibited any LGBTI groups from holding public events in Crimea. On April 25, an LGBTI activist in Sevastopol announced plans to hold a peaceful protest. In response Sergei Aksyonov, the head of the occupation authorities in Crimea, stated that authorities would prevent any such assembly. Subsequently, "self-defense" forces threatened to expel LGBTI individuals from Crimea forcibly. LGBTI individuals faced increasing restrictions on their right to assemble peacefully, as occupation authorities enforced a Russian law that criminalizes the so-called propaganda of nontraditional sexual relations to minors.'[31]

5.7.2 For further information on freedom of assembly in Crimea, see Freedom of assembly. For further information about LGBTI persons in Ukraine, see the Country Policy and Information Note on Ukraine: Sexual orientation and gender identity.

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5.8 Freedom of speech

5.8.1 The USSD's 2016 report described the situation regarding freedom of speech and expression:

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

'…Individuals could not publicly criticize the Russian occupation without fear of reprisal. Human rights groups reported that the FSB [Russia's Federal Security Bureau] engaged in widespread surveillance of social media, telephones, and electronic communication and routinely summoned individuals for "discussions" for voicing or posting opposition to the Russian occupation.

'For example, on August 12, occupation authorities in Yalta charged Larysa Kitaiska with extremism because of a social media posting that they believed to be anti-Russian…On October 5, armed security forces raided the home of Suleyman Kadyrov, a member of the Feodosia Mejlis, because of a March Facebook posting in which Kadyrov stated that Crimea remains a part of

[31] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 2 August 2017.

Ukraine. On October 11, occupation authorities charged Kadyrov with separatism.'[32]

5.8.2 On press and media freedoms in Crimea, the USSD's 2016 report added: 'Independent print and broadcast media could not operate freely. Occupation authorities refused to register most independent media outlets, forcing them to close in 2015.

'On March 25 [2016], Krymska Svitlytsya, the only Ukrainian-language newspaper remaining in Crimea, ceased publication. According to its website, the newspaper moved operations to Kyiv after it could no longer provide for the safety of its employees in Crimea.

'On January 15 [2016], Russian occupation forces detained blogger and journalist Zair Akadyrov as he covered the trial of the "February 26" group of political prisoners and took him to a police precinct for questioning.

'On December 7 [2016], the "prosecutor general" of Crimea charged Mykola Semena with "undermining Russian territorial integrity via mass media," a criminal offense punishable up to five years in prison. Semena, a freelance writer for the news website Krym Realii, had written pieces using a pseudonym criticizing the de facto Crimean government and Russian occupation. Occupation authorities detained Semena twice in 2015, and human rights groups believed that Russian security forces hacked into his computer to prove he had written articles critical of the occupation. Authorities placed Semena, who was in poor health, under house arrest in April, under the condition that he not leave Crimea. On September 29 [2016], a judge denied Semena's request to seek medical treatment in government-controlled Ukraine.

'On June 14 [2016], Russian occupation authorities arrested Alexi Sapov, editor of Argumenty Nedeli-Krym. Sapov was one of the last reporters to cover the trials of Crimean Tatars. Sapov was previously a journalist in Vladimir, Russia, where his reporting led to accusations that he had blackmailed a member of the Russian parliament. Russian authorities extradited Sapov to Vladimir, Russia.'[33]

5.8.3 On harassment of journalists, the USSD's 2016 report: 'There were numerous cases of Russian security forces or police harassing independent media and detaining journalists in connection with their professional activities.

'On May 11 [2016], Russian authorities detained Igor Burdyga, a Ukrainian journalist covering the anniversary of the deportation of Crimean Tatars. According to Burdyga authorities detained him for his journalistic work, accused him of being a member of the Ukrainian nationalist group Right Sector, and forced him to testify that he had been involved in the demolition

[32] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.
[33] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.

of electrical power lines in Ukraine that supplied Crimea. After seven hours of detention, authorities released Burdyga and he left Crimea.

'Following Russia's occupation of Crimea, journalists overwhelmingly resorted to self-censorship to continue reporting and broadcasting. Russian occupation authorities banned most Ukrainian and Crimean Tatar-language broadcasts, replacing the content with Russian programming. Human rights groups reported that Russian authorities forbade songs by Ukrainian singers, such as Ruslana and Jamala, from playing on Crimean radio stations. Censorship of independent internet sites became more widespread.'[34]

5.8.4 In February 2017 Reporters Without Borders noted, 'The Centre for Investigative Reporting is one of the few remaining independent news outlets in the region, where several media were closed following the Russian intervention. A member of the Global Investigative Journalism Network, it posts its findings on its website as well as reporting them as part of a TV programme. It also provides training in investigative journalism.'[35]

5.8.5 Reporters Without Borders further stated: 'Two journalists with the Centre for Investigative Reporting in the Crimean capital of Simferopol, reporter Sergei Mokrushin and producer Vladlen Melnikov, were arrested at around 8 p.m. on 2 June by members of a "self-defence militia," who took them to their headquarters, beat them, and examined the contents of their mobile phones and social network accounts.

'Mokrushin received repeated blows to the abdomen and lower back while Melnikov's head was smashed against a pane of glass. The journalists said two local politicians were present while they were being beaten. The mistreatment only stopped when policemen arrived and took them away to a police station.

'The editor of the Centre for Investigative Reporting said the militiamen accused Mokrushin and Melnikov of "hooliganism" without offering any details. The two journalists were released during the night after questioning by the police. According to preliminary diagnoses, Mokrushin has ribcage bruising and possibly broken ribs.'[36]

5.8.6 The US Department of State also reported on internet freedom in 2016:

'Russian occupation authorities restricted free expression on the internet by imposing repressive laws of the Russian Federation on Crimea... Security services routinely monitored and controlled internet activity to suppress contrary opinions. According to media accounts, occupation authorities interrogated residents of Crimea for posting pro-Ukrainian opinions on Facebook or in blogs. On May 27, journalist Lilia Bujurova received a

[34] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.
[35] Reporters without Borders. 'More journalists abducted in eastern Ukraine and Crimea,' 27 February 2017. https://rsf.org/en/news/more-journalists-abducted-eastern-ukraine-and-crimea. Accessed: 2 August 2017.
[36] Reporters without Borders. 'More journalists abducted in eastern Ukraine and Crimea,' 27 February 2017. https://rsf.org/en/news/more-journalists-abducted-eastern-ukraine-and-crimea. Accessed: 2 August 2017.

warning from security forces about postings she made on social media that Crimea was part of Ukraine. On November 11, the Yevpatoria city court sentenced Serhiy Vasylchenko, a local anarchist, to 10 days in jail for "extremism" after he made calls on social media to boycott the Russian Duma elections in Crimea.'[37]

5.8.7 In the report covering 16 May to 15 August 2017, OHCHR stated that they:

'…noted for the first time the criminal sanctioning of a social media post on 7 July 2017. A Crimean Tatar from Sevastopol was sentenced to one year and three months imprisonment for "publicly inciting hatred or enmity". The conviction related to his Facebook posts in 2016, which mentioned the "oppression" of Crimean Tatars, referred to Crimea being "occupied" and "annexed", and quoted a Crimean Tatar leader who organized the food and trade blockade of Crimea in September 2015. Trials involving a deputy chairman of the Crimean Tatar Mejlis and a Crimean journalist on separatism-related charges based on public statements made opposing the annexation of Crimea were underway as of 15 August 2017. If convicted, they could be imprisoned for up to five years.'[38]

5.8.8 For further information about the situation for Crimean Tatars, see the Country Policy and Information Note on Ukraine: Minority groups.

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5.9 Freedom of assembly

5.9.1 The USSD's 2016 report noted:

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

'According to the HRMMU [United Nations Monitoring Mission in Ukraine], on July 4, occupation authorities amended a 2014 resolution listing the places in Crimea where public events could be held, decreasing the number almost by half (from 665 to 366). The HRMMU noted that the amendments further restricted freedom of assembly to a shrinking number of "specially designated spaces," an unnecessary move that appeared "designed to dissuade the exercise of the right of freedom of assembly."

'On March 1, authorities in Simferopol refused to allow the commemoration of the birthdate of Taras Shevchenko, the national poet of Ukraine. On March 9, Simferopol authorities issued a blanket prohibition on public gatherings not organized by the government from March 7 to March 22.

[37] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.

[38] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017.

‘Occupation authorities prohibited gatherings and meetings to commemorate the 72nd anniversary of the 1944 Soviet mass deportation of Crimean Tatars on May 18. On May 17, Ilmi Umerov received a preemptive warning from police not to organize any type of gathering. In the days leading up to the anniversary, schoolteachers forbade students, particularly Crimean Tatar students, to skip school to participate in commemorative events. The Mejlis reported that Crimean Tatar communities did not seek permission for gatherings as they assumed that occupation authorities would forbid them. Throughout Crimea peaceful assemblies took place, but authorities arrested Crimean Tatars displaying flags and other symbols, including at least one person in Bakhchysarai, four in the Kirovsky District, and four in Sudak.

‘Occupation authorities forbade any assembly marking Crimean Tatar Flag Day on June 26.

‘On August 20, a group named The Deceived of Crimea gathered in Simferopol to protest rampant corruption in Crimea following Russia’s occupation in 2014. Despite having obtained permission from the local government, authorities prohibited protesters from assembling for a demonstration planned to coincide with a visit by President Putin of Russia.

‘There were reports of occupation authorities using coercive methods to provide for participation at pro-“government” rallies. For example, according to press reports, a Duma candidate shared on social media a photograph of an order authorities sent to municipal government offices in Feodosia, which stated that attendance at a September 8 rally in support of the United Russia party was mandatory and that those unable to attend must write an explanatory note to their superiors.

‘There were reports that occupation authorities charged and fined individuals for allegedly violating public assembly rules in retaliation for gathering to witness security force raids on homes. For example, courts fined at least five Crimean Tatars for gathering to witness security force raids on neighboring homes in Bakhchisarai in May. Crimean Tatar leaders claim the charges were designed to intimidate Crimean Tatars into passively remaining in their homes during raids.’[39]

5.9.2 In its report on developments between 16 May and 15 August 2017, OHCHR noted:

‘During the reporting period, unauthorized public events were prohibited, as were events involving the Crimean Tatar Mejlis, which was banned in September 2016. Commemorative ceremonies were organized in mainland Ukraine and Crimea to mark the 73rd anniversary on 18 May 2017 of the 1944 deportation of 250,000 people, mostly Crimean Tatars, accused by Soviet authorities of collaborating with Nazi Germany. City authorities in Simferopol banned such commemorations in the central square and detained eight Crimean Tatars for conducting unauthorized actions by walking in the street while displaying a Crimean Tatar flag. In Bakhchysarai,

[39] US Department of State. ‘Country Reports on Human Rights Practices for 2016’, 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.

five drivers of cars carrying Crimean Tatar flags were detained, and in Feodosiia, the police blocked access to a memorial stone where people were planning to lay flowers…

'The only functioning Ukrainian Cultural Centre in Crimea closed in June 2017 due to lack of funds. The Centre had not applied for registration under Russian Federation law, and its members were regularly summoned by police or FSB and warned not to engage in "extremist activity". Public events organized by the Centre, which included paying tribute to Ukrainian literary or historic figures, were often prohibited. For example, on 7 March 2017, city authorities banned a public commemoration of Ukrainian poet Taras Shevchenko, claiming that the application to hold the commemoration had been improperly filed. In fact, since 2014, only one of the Centre's requests to organize a public event was granted while six were turned down.'[40]

5.9.3 On 15 August 2017 Amnesty International stated:

'Server Karametov, a Crimean Tatar, was last night sentenced to 10 days' "administrative detention" for picketing in support of prisoner of conscience Akhtem Choygoz and others outside the Supreme Court of Crimea operating under control of the de-facto authorities in the occupied region's capital Simferopol…Video footage of the arrest on 8 August shows a lone, frail, elderly man holding a hand-written placard being dragged away by four police officers and forced into a police car. Late on 9 August, a judge from the Zheleznodorozhny District Court of Simferopol found Server Karametov guilty of resisting "lawful orders" from police officers. In addition to his detention he was fined 10,000 rubles (US$165), an extortionately high amount for someone from Crimea where the average monthly retirement benefit is slightly above 11.000 rubles (US$180). Karametov felt ill in the court room and an ambulance had to be called. His lawyer said the activist suffers from Parkinson's disease and may be deprived of his essential medication while in detention…Under the overly-restrictive Russian law on public assemblies, virtually any street protest involving two and more persons requires an express prior approval by the authorities. So-called single-person pickets are not subject to this requirement. However, the law imposes complete prohibition on protest in certain areas, including in the vicinity of courts.'[41]

5.9.4 For further information about freedom of assembly in Crimea, see LGBTI community. For further information about the situation for Crimean Tatars, see the Country Policy and Information Note on Ukraine: Minority groups.

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[40] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

[41] Amnesty International. 'Crimea: Release elderly Crimean Tatar locked up for holding up a placard,' 10 August 2017. https://www.amnesty.org/en/latest/news/2017/08/crimea-release-elderly-crimean-tatar-locked-up-for-holding-up-a-placard/ Accessed: 15 September 2017

5.10 Freedom of association

5.10.1 The USSD's 2016 report covered the situation for the Mejlis: 'Occupation authorities broadly restricted freedom of association for individuals that opposed the occupation.

'On February 15, the "prosecutor general" of Crimea filed a motion to ban the Crimean Tatar Mejlis, an elected, representative body of Crimean Tatars that the Ukrainian government legally recognizes. On April 13, the prosecutor general provisionally banned the Mejlis pending a court decision; the Russian Ministry of Justice upheld the decision on April 18. On April 26, a Russian occupation court declared the Mejlis an extremist organization for continuing to recognize Ukrainian sovereignty in Crimea. On September 29, the Russian Supreme Court upheld the lower court's decision. The ban forbids Mejlis organized meetings or demonstrations, sharply restricts its financial activities, and prohibits the display of the Mejlis flag and symbols. While the Mejlis was led by a central council of 33 members, its organization extended to towns and villages, meaning that up to 2,000 local members of Mejlis groups were under threat.

'In late September authorities fined at least eight Mejlis members for allegedly taking part in a meeting of an illegal organization, stemming from their informal gathering at the home of Ilmi Umerov on September 22. They had gathered to wish exiled Crimean Tatar leader, Refat Chubarov, a happy birthday via Skype, but authorities had monitored the meeting and determined that it constituted a meeting of the banned Mejlis. On December 29, Umerov announced that he was unable to pay the fine as occupation authorities had frozen his bank accounts by putting him on a list of "extremists."

'On February 11, Russian authorities summoned Nariman Jelal, the highest ranking member of the Crimean Tatar Mejlis not incarcerated or exiled, demanding he detail the activities of the Crimean Tatar Mejlis and his future travel plans.'[42]

5.10.2 The USSD's 2016 report added:

'Russian authorities raided groups and institutions associated with Ukrainian culture. On March 31, security forces raided the Taras Shevchenko Association in Simferopol and seized approximately 250 books for promoting Ukrainian nationalism. Many of the seized materials dealt with the Holodomor, a famine produced by Soviet authorities in 1932 and 1933 that led to the deaths of millions of Ukrainians. On July 18, authorities questioned Leonid Kuzmin, a member of the Ukrainian Cultural Association. Authorities compelled Kuzmin to sign a nondisclosure agreement, forbidding discussion of the grounds for his questioning.

'Russian occupation authorities carried out numerous raids on Crimean Tatar cultural and spiritual institutions. On January 27, Russian police raided the Crimean Tatar children's center Elif in Dzhankoi, seizing books and

[42] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.

materials. On January 28, police raided the Islamic Cultural Center in Simferopol, again seizing books and materials.

'Russian laws imposed on Crimea that regulate NGOs prohibit any group that receives foreign funding and engages in vaguely defined "political activity" to register as a "foreign agent," a term that connotes treason or espionage. While authorities had not included any Crimean NGOs on the list during the year, the law had a chilling effect on their activities.'[43]

5.10.3 For further information about the situation for Crimean Tatars, see the Country Policy and Information Note on Ukraine: Minority groups.

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5.11 Civil society and human rights groups

5.11.1 The USSD's 2016 report further stated:

'Most independent human rights organizations ceased activities in Crimea following Russia's occupation. Occupation authorities refused to cooperate with independent human rights NGOs and ignored their views, and they 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. A Council of Europe human rights delegation visited Crimea in April.'[44]

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5.12 Justice and access to a fair trial

5.12.1 The USSD's 2016 report noted that 'Under the Russian occupation regime, the "judiciary" was neither independent nor impartial.'[45] OHCHR's report covering the period from 16 May to 15 August 2017 stated, 'OHCHR recorded violations of due process guarantees and fair trial rights, as well as the disregard of the freedoms of expression, peaceful assembly, movement and religion or belief. [46]

5.12.2 In their Annual Report 2016/17, published in February 2017, Amnesty International stated, 'In Crimea, the de facto authorities continued their campaign to eliminate pro-Ukrainian dissent. It increasingly relied on Russian anti-extremism and anti-terrorism legislation and criminal prosecution of dozens of people perceived to be disloyal.'[47]

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[43] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.
[44] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.
[45] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.
[46] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017
[47] Amnesty International. 'Annual report 2016/17;' Ukraine, 22 February 2017. https://www.amnesty.org/en/countries/europe-and-central-asia/ukraine/report-ukraine/. Accessed: 3

5.12.3 In a report covering the period February to May 2017, OHCHR stated:

'Crimean courts discontinued all judicial proceedings under Ukrainian law and retroactively applied criminal legislation of the Russian Federation during the re-examination of individual cases, which contravenes the international humanitarian law principle to continue using the penal laws in place before occupation.

'During the reporting period, several court decisions were issued in apparent disregard for fair trial guarantees in relation to members of the Crimean Tatar community and one defense lawyer.

'On 21 February, a Crimean Tatar man from Kamenka was sentenced by a Crimean court to 11 days of administrative detention for posting on a social media network, in 2013, material featuring an organization prohibited in the Russian Federation. In a similar case, a Crimean Tatar man from Bakhchysarai was sentenced to 12 days of administrative detention for having uploaded on a social media network in 2011-2012 material featuring an organization prohibited in the Russian Federation and four folk songs of a Chechen singer containing anti-Russian rhetoric. In both cases the judges found the defendants guilty of promoting extremism and disregarded the fact that the alleged violations took place before the implementation of Russian Federation laws in Crimea.

'Mass arrests were conducted by police in Crimean Tatar neighbourhoods. On 21 February, 10 Crimean Tatars who were filming the police search of a home belonging to a Crimean Tatar man suspected of extremism were arrested. They were found guilty of breaching public order and impeding the movement of civilians, and sentenced to five days of administrative arrest. The judgments were passed in separate trials in one day and, at least for some, in violation of fair trial standards: no representatives of the prosecution were present; two men were convicted in the absence of lawyers; and in at least one proceeding the judge ignored the public retraction of a witness statement supporting the claim that the individuals were breaching public order and freedom of movement.

'On 13 April, the police carried out a raid in Bakhchysarai and arrested two Crimean Tatars for posting "extremist materials" on a social network. Five other Crimean Tatars who had gathered on the street watching the police raid were arrested and charged with "unauthorized public gathering". All seven men were sentenced, six to administrative detention (from two to ten days) and one to a monetary fine. During the court hearings, several of the individuals were denied the right to legal representation and told that they had no right to a lawyer.'[48]

5.12.4 For further information about the situation for Crimean Tatars, see the Country Policy and Information Note on Ukraine: Minority groups.

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August 2017.

[48] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 26 July 2017.

5.13 Political prisoners

5.13.1 The USSD's 2016 report noted:

'Russian occupation authorities routinely detained and prosecuted individuals for political reasons. They also transferred Crimean cases to Russia's legal system and changed the venue of prosecution for some detainees. Human rights groups identified several dozen Crimean residents as political prisoners held in either Crimea or Russia. These included: Oleg Sentsov, Oleksander Kolchenko, Oleksiy Chirniy, Oleksander Kostenko, Ilmi Umerov, Akhtem Chiygoz, Ali Asanov, Mustafa Dehermedzhy, Mykola Semena, Andrii Kolomiets, Ruslan Zaytullaev, Rustam Vaytov, Nuri Primov, Ferat Sayfullaev, Enver Bekirov, Vadim Siruk, Muslim Aliev, Emir-Ussein Kuku, Refat Alimov, Arcen Dzhepparov, Enver Mamutov, Remzi Memetov, Zevri Abseitov, Rustem Abultarov, and others.

'According to Mejlis member Gayana Yuksel, as of October 26 [2016], occupation authorities have deprived 67 Crimean Tatar children of a parent because of politically motivated imprisonment since the start of the occupation.'[49]

5.13.2 The USSD's 2016 report further noted, 'Occupation authorities demonstrated a pattern of using punitive psychiatric incarceration as a means of pressuring detained individuals, including in the case of Ilmi Umerov… For example, on November 3, authorities ordered that six Crimean Tatar defendants accused of belonging to Hizb-ut-Tahrir be subjected to psychiatric evaluation and confinement against their will without apparent medical need…'[50]

5.13.3 OHCHR's report covering the period from 16 May to 15 August 2017 stated:

'Administration of justice in Crimea continued to be tainted by concerns of political motivation. Legal proceedings involving people in opposition to the Russian Federation authorities in Crimea, or perceived to be, often failed to uphold due process and fair trial guarantees. In such cases, claims of abuse in detention were dismissed by courts without proper judicial review.

'Two men arrested under accusations of being part of alleged Ukrainian sabotage groups sent to Crimea to commit terrorist acts were convicted of other charges and sentenced to prison terms. On 18 May 2017, one of the defendants was sentenced to three years of imprisonment on drug-related charges. He stated in court that he had been tortured in order to force a confession which was filmed and presented as evidence. He also complained that the drugs found in his car had been planted by the Federal Security Service (FSB). No investigations were conducted to verify his claims. Similarly, on 17 July, the other defendant was sentenced to three years and six months for weapons-related rather than terrorism charges. According to his wife, he was arrested at the Armiansk crossing point,

[49] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.
[50] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.

detained overnight, and taken to Simferopol where he was “arrested” with a gun planted on him.

‘On 4 August 2017, a court in Crimea sentenced a farmer and pro-Ukrainian activist to three years and seven months in prison for possession of weapons and explosives. On 29 November 2016, he had affixed a sign to his house that read “Heavenly Hundred Street” in reference to Maidan protesters who died in February 2014 in Kyiv. Ten days later, FSB officers searched his home and allegedly found bullets and explosives in the attic, for which he was arrested. The accused pleaded not guilty and claimed that the case against him was fabricated.

‘Lengthy legal proceedings marked the case of a deputy chairman of the Mejlis, who was arrested in January 2015 and whose detention has been repeatedly extended ever since. OHCHR considers that the practice of automatic extension of pre-trial detention undermines the process of judicial review of lawfulness of detention.’[51]

5.13.4 For further information about the situation for Crimean Tatars, see the Country Policy and Information Note on Ukraine: Minority groups. See Justice and access to a fair trial for further information on this subject.

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5.14 Conditions of detention

5.14.1 In their report covering the period February to May 2017, OHCHR wrote:

‘OHCHR documented several cases of grave ill-treatment of people in detention…

‘On 17 March, the Russian Federation transferred to Ukraine 12 pre-conflict convicts (11 men and one woman) who were all serving their sentences in Crimea when Russian Federation authorities took control of the peninsula, and had been subsequently transferred to various penitentiary institutions in the Russian Federation. Their return to Ukraine is the result of lengthy negotiations between the Ombudspersons of Ukraine and the Russian Federation, during which they had agreed to focus efforts on securing the transfer of Ukrainian citizens who had been sentenced by courts in mainland Ukraine or Crimea before 2014 and wanted to be transferred to mainland Ukraine.

‘OHCHR interviewed all 12 convicts in the pre-trial detention centre in Kharkiv, from where they will be transferred to penal institutions throughout Ukraine to serve the remainder of their sentences. They provided accounts of serious human rights violations, including threats, inhumane conditions of detention, torture, prohibited forms of punishment including unjustified strips, detention in solitary confinement, harassment and abuse on ethnic grounds.

‘Following the March 2014 referendum in Crimea, correspondence with mainland Ukraine was blocked and family visits were denied for weeks. In

[51] OHCHR. ‘Report on the human rights situation in Ukraine, 16 May to 15 August 2017,’ 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

addition, significant pressure was placed on detainees by the penitentiary administration to become Russian Federation citizens. When they refused, they were intimidated, placed in solitary confinement, and sometimes beaten. The female detainee said personnel of the Simferopol pre-trial detention centre warned her that she could be killed for her refusal to become a Russian Federation citizen…

'OHCHR interlocutors complained about ill-treatment, threats of sexual violence, and denial of confidential meetings with Ukrainian consuls. Some detainees claimed they were ill-treated by prison guards based on their Ukrainian origin. One of them reported that upon arrival to colony no. 7 in the settlement of Pakino (Vladimir region), he was forced daily by local prison guards to strip down to his underwear in sub-zero temperatures, after which they beat him with their fists, legs and batons while using derogatory language.'[52]

5.14.2 For further information about citizenship for the inhabitants of Crimea, see Citizenship.

5.14.3 The OHCHR report also covered healthcare for detainees, and noted:

'Both in Crimea and the Russian Federation, medical assistance was reportedly inadequate. One prisoner was allegedly denied medical treatment in penal colony no. 102 in Simferopol because he did not have a Russian Federation health insurance. OHCHR has first-hand information that a Crimean inmate, Andrii Levin, died on 6 March 2017 in a penal colony of the Russian Federation (Tlyustenkhabl, Adygea region) where he had been transferred from Crimea on 1 November 2015. He was suffering from HIV, tuberculosis, chronic pancreatitis and chronic paranephritis, and had applied on 16 February 2017 to the Prosecutor of Adygea complaining that no medical treatment was provided to him. Two other inmates suffering from serious ailments and transferred from Crimea to the same penal colony had died in 2016, also due to a reported lack of medical treatment: Valeryi Kerimov on 8 September 2016, and Dmytro Serpik on 4 December 2016.'[53]

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5.15 Housing

5.15.1 In a report covering February to May 2017, OHCHR stated:

'The question of housing, land and property in Crimea is sensitive, particularly for Crimean Tatars who returned from exile starting in the late 1980s. The unmanaged return process and the perceived injustices in land allocation have led to Crimean Tatars settling on unoccupied or public land. After taking control of the peninsula, the Russian Federation authorities in Crimea pledged to legalize the unauthorized appropriation of land or allocate alternative land plots to Crimean Tatars.

[52] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 2 August 2017.
[53] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.

'Nevertheless, this issue has not been addressed, and concerns have arisen after legal steps have been taken by the Russian Federation authorities in Crimea to allow the demolition of buildings constructed without necessary permits. The most recent decision applied to Crimea's capital, Simferopol. It envisages that buildings constructed on land plots located in areas of restricted use, such as public areas and areas near utility facilities, will be torn down. Similar decisions have been adopted after Crimea's occupation in other parts of the peninsula.'[54]

5.15.2 For further information about housing for those without Russian citizenship, see Discrimination against non-Russians in Crimea. For further information about the situation for Crimean Tatars, see the Country Policy and Information Note on Ukraine: Minority groups.

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5.16 Education

5.16.1 The OHCHR reported on the use of the Ukrainian and Crimean Tatar languages in schools in their report covering February to May 2017:

'Statistics released by Crimea's Ministry of Education in March 2017 show the continuing decline of Ukrainian as a language of education in schools across the peninsula. The number of children following their education in Ukrainian decreased from 12,694 in 2013 to 371 in the 2016/2017 academic year. There were seven Ukrainian language schools and 875 classes in Crimea in 2013. As of March 2017, there remained only one school – in Feodosiia - attended by 132 children from grades 1 to 9. The other 239 children were in Russian-language schools which have a few classes delivered in Ukrainian. In total, education in Ukrainian language is offered in 28 classes across the peninsula.

'The reasons for this dramatic decrease include a dominant Russian cultural environment, the departure of thousands of pro-Ukrainian Crimean residents to mainland Ukraine, claims of pressure from some teaching staff and school administrations to discontinue teaching in this language, and negative media reporting in Crimea and the Russian Federation about developments in Ukraine, which may have led to reluctance or fear to be branded "anti-Russian" through the choice of Ukrainian as the language of instruction.

'According to the information of Crimea's Ministry of Education, the Crimean Tatar language was used at the beginning of the 2016/2017 academic year by 5,330 children, a figure comparable to the situation prevailing in 2013. Fifteen schools continued to provide education exclusively in the Crimean Tatar language, a number that has not changed in three years.'[55]

5.16.2 In an article dated May 2017, Human Rights Watch noted:

[54] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.
[55] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 July 2017.

'The issue of school instruction in Ukrainian language in Crimea reached the International Court of Justice, the highest justice arm of the United Nations. On April 19, the court issued an injunction on a case Ukraine filed against Russia, alleging that Russia was conducting a "cultural erasure" campaign in Crimea, including by restricting Ukrainian language schools. The court noted that such restrictions could "lead to irreparable prejudice to the rights of ethnic Ukrainians in Crimea," and ordered Russia – unanimously – to "ensure the availability of education in the Ukrainian language."'[56]

5.16.3 For further information about the situation for Crimean Tatars, see the Country Policy and Information Note on Ukraine: Minority groups.

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6. Donbas (Donetsk and Luhansk)

6.1 Russian control

6.1.1 The International Human Rights Clinic at Harvard Law School published a report in May 2017 which stated, 'Anti-maidan, pro-Russian armed groups seized territory and declared the Donetsk and Luhansk areas to be independent People's Republics, although they were not recognized as such by any UN member state. Ukraine responded with military force.'[57]

6.1.2 In the 'Nations in Transit 2017' report, Freedom House stated, 'The transformation of the "Donetsk People's Republic" (DNR) and "Luhansk People's Republic" (LNR) into Russian-controlled provinces has been mostly accomplished, making it less and less likely that Ukraine will accept their reintegration under continued Russian dominance.'[58]

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6.2 Security situation

6.2.1 The USSD's 2016 report noted:

'Russia controls the level of violence in eastern Ukraine, intensifying the conflict when it suits its political interests, while largely ignoring the September 2014 ceasefire and subsequent attempts to reestablish the ceasefire agreed to by all sides. Russia has continued to arm, train, lead, and fight alongside separatists, and Russian-backed separatists have methodically obstructed and threatened international monitors throughout the conflict, who do not have the access necessary to record systematically ceasefire violations or abuses committed by separatist authorities or combined Russian-separatist forces.'[59]

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[56] Human Rights Watch. 'Crimea: "Not our home any more,"' 3 May 2017. https://www.hrw.org/news/2017/05/03/crimea-not-our-home-anymore. Accessed: 31 July 2017.
[57] International Human Rights Clinic at Harvard Law School and PAX. 'Operating under Fire: The Effects of Explosive Weapons on Health Care in the East of Ukraine,' 18 May 2017 (by ReliefWeb) http://reliefweb.int/sites/reliefweb.int/files/resources/operating-under-fire-2017-pax-full-report-c.pdf. Accessed: 4 August 2017.
[58] Freedom House. 'Nations in Transit 2017;' Ukraine. https://freedomhouse.org/report/nations-transit/2017/ukraine. Accessed: 23 May 2017.
[59] US Department of State. 'Country Reports on Human Rights Practices for 2016,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed:

6.2.2 In their report, 'Nations in Transit 2017,' Freedom House stated:

'The internationally mediated Minsk Agreements of February 2015 for Donbas in eastern Ukraine did not result in a resolution of the conflict there, and the affected territories remained under de facto Russian control and without a stable ceasefire. Despite internationally sponsored attempts at peace-building, Russia continued to deliver arms, military equipment, ammunition, and unregistered military personnel as "volunteers" to the conflict zone. During the "ceasefire" in 2016, the Ukrainian army lost 211 officers and soldiers.'[60]

6.2.3 On 30 March 2017, Jamestown Foundation reported:

'The first quarter of 2017 was marked by a renewed escalation of the armed conflict in eastern Ukraine. The increased military confrontation began in the vicinity of Donetsk, at the end of January, when saboteur-reconnaissance groups of Russia-backed militants made an attempt to seize the Avdiivka Coke Plant (ACP)—the largest coking enterprise in Europe. Severe fighting around the area continued during February–March. Moscow-backed guerrillas heavily shelled Ukrainian troop positions; on one day, as many as 117 instances of heavy weapons fire were recorded coming from the occupied side... By mid-March, the Russian-supported forces initiated a fight in the direction of the Ukrainian port city of Mariupol (Mariupil) ...'[61]

6.2.4 The US Agency for International Development published a factsheet in July 2017 which stated that 'Approximately 30,000–40,000 ceasefire violations occur per month in eastern Ukraine, according to the UN, and relief agencies recorded a nearly 50 percent increase in the number of violent clashes from January–June 2017 compared to the same period in 2016.'[62]

6.2.5 The UN Human Rights Council's 'Report of the Office of the United Nations

High Commissioner for Human Rights on the human rights situation in Ukraine,' covering the period 16 May to 15 August 2017, stated:

'During the fourth summer of the conflict, armed hostilities persisted in eastern Ukraine in an unpredictable and fluctuating manner, endangering lives, damaging property and threatening the environment. Heavy weapons, such as explosive weapons with a wide impact area or the capacity to deliver multiple munitions over a wide area, continued to be frequently employed, including in residential areas and where critical civilian infrastructure is located, in disregard of commitments under the Minsk agreements to withdraw such weapons from the contact line. The situation has been exacerbated since the beginning of the conflict by the presence of foreign

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31 July 2017.

[60] Freedom House. 'Nations in Transit 2017;' Ukraine. https://freedomhouse.org/report/nations-transit/2017/ukraine. Accessed: 23 May 2017.

[61] Jamestown Foundation. 'Conflict escalates again in Eastern Ukraine: Possible causes and consequences;' Eurasia Daily Monitor Volume 14, Issue 44, 30 March 2017. https://jamestown.org/program/conflict-escalates-eastern-ukraine-possible-causes-consequences/. Accessed: 23 May 2017.

[62] US Agency for International Development. 'Ukraine - Complex Emergency; Fact Sheet #3, Fiscal Year (FY) 2017,' 20 July 2017, available at ecoi.net: http://www.ecoi.net/file_upload/1788_1502487139_ukr.pdf Accessed: 1 September 2017.

fighters, and the supply of ammunition and heavy weaponry reportedly from the Russian Federation. .. …the daily reality of sudden spikes and drops in armed hostilities, including shelling, continued to pose physical risks and psychological trauma.

'The practice of placing military objectives near civilian objects and facilities necessary for the survival of the civilian population continued on both sides of the contact line, increasing the risk of shelling of such objects and facilities. Hospitals and schools were affected by shelling, as well as other types of infrastructure, which resulted in disruptions in the supply of water, electricity and gas.'[63]

6.2.6 The same report, covering May to August 2017, continued:

'[The] ceasefire never fully took hold, it may have contributed to an overall reduction in the number of daily ceasefire violations…The volatility and unpredictability of the security situation made daily life particularly risky for civilians residing near the contact line. In addition to the threat of shelling, civilians continued to be at risk from mines, unexploded ordnance and booby traps, as the parties to the conflict failed to systematically demine, or mark and fence contaminated areas highly frequented by civilians, such as crossing routes and residential areas. OHCHR notes that placement of booby traps and trip wires in such areas can amount to the use of an indiscriminate weapon. Heavy weapons, including explosive weapons with a wide impact area (such as artillery and mortars) or the capacity to deliver multiple munitions over a wide area (such as multiple launch rocket systems), continued to be present near the contact line and used frequently, in disregard of the Minsk agreements.'[64]

6.2.7 The OHCHR report, covering May to August 2017, further noted: 'In a reversal of a positive development previously reported,OHCHR documented the return of Ukrainian Armed Forces to Kamianka village (Yasynuvata district of Donetsk region) and use of civilian property from April 2017. As a likely consequence of renewed military use, HRMMU noted increased shelling of the village in May, and the injury of a boy by shelling in June.' [65]

6.2.8 The OSCE's Special Monitoring Mission to Ukraine published a Status Report as of 24 July 2017, which stated:

'The situation in eastern Ukraine remained tense with the SMM [Special Monitoring Mission] registering an increase in the number of ceasefire violations over the last two weeks. The violence was concentrated around five areas: the Avdiivka-Yasynuvata-Donetsk airport area; the area east of Mariupol; the area south-west, south and south-east of Svitlodarsk; the

[63] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

[64] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

[65] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017.

western, south-western and northern outskirts of Horlivka; and around Popasna-Pervomaisk.

'The recorded use of weapons that should have been withdrawn more than doubled between 10-16 July (481 instances) compared to the week before (157 instances). It then decreased in the week of 17-23 July (at least 88 instances).

'The violence resulted in a number of civilian casualties with three people killed and eighteen injured from 10 July to 25 July. This brings the total number of civilian casualties confirmed by the SMM in 2017 to 330, including 59 fatalities.'[66]

6.2.9 The UN Office for the Co-ordination of Humanitarian Affairs provided a snapshot of the humanitarian situation as of 3 April 2017, which stated, 'Fighting continues unabated in eastern Ukraine. Civilian casualties continue to be recorded (70, including 16 deaths in March 2017, and an estimated 11,000 casualties, with over 2,000 deaths, since the beginning of the conflict in 2014—source: OHCHR).'[67]

6.2.10 The Office of the United Nations High Commissioner for Human Rights published a report on the human rights situation in Ukraine, which covered the period 16 February to 15 May 2017 and stated:

'Between 16 February and 15 May 2017, OHCHR recorded 193 conflict-related civilian casualties: 36 deaths and 157 injuries, 42 per cent of which were caused by shelling. This is a 48 per cent increase compared with the previous reporting period of 16 November 2016 to 15 February 2017, when OHCHR recorded 130 civilian casualties (23 deaths and 107 injuries; 65 per cent caused by shelling). In total, from 14 April 2014 to 15 May 2017, OHCHR recorded 34,056 casualties among civilians, the Ukrainian military and members of armed groups. This includes 10,090 people killed, including 2,777 civilians, and 23,966 injured.'[68]

6.2.11 From 16 May to 15 August 2017, OHCHR recorded 161 conflict-related civilian casualties (26 deaths and 135 injuries), slightly more than half of which were caused by shelling.[69]

6.2.12 The UN office for the Coordination of Humanitarian Affairs (OCHA) Humanitarian Bulletin on Ukraine covering 1-31 August 2017 stated:

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[66] Organisation for Security and Co-operation in Europe (OSCE). Special Monitoring Mission to Ukraine. 'Status Report as of 24 July,' July 2017. http://www.osce.org/special-monitoring-mission-to-ukraine/332791?download=true. Accessed: 28 July 2017.

[67] UN Office for the Co-ordination of Humanitarian Affairs. 'Ukraine – Humanitarian snapshot (as of 3 April 2017).' http://reliefweb.int/mwg-internal/de5fs23hu73ds/progress?id=HLOJnedJrqZ5Vwm3iZKQTEHC6I6bQmtXEwIhSublyuM,. Accessed: 23 May 2017

[68] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.

[69] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

'[C]asualties caused by mines, explosive remnants of war (ERW), booby traps and improvised explosive devices (IED) have increased in August, and represent some 56 per cent of the total number of casualties… From 1 January to 10 September 2017, OHCHR recorded 486 conflict-related civilian casualties (85 killed and 401 injured). This is a 14 per cent increase compared to the same period in 2016. Overall, OHCHR verifies that between 14 April 2014 to 10 September 2017, at least 2,507 civilians were killed and between 7,000 – 9000 civilians were injured as result of the conflict.'[70]

6.2.13 The OHCHR report covering 16 February to 15 May 2017 stated:

'During the reporting period, the conflict entered its fourth year and the risk of a significant escalation remains high. Since it broke out in the Donetsk and Luhansk regions of eastern Ukraine in April 2014, the conflict has been exacerbated by the inflow of foreign fighters, and supply of ammunition and heavy weaponry, reportedly from the Russian Federation. Daily ceasefire violations recorded by the Special Monitoring Mission of the Organization for Security and Co-operation in Europe (OSCE) demonstrated the routine use of heavy weaponry, and that indiscriminate shelling continued to take a heavy toll on civilian lives, property and critical infrastructure, including those supplying water, electricity and gas, and health and educational facilities. Despite efforts to peacefully resolve the conflict, the parties continued to fail to implement their commitments made under the Minsk agreements, notably a full and immediate ceasefire, and the withdrawal of heavy weapons from the contact line.'[71]

6.2.14 The OHCHR report covering February to May 2017 further noted:

'The presence of a large number of mines and unexploded ordnance in areas close to the contact line in Donetsk and Luhansk regions continued to pose a serious threat to civilians. In violation of their commitments under the Minsk agreements, all sides continued laying new mines rather than systematically clearing or marking mines and other hazards, or fencing them off...

'During the reporting period, OHCHR continued to witness the positioning of Ukrainian Armed Forces and armed groups in or nearby residential areas, without taking necessary precautions, in violation of international humanitarian law. According to residents, the occupation and use of residential neighbourhoods by Ukrainian Armed Forces have often been followed by shelling of the areas…

'In territory controlled by armed groups, OHCHR observed a similar pattern of armed formations using residential areas for firing positions and occupying residential property.'[72]

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[70] OCHA. 'Humanitarian Bulletin: Ukraine,' Issue 21, 1 – 31 August 2017. https://reliefweb.int/report/ukraine/humanitarian-bulletin-ukraine-issue-21-1-31-august-2017 Accessed: 15 September 2017

[71] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.

[72] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.'

6.2.15 The UN High Commissioner for Refugees provided an Operational Update covering March 2017, which stated:

'In early March [2017] the security situation in eastern Ukraine deteriorated, including a marked increase in the number of ceasefire violations. The end of the month saw the second highest use of weapons prohibited by the addendum to the Minsk Package of Measures since it was introduced in October 2015. The OSCE Special Monitoring Mission (SMM) reported the majority of ceasefire violations in areas near Svitlodarsk, Mariupol, and the area of Avdiivka, Yasynuvata, Donetsk airport and Horlivka, as well as in western Luhansk region. Numerous civilian fatalities were reported in the conflict area caused by the shelling of populated areas and the presence of explosive remnants of war and landmines. Utility supplies have been disrupted in areas near the line of contact, particularly in and around Avdiivka. Repairs are made difficult by ongoing shelling in the area.'[73]

6.2.16 In March 2017, the UN Human Rights Council published their 'Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Ukraine,' covering the period 16 November 2016 to 15 February 2017, which stated:

'The situation in Donetsk and Luhansk regions remained tense and dangerous for civilians as the parties to the conflict continued to maintain positions in close proximity to villages and towns near the contact line in violation of international humanitarian law. In particular, military and armed group personnel continued to embed their hardware in civilian neighbourhoods including homes, to carry out indiscriminate shelling and to use explosive weapons with wide-area effects in populated areas. The flare-up of hostilities in the Avdiivka-Yasynuvata-Donetsk airport triangle and in areas south of Donetsk between 29 January and 3 February caused 53 civilian casualties. Indiscriminate shelling had a serious impact on civilian infrastructure, depriving tens of thousands of people of life-saving services, including heating, water and electricity, and triggering additional humanitarian needs. While the majority of civilians, in the areas of combat, hid in their basements, up to 500 people were evacuated from affected areas on both sides of the contact line, including 125 children, 48 of whom were unaccompanied…

'OHCHR collected consistent testimonies from residents that Ukrainian Armed Forces had fired from positions inside villages and towns, often attracting return fire. Such conduct put civilians in the line of fire, and runs contrary to the obligation of the Ukrainian Armed Forces to take all feasible measures to spare civilians from harm. In a few cases, local administrations have responded to concerns that military presence exposes civilians to danger and harm.'[74]

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http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.

[73] UN High Commissioner for Refugees. 'Ukraine; UNHCR Operational Update; 1-31 March 2017,' 31 March 2017. http://www.ecoi.net/mwg-internal/de5fs23hu73ds/progress?id=kLHV4B3zfbk3X56wcmcMQ9tWtEuWQLhduBtkx3cYPbo,&dl .Accessed: 23 May 2017.

[74] UN Human Rights Council (formerly UN Commission on Human Rights). 'Report of the Office of the

6.2.17 The USSD's 2016 report covered the use of landmines:

'Both sides employed land mines without measures to prevent civilian casualties. The HRMMU reported in June that "mines contaminate large areas of agricultural land in east Ukraine, often in areas which are poorly marked, near roads and surrounding civilian areas. This has resulted in civilians being killed and maimed, often while walking to their homes and fields. These risks are particularly acute for persons living in towns and settlements near the contact line, as well as the 23,000 people who crossed the contact line every day between February and May.

'According to the NGO Donbas SOS, approximately 27 square miles of territory in Donetsk and Luhansk Oblasts were in need of humanitarian demining. According to the Ministry of Defense, since the start of the conflict, 150 civilians have been killed and 500 injured by mines and other ordnance in the conflict zone.'[75]

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6.3 Humanitarian situation

6.3.1 The UN High Commissioner for Refugees provided an Operational Update covering March 2017, which stated, 'The humanitarian situation remains precarious and access of humanitarian agencies to persons of concern remains difficult due to restrictions on activity in the non-government controlled areas imposed on all UN humanitarian agencies. UNHCR's "registration" with de facto authorities in Donetsk remains on hold. UNHCR continues to implement activities through local partner NGOs.'[76]

6.3.2 The USSD's 2016 report added, 'Local civil society organizations and international humanitarian organizations provided the bulk of assistance for IDPs on a temporary basis. NGOs reported that their ability to support IDPs was limited and nearing exhaustion.'[77] and that 'Humanitarian aid groups had good access to areas under government control.'[78]

6.3.3 For further information about IDPs, see Internally displaced persons. For further information about NGOs, see Civil society and human rights groups.

6.3.4 The OHCHR produced a report on the situation in Ukraine which covered the period February to May 2017 and stated:

United Nations High Commissioner for Human Rights on the human rights situation in Ukraine;' (16 November 2016 to 15 February 2017) [A/HRC/34/CRP.5], 16 March 2017, available at ecoi.net: http://www.ecoi.net/file_upload/1930_1490713212_a-hrc-34-crp-5-e.doc. Accessed: 26 May 2017.

[75] US Department of State. 'Country Reports on Human Rights Practices for 2016,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.

[76] UN High Commissioner for Refugees. 'Ukraine; UNHCR Operational Update; 1-31 March 2017,' 31 March 2017. http://www.ecoi.net/mwg-internal/de5fs23hu73ds/progress?id=kLHV4B3zfbk3X56wcmcMQ9tWtEuWQLhduBtkx3cYPbo,&dl Accessed: 23 May 2017.

[77] US Department of State. 'Country Reports on Human Rights Practices for 2016,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.

[78] US Department of State. 'Country Reports on Human Rights Practices for 2016,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.

‘The space for humanitarian actors to operate shrank particularly when a major humanitarian organization providing assistance for people living in territory controlled by armed groups of “Donetsk people’s republic” was forced to halt operations. On 28 February, armed groups entered the main Donetsk office and warehouses of “Pomozhem” humanitarian centre of Rinat Akhmetov’s Foundation and blocked its operations throughout the territory under its control. Staff and volunteers no longer had access to the premises, humanitarian aid or stocks. In a number of interviews, people residing in these areas stated they depend on this assistance for survival. According to the Centre, 500,000 individuals were affected by the disruption of its work.’[79]

6.3.5 The OHCHA Bulletin covering August 2017 stated:

‘some 1.2 million people (up from 620,000 people projected in 2016) were found to be either severely or moderately food insecure. Of this, some 800,000 food insecure people live in NGCA [non-Government controlled areas] of the two conflict-affected provinces. The Cluster further stresses that, overall, the share of population with poor and borderline levels of food consumption has increased across the board, while the food expenditure basket has seen a reduction, mainly reflecting the increased cost of utilities, which negatively impacted food consumption of some vulnerable groups... ’[80]

6.3.6 UNOCHA’s humanitarian snapshot of 3 April 2017 further stated:

‘According to the latest Food Security and Vulnerability Analysis, an estimated 620,000 people in the Donbas are food insecure, nearly 38,000 of whom are IDPs. While humanitarian needs remain high, the HRP [Humanitarian Response Plan] continues to be severely underfunded. Despite some contributions are yet to be reported, only 7 per cent of the funds requested (US$14.1 million) have been received to date. Persistent underfunding may lead to suspension of some life-saving services, including health and psychosocial services through mobile outreach for vulnerable women and adolescent girls by UNFPA [United Nations Population Fund] and partners; WFP's [World Food Programme’s] provision of food assistance and early recovery activities aimed at enhancing local livelihoods and people's resilience to shocks are also at risk. Handicap International's operations to respond to the needs of people with disabilities in eastern Ukraine came to a halt at the end of March due to the lack of funds.’[81]

6.3.7 The OHCHR report covering May to August 2017 stated:

[79] Office of the United Nations High Commissioner for Human Rights. ‘Report on the human rights situation in Ukraine, 16 February to 15 May 2017.’ http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.
[80] OCHA. ‘Humanitarian Bulletin: Ukraine,’ Issue 21, 1 – 31 August 2017. https://reliefweb.int/report/ukraine/humanitarian-bulletin-ukraine-issue-21-1-31-august-2017 Accessed: 15 September 2017
[81] UN Office for the Co-ordination of Humanitarian Affairs. ‘Ukraine – Humanitarian snapshot (as of 3 April 2017).’ http://reliefweb.int/mwg-internal/de5fs23hu73ds/progress?id=HLOJnedJrqZ5Vwm3iZKQTEHC6I6bQmtXEwIhSublyuM,. Accessed: 23 May 2017

'The space for humanitarian action continued to be restricted in territory controlled by armed groups, with very few humanitarian actors able to operate. Protection activities, including psycho-social support, education and mine action, remained difficult to implement, negatively impacting the most vulnerable. Access to quality psycho-social support in rural areas in government-controlled territory and in "no-man's land" also remained a concern due to a general lack of medical personnel... The situation was especially dire in schools, where there were often no psychologists, speech therapists or defectologists despite the high need for psycho-social support for children living in the conflict zone.

'OHCHR observed a growing humanitarian need for both food and non-food items in territory controlled by armed groups. This resulted from, inter alia, the cargo blockade, the prohibition of large humanitarian NGOs ("People in Need" and "Pomozhem" humanitarian centre of Rinat Akhmetov's Foundation) from operating in "Donetsk people's republic" and Government restrictions limiting access to pensions of residents living in armed group-controlled territory…

'Humanitarian workers expressed hesitation to scale up livelihoods programmes for fear of placing at risk civilians who would engage in agricultural activities, as well as the staff of the humanitarian organizations.'[82]

6.3.8 The same report covering the period from 16 May to 15 August 2017 stated:

'[H]ospitals and schools continued to be affected by shelling on both sides of the contact line. On 28 May 2017 in government-controlled Krasnohorivka, the central hospital (marked with a 4-metre red cross on its roof) and school no. 2 both sustained direct hits. Boarding schools in the armed group-controlled Trudivski settlement of Petrovskyi district, Donetsk city, and in Yasynuvata town were affected by shelling on 15 and 17 June respectively.'[83]

6.3.9 The USSD's 2016 report noted 'Treatment for persons living with HIV and tuberculosis was disrupted in the east of the country where fighting interrupted crucial medical supplies. More than 6,000 persons living with HIV in the region struggled with a shortage of medicine and doctors.'[84]

6.3.10 The International Human Rights Clinic at Harvard Law School published a report in May 2017 which stated:

'Ukraine's health care system, which already fell below the standards of other parts of Europe, has suffered as a result of the conflict. For example, the contact line has made it difficult for civilians on the government controlled

[82] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

[83] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

[84] US Department of State. 'Country Reports on Human Rights Practices for 2016; Ukraine,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.

side to access the region's specialized hospitals located in or near Donetsk in the non-government controlled areas. Military checkpoints have prevented medical personnel from reaching their patients and patients from reaching nearby hospitals and clinics. Ambulances have reportedly come under small arms fire… shelling has interfered with the provision of health care in a number of ways.'[85]

6.3.11 In their report covering February to May 2017, OHCHR observed that:

'… essential elements of the right to health, such as availability, accessibility (to everyone without any discrimination) and quality of health care, were not always granted in the vicinity of the contact line. Villages on both sides remain isolated, with disproportionate restrictions of freedom of movement… In some areas, one medical practitioner served several hundred to several thousand people, with the nearest emergency room located 20 to 30 kilometres away from the settlement. In villages such as Dolomitne, Nevelske, Novooleksandrivka, Opytne, Pisky, Roty, and Vidrodzhennia, medical care is inaccessible: there is no doctor or paramedic, and ambulances are either not allowed to enter by Ukrainian Armed Forces or armed groups, or would not come in the evening or at night due to the security situation. In Vidrodzhennia, a woman told OHCHR she had had to pay to fill the gas tank of an ambulance in order to be transported to a medical facility. In areas which ambulances are not allowed to access or where public transportation is not available, civilians must rely on military personnel or members of armed groups to be transported to hospital.'[86]

6.3.12 The USSD's 2016 report noted 'On February 11, HRW [Human Rights Watch] released a report, "Studying under Fire," documenting "attacks on schools on both sides of the line of contact and the use of schools by both sides for military purposes, which has turned schools into legitimate military targets." The report also described 15 attacks on operating schools that were not being used as positions by the military.'[87]

6.3.13 The UN office for the Coordination of Humanitarian Affairs (OCHA) Humanitarian Bulletin on Ukraine covering 1-31 August 2017 stated:

'By the end of June, the conservative estimates of the Education Cluster suggested that some 650,000 students and teachers in more than 3,400 educational facilities suffer from widespread and cumulative impact of the conflict. On the eve of opening of school year [1 September] a recently conducted assessment by UNICEF suggests that only in the Government controlled areas (GCA), there are approximately 42,000 school-age children and 290 operational education facilities within the 15 km of the "contact line".

[85] International Human Rights Clinic at Harvard Law School and PAX. 'Operating under Fire: The Effects of Explosive Weapons on Health Care in the East of Ukraine,' 18 May 2017 (by ReliefWeb) https://reliefweb.int/report/ukraine/operating-under-fire-effects-explosive-weapons-health-care-east-ukraine Accessed: 4 August 2017.
[86] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.
[87] US Department of State. 'Country Reports on Human Rights Practices for 2016; Ukraine,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 20 September 2017.

The assessment concluded that on both sides of the “contact line” schools remain closed due to impacts of the conflict compounded with multiple factors. In non- Government controlled areas (NGCA) of Donetsk province alone, there are indications that more than 100 schools remain closed due to unrepaired damage to the facilities, risk of continued shelling and population movement. In GCA, the Education Cluster estimates that approximately 25 schools remain closed. Although some schools remain closed, it appears that a majority of students are able to enrol and attend other operational primary and secondary schools.

‘The risks faced by school children along both sides of the “contact line” are multifaceted. Further to continued daily clashes, there is a significant risk of mine presence and unexploded ordnance. In addition, damage or collapse of infrastructure and public transportation in many locations have led to further isolation of vulnerable communities. This isolation coupled with conflict and economic impacts are affecting the quality of access to education for the most vulnerable children.

‘As the conflict continues unabated, parties to the conflict have recognized the necessity to halt clashes to ensure “safe” return to schools. At the Minsk-led Trilateral Contact Group (TCG) meeting, an agreement was reached for yet another ceasefire, which was enforced on 25 August. This has led to a relative decrease in the number of security incidents in critical areas of concern. However, reports suggest that sporadic local clashes continue to be witnessed in both provinces, leading to an assumption that similar to previous cessation of hostilities, the “return to school” ceasefire may well be short-lived. In his statement issued on 28 August, the UN Secretary-General welcomed the initiative and called for its sustainability, urging all parties to fully abide by its terms to protect the civilians.’[88]

6.3.14 For further information about IDPs, see Internally displaced persons.

6.3.15 UNOCHA provided a humanitarian snapshot as of 3 April 2017, which stated that ‘Critical water and electrical facilities continue to be damaged despite repeated calls on parties to the conflict to respect the civilian nature of infrastructure and de-militarise the adjacent areas to allow safe repairs. Some 1.18 million people are at risk of losing sustained water supply.’[89]

6.3.16 The OHCHR report covering May to August 2017 stated:

‘Also, during the second quarter of 2017, the severity of incidents affecting water supply facilities significantly increased. In total, 24 incidents were documented by the WASH [water, sanitation, hygiene] Cluster within the reporting period. In one major series of incidents, shelling between 6 to 10 June forced the First Lift Pumping Station of the South Donbas water pipeline to repeatedly halt operations, interrupting water supply to

[88] OCHA. ‘Humanitarian Bulletin: Ukraine,’ Issue 21, 1 – 31 August 2017. https://reliefweb.int/report/ukraine/humanitarian-bulletin-ukraine-issue-21-1-31-august-2017 Accessed: 15 September 2017

[89] UN Office for the Co-ordination of Humanitarian Affairs. ‘Ukraine – Humanitarian snapshot (as of 3 April 2017).’ http://reliefweb.int/mwg-internal/de5fs23hu73ds/progress?id=HLOJnedJrqZ5Vwm3iZKQTEHC6I6bQmtXEwIhSublyuM,. Accessed: 23 May 2017

approximately 400,000 people on both sides of the contact line for up to 10 days. The Donetsk Filtration Station (DFS), which processes water for approximately 345,000 people on both sides of the contact line, was de-energized due to shelling between 2 and 6 June, and between 30 June and 3 July. While welcoming the agreement reached in Minsk on 19 July on the establishment of safety zones around two water facilities in Donetsk region – the DFS and the First Lift Pumping Station – OHCHR regrets that actual disengagement has not commenced.

'OHCHR documented other cases when shelling damage of critical infrastructure caused water, electricity and gas shortages, including in government-controlled Krymske and Avdiivka, where residents have been left without gas supply since 5 and 7 June, respectively. In government-controlled Toretsk and surrounding villages, the water supply has been limited to one hour per day, while some neighbourhoods have not had access to running water at all due to huge water loss from a damaged water pipeline in "no-man's land" between Toretsk and armed group-controlled Horlivka. This situation has been unresolved since January 2017, as the parties to the hostilities failed to negotiate a "window of silence" to allow for repairs on the pipe.'[90]

6.3.17 The OCHA Humanitarian Bulletin on Ukraine covering 1-31 August 2017 stated:

'The WASH [water, sanitation, hygiene] Cluster concluded an analysis that forthcoming cold season, which usually starts in mid-October could aggravate the needs of the most vulnerable. Interruptions of electricity supply or shelling of critical water infrastructure lead to water cuts, and as a result, heating systems may stop due to the lack of water, potentially affecting millions of people. The Cluster suggests that interrupted heating systems may not be restarted as pipes usually freeze in cold air temperatures, which normally drop as low as - 20 degrees Celsius. According to the analysis, over 2 million people are considered to be at high or medium risk of collapse of heating systems on both sides of the "contact line".'

6.3.18 The OHCHR report covering May to August 2017 continued:

'Frequent damage to critical infrastructure also poses environmental threats which could greatly impact the right to health. Shelling around a wastewater treatment plant near Dokuchaievsk and a phenolic plant in Novhorodske risks contaminating groundwater and the environment with sewage and toxic liquid waste. Shelling damage to water supply facilities may also result in flooding of coal mines which, in this industrial region, may force toxic methane gas to the surface and into basements in residential areas. In view of continued hostilities, failure by the parties to the conflict to respect and implement their agreement in principal on the creation of safety zones around key infrastructure, or to efficiently negotiate "windows of silence" prevented necessary repairs and further aggravated the situation. OHCHR

[90] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

continued to document limited access to and availability of health care in areas close to the contact line, on both sides, as some 130 facilities remain either partially or fully nonoperational.'[91]

6.3.19 OHCHR's report covering the period from 16 May to 15 August 2017 stated:

'The socio-economic situation in eastern Ukraine continued to deteriorate due to hardships caused by armed hostilities, measures hindering economic prosperity, and increased levels of poverty and unemployment. In addition to frequent shelling of water facilities in Donetsk region, financial deficits of the electricity enterprise in Luhansk region led to even further disruptions in public supply of water and electricity, impacting the right to an adequate standard of living. OHCHR is also concerned about health and possible environmental risks, posed either directly by the armed hostilities or as secondary consequences.'[92]

6.3.20 The OHCHR report, covering 16 February to 15 May 2017, stated:

'The fragile socio-economic situation of people living on both sides of the contact line fell to a new low, hampered by economic stagnation with limited employment prospects and means to carve out a livelihood. Demobilised soldiers and former members of volunteer battalions in Government-controlled territory continued to block the transportation of cargo over the contact line. Armed groups of the self-proclaimed "Donetsk people's republic" and "Luhansk people's republic" seized control of approximately 54 enterprises located in areas under their control and introduced a form of "temporary external management". The Government endorsed the blockade as an official policy. The accumulated impact of these actions on the people living on both sides of the contact line has yet to be seen.'[93]

6.3.21 The OHCHR report covering May to August 2017 stated:

'Restitution and rehabilitation of civilian property destroyed or damaged due to the conflict, or compensation, remain among the most pressing unaddressed socio-economic issues... In the "Donetsk people's republic", at least 109 private markets passed to "state ownership" since April 2017, and procedures to remove property rights of owners of "abandoned" property commenced.' [94]

[91] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

[92] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

[93] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.

[94] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

6.3.22 The UNHCR Operational Update, covering March 2017, provided information about humanitarian assistance provided to IDPs by both the UNHCR and NGOs.[95]

6.3.23 For further information about NGOs, see Civil society and freedom of assembly.

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6.4 Freedom of expression

6.4.1 In their report entitled 'Nations in Transit 2017,' Freedom House noted that 'In these occupied territories [Donetsk People's Republic and Luhansk People's Republic], independent political activities and political parties are banned, nongovernmental organizations (NGOs) do not operate, and a free press is nonexistent.'[96] The OHCHR report covering May to August 2017 noted that 'In territory controlled by armed groups, media representatives were hindered in their work and residents did not feel free to openly express views or opinions.'[97]

6.4.2 The USSD's 2016 report noted, 'In the Donbas region, Russian-backed separatists 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.'[98]

6.4.3 The USSD's 2016 report further stated that 'Russian-backed separatist forces in the east have stepped up efforts to block content online perceived to be in support of Ukrainian government or cultural identity.'[99]

6.4.4 In their report covering 16 February to 15 May 2017, the Office of the United Nations High Commissioner for Human Rights stated it had ' […] observed the ongoing deterioration of freedom of expression in conflict affected areas, particularly in territory controlled by armed groups. Access to information, freedom of the media and plurality of opinion remained severely limited and journalists exposed to intimidation and threats. Impunity continued to prevail for those obstructing journalists' activities, with only 7.1 per cent of related criminal complaints reaching courts.'[100]

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[95] UN High Commissioner for Refugees. 'Ukraine; UNHCR Operational Update; 1-31 March 2017,' 31 March 2017. http://www.ecoi.net/mwg-internal/de5fs23hu73ds/progress?id=kLHV4B3zfbk3X56wcmcMQ9tWtEuWQLhduBtkx3cYPbo,&dl . Accessed: 23 May 2017.

[96] Freedom House. 'Nations in Transit 2017;' Ukraine. https://freedomhouse.org/report/nations-transit/2017/ukraine. Accessed: 23 May 2017.

[97] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

[98] US Department of State. 'Country Reports on Human Rights Practices for 2016; Ukraine,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.

[99] US Department of State. 'Country Reports on Human Rights Practices for 2016; Ukraine,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.

[100] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.'

6.4.5 The USSD's 2016 report further stated:

'The Institute of Mass Information and editors of major independent news outlets noted online harassment of journalists by societal actors, reflecting a growing societal intolerance of reporting deemed insufficiently patriotic, a development they said had the tacit support of the government. On May 10 [2016], the nationalist website Myrotvorets (Peacemaker), which allegedly has links to the Interior Ministry, published the names and personal information of more than 4,000 domestic and foreign journalists who had received accreditation from the Russian-backed separatist "authorities" in Donetsk and Luhansk. The website claimed that the journalists' actions amounted to collaboration with terrorists. On May 24, Myrotvorets published the personal information of an additional 300 journalists. Some affected media professionals subsequently received death threats and were subjected to significant online harassment. While Minister of Internal Affairs Arsen Avakov spoke out in support of Myrotvorets, calling the journalists "liberal separatists," President Poroshenko on June 3 condemned the website during his annual press conference. Police investigation of the case continued through year's end.'[101]

6.4.6 The OHCHR report stated:

'Hennadiy Benytskyi, a blogger detained by "MGB" [Ministry of State Security] of "Luhansk people's republic" in December 2016, was reportedly released on 14 March. Journalists who have been granted "accreditation" must still inform the "press department" of the "ministry of foreign affairs" if they plan to visit areas close to the contact line.

'Even "accredited" journalists were not always permitted access to all areas they wished to visit. When crossing checkpoints, journalists have been exposed to arbitrary demands, such as being required to show their footage, questioned about the purpose of their mission, or subjected to searches of personal belongings. A foreign media representative informed OHCHR that he had realized he should not report about "provocative" issues in order to be allowed to enter again, and that he avoids filming in certain locations or covering certain topics such as the seizure of commercial property by armed groups.

'Access to information and Ukrainian internet services remained restricted. After armed groups in "Donetsk people's republic" seized control of the provider Ukrtelekom on 1 March, customers had intermittent or no internet access. On 21 April, the "minister of communications" of "Luhansk people's republic" announced that the ability to call emergency services (ambulance, police, fire-fighters) on short numbers (101, 102, 103, 104) was no longer available for customers using mobile operator "MTS-Ukraine" on territory controlled by "Luhansk people's republic" armed groups. Although envisaged in the Government Action Plan, access to Ukrainian and international

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http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.

[101] US Department of State. 'Country Reports on Human Rights Practices for 2016,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.

information material in territory controlled by armed groups and at checkpoints remained limited.'[102]

6.4.7 Reporters Without Borders published the following information about journalists supporting both sides of the conflict:

'The editors of two regional newspapers – Aleksandr Brizh of "Donbas" and Leonid Lapa of "Vecherny Donetsk" – were kidnapped in Donetsk, in eastern Ukraine, on 2 June by anti-Kiev militiamen, who stormed into their offices and took them away.

'After being released later the same day, they said their separatist abductors had demanded a change in editorial policies. They refused on the grounds that, if they complied, their newspapers would be "breaking Ukrainian law," which penalizes inciting separatism, and said that, instead, they would stop working into further notice.

'"Vecherny Donetsk" belongs to Rinat Akhmetov, an oligarch who is very influential in the region and who recently announced his support for the government in Kiev against the separatists of the "People's Republic of Donetsk."

'Myroslav Rudenko, one of the separatist leaders, said the two editors were abducted in reaction to the publication in recent weeks of special dossiers paid for by Akhmetov, "each page of which denigrated the People's Republic of Donetsk and the people's choice."

'Dmytro Litvinenko, a journalist with the Ukrainian TV station STB, reported on 2 June that he was detained at a "People's Republic of Donetsk" checkpoint for 12 hours on 29 May. The rebels examined his equipment and did not like the tone of his SMS messages and his recent reporting on the Donbas Battalion (a pro-Kiev militia).

'Litvinenko, his cameraman and their driver were tied up and beaten, and then taken with bags over their heads to the main SBU [Security Service of Ukraine] building in Donetsk, where the head of the separatist unit ordered their release as soon as he learned of their detention.

'There is still no word of Artem Laryonov, an anti-Kiev citizen-journalist who was reported missing on 10 May. Ever since the start of the unrest in eastern Ukraine in March, he had been filming the activities of the rebels and the effects of the fighting, and posting his videos on Ustream and YouTube.

'According to two friends, he was seen for the last time at a Ukrainian army checkpoint between the eastern cities of Sloviansk and Kramatorsk. The Ukrainian authorities say they known nothing of his whereabouts.

'Reporters Without Borders is very concerned about Laryonov and urges anyone holding him to provide information about his current situation and state of health.'[103]

[102] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.
[103] Reporters Without Borders. 'More journalists abducted in eastern Ukraine and Crimea,' 27

6.4.8 OHCHR's report covering the period from 16 May to 15 August 2017 stated:

'In territory controlled by armed groups, OHCHR continued to observe systematic attacks on civil society space severely hindering the work of media representatives. HRMMU [UN Human Rights Monitoring Mission in Ukraine] documented cases of media professionals detained by armed groups while some were subjected to intimidation and interference with their work. Journalists entering territory controlled by armed groups of "Donetsk people's republic" must inform the "press centre" of the "ministry of defence" about their activities on a daily basis, are arbitrarily required to show their video footage at checkpoints, and are accompanied by members of armed groups when travelling close to the contact line. Due to restrictions on civil society and on the exercise of fundamental freedoms, citizens were less prone or simply afraid to openly express their views. Citizens openly expressing pro- Ukrainian views continued to experience intimidation or attacks.Residents of territory controlled by armed groups feared "saying too much" when complaining of everyday realities.'[104]

6.4.9 See Unlawful and arbitrary detention and Mistreatment of detainees for further information on these subjects.

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6.5 Freedom of assembly

6.5.1 In a report covering February to May 2017, the OHCHR stated:

'Freedom of peaceful assembly in territory controlled by armed groups has also steadily deteriorated. Since the armed groups seized control, no pro-Ukrainian demonstrations or open protests against the armed groups have taken place. For assemblies which do occur in Donetsk, participants are transported in buses in an organized manner, indicating that some attendance, for example by students and employees of "state" enterprises, may not be fully voluntary.'[105]

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6.6 Civil society and human rights groups

6.6.1 The USSD's Report on Human Rights Practices for 2016 noted that 'Russian authorities and the separatists they backed routinely denied domestic and international human rights groups access to territories they controlled in Crimea and eastern Ukraine. If human rights groups attempted to work in those areas, they faced significant harassment and intimidation.'[106]

February 2017. https://rsf.org/en/news/more-journalists-abducted-eastern-ukraine-and-crimea. Accessed: 2 August 2017.

[104] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

[105] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.

[106] US Department of State. 'Country Reports on Human Rights Practices for 2016; Ukraine,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.

6.6.2 The OHCHR report covering February to May 2017 noted that 'The space for civil society and humanitarian activities shrank significantly during the reporting period, impacting vulnerable groups and persons with scarce economic resources. Notably, in territory controlled by armed groups of the self-proclaimed "Donetsk people's republic", a major private organization providing humanitarian assistance to 500,000 individuals was forced by armed groups to halt operations.'[107]

6.6.3 The OHCHR report further stated

'In territory controlled by armed groups, the space for civil society, media, and religious and humanitarian organizations remained considerably restricted. "Authorities" of "Luhansk people's republic" reminded religious organizations to provide documents to reconfirm their registration and legal status by 18 May 2017. While no sanction for violation of the deadline was announced, OHCHR is concerned about the possible forceful expulsion of those operating without "confirmation".'[108]

6.6.4 OHCHR's report covering the period from 16 May to 15 August 2017 reported 'a worrying trend in legislative initiatives which may negatively impact the enjoyment of freedoms of expression and association. In particular, a package of draft laws introduced would require public financial disclosures of civil society organisations reaching a low threshold of annual revenue and public reporting requirements which appear intrusive.'[109]

6.6.5 For further information about NGOs, see Humanitarian situation and Internally displaced persons.

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6.7 Fair trial and the judiciary

6.7.1 OHCHR reported on the activities of the courts of the 'Donetsk People's Republic' in their report covering February to May 2017:

'On 20 April [2017], OHCHR met with the "deputy chair" of the "supreme court" of "Donetsk people's republic" and was informed that "courts" of "Donetsk people's republic" continue application of procedural laws of Ukraine so far as they are not in contradiction with the "constitution" of "Donetsk people's republic"…

'OHCHR was … informed that in 2015, the "courts" of "Donetsk people's republic" took up 5,247 pre-conflict criminal cases against 6,003 individuals, including 777 detainees, which had been interrupted by the conflict and the evacuation of courts to Governmentcontrolled territory. Reportedly, 4,763 cases against 5,439 defendants were examined by the "courts" as of April

[107] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.
[108] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.
[109] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

2017. OHCHR was not able to verify whether the detainees concerned had been granted any procedural rights and safeguards. OHCHR is aware of a case involving a pre-conflict detainee whose trial began in 2014. In 2015, a "court" of "Donetsk people's republic" convicted and sentenced the defendant to four years and six months imprisonment. One year later, a "court of appeal" returned the case for a new "trial" due to the fact that the "investigation" was carried out under Ukrainian law which did not comply with "legislation" of "Donetsk people's republic". The defendant has spent a total of five years in detention and the "retrial" has not yet commenced…

'Parallel structures reportedly also conducted "investigations" into human rights abuses. On 17 March, the "chair" of the "supreme court" of "Donetsk people's republic" reported a "sentence" imposed against a Ukrainian police officer for torturing supporters of armed groups. On 20 April, the "deputy chair" of the "supreme court" informed OHCHR about 46 "criminal cases" against 82 "officials" of "law enforcement bodies" for alleged human rights abuses which had been or were being examined by "courts" of "Donetsk people's republic". She also indicated that 24 such "officials" had been "sentenced" in nine "criminal cases". On 3 March, the "prosecutor general's office" of "Luhansk people's republic" placed a former member of the "ministry of state security" on a "wanted list" in relation to charges of abduction, arbitrary detention, and death threats.

'OHCHR collected credible accounts demonstrating a lack of effective remedy for victims of human rights abuses through parallel structures. An illustrative case is that of a local businessman killed on 8 November 2014 in Donetsk, allegedly by members of "Oplot" battalion. The "office of the military prosecutor" of "Donetsk people's republic" started an investigation, which reportedly identified three witnesses – members of the "Oplot" battalion. Progress, however, seems to have stalled due to reluctance of investigators to summon members of the battalion for interrogation.'[110]

6.7.2 The OHCHR report covering May to August 2017 stated:

'OHCHR continued to monitor the development and impact of parallel structures of "administration of justice" established by armed groups in territory under their control.HRMMU [UN Human Rights Monitoring Mission in Ukraine] continued collecting credible victim accounts that no guarantees or safeguards were in place for individuals apprehended and detained by the "MGB" [Security] of "Donetsk people's republic" or "Luhansk people's republic", particularly when they were "charged" with espionage, subversion or cooperation with Ukrainian forces. The "MGB" denied holding the individuals in question, which is tantamount to enforced disappearance. Furthermore, detainees were deprived of access to a lawyer or information regarding the grounds for their detention, and were forced to give self-incriminating statements. OHCHR notes that "MGB" "investigations" and detentions are not subject to any forms of review.'[111]

[110] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.
[111] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12

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6.8 Unlawful and arbitrary detention

6.8.1 The USSD's 2016 report noted:

'The HRMMU [UN Human Rights Monitoring Mission in Ukraine] expressed concern over mass arrests in government-controlled portions of Donetsk and Luhansk Oblasts. These oblasts are subject to the Law on Combatting Terrorism, which allows authorities to make arrests with a lower standard of proof than allowed under the criminal procedure code, leading in some cases to arbitrary arrest. For example, in its March report, the HRMMU cited SBU raids, conducted in December 2015 in Krasnohorivka and Avdiivka in Donetsk oblast, in which authorities detained hundreds of persons for several hours for questioning about alleged affiliation with armed groups. Authorities subsequently released most detainees.'[112]

6.8.2 In the Annual Report 2016/17, published in February 2017, Amnesty International stated, 'Both the Ukrainian authorities and separatist forces in eastern Ukraine engaged in unlawful detentions in the territory under their respective control. Civilians they suspected of sympathizing with the other side were used as currency for prisoner exchanges. Those unwanted by the other side remained in detention, often unacknowledged, for months with no legal remedies nor prospect of release.'[113]

6.8.3 The USSD's 2016 report added:

'Government forces, Russian-backed-separatist forces, and criminal elements engaged in abductions. The HRMMU noted a pattern of arbitrary and incommunicado detention by government law enforcement bodies (mainly by the SBU) and by military and paramilitary units, first and foremost by the former volunteer battalions now formally incorporated into the security services.

'In its reports, the HRMMU [Human Rights Monitoring Mission in Ukraine] repeatedly expressed concern about reports of enforced disappearances and "unacknowledged detention" practiced by the Security Service of Ukraine (SBU)…

'Human rights groups reported that Russian-backed separatists routinely kidnapped persons for political purposes, to settle vendettas, or for ransom. HRW reported the arbitrary detentions of civilians by Russian-backed separatist forces, "which operate without any checks and balances." The HRMMU noted in its September report that these kidnappings were "spreading fear among civilians, in particular because of the arbitrary nature of abductions." The HRMMU also documented an increase in

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September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

[112] US Department of State. 'Country Reports on Human Rights Practices for 2016,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.

[113] Amnesty International. 'Annual report 2016/17;' Ukraine, 22 February 2017. https://www.amnesty.org/en/countries/europe-and-central-asia/ukraine/report-ukraine/. Accessed: 3 August 2017.

disappearances at checkpoints controlled by Russian-backed separatist forces… On January 27, Russian-backed separatists abducted religious historian and president of the Center for Religious Studies and International Spiritual Relations, Ihor Kozlovsky, allegedly in retaliation for his pro-Ukrainian postings on social media. According to Kozlovsky's wife, the abductors confiscated keys to his apartment, which they then searched twice, removing equipment, documents, and a valuable collection of antique objects. According to local media, as of late November, Kozlovsky was being held in one of the separatists' informal detention centers in Donetsk.

'Russian-backed separatists also abducted journalists attempting to cover the conflict. On March 3, they released abducted pro-Ukrainian journalist, Maria Varfolomeyeva, in a prisoner exchange after 14 months of captivity in Luhansk.'[114]

6.8.4 A report by OHCHR, which covered the period 16 February to 15 May 2017, reported on territory controlled by armed groups:

'OHCHR continued to document cases of individuals unlawfully or arbitrarily deprived of their liberty or subjected to enforced disappearances and abductions. While some of these cases occurred in 2014 or 2015, OHCHR continued to receive recent testimonies indicating that such practices were persisting, particularly in territory controlled by armed groups. In a number of cases, the victims' families did not have access to those detained and had no information on their whereabouts, which may amount to enforced disappearance…

'In April 2017, two men were detained by police in Bakhmut, taken to an unknown location outside town, where one was kept for three days and the other for one day incommunicado. They were each tortured while being questioned about their participation in armed groups in 2014. Both were severely beaten and one was subjected to electric shocks in the genitals. Both victims were transferred to the pre-trial detention facility and charged with participation in an armed group…

'During the reporting period, OHCHR continued to document cases of armed groups of "Donetsk people's republic" and "Luhansk people's republic" detaining individuals suspected of affiliation with the Ukrainian Armed Forces or for having "pro-Ukrainian" views. For example, in January 2017, a 16-year-old girl was detained at a checkpoint with her father. She was interrogated for seven hours by "ministry of state security" ("MGB") representatives without the presence of her parents or a lawyer. She was searched by a man, although she insisted on a woman conducting the body search. She was released on the same day.

'Armed groups continued the practice of 30-day "administrative arrest," during which victims are not allowed to see lawyers or relatives, and which is often prolonged.'[115]

[114] US Department of State. 'Country Reports on Human Rights Practices for 2016; Ukraine,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.
[115] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights

6.8.5 In the Annual Report 2016/17, published in February 2017, Amnesty International stated:

'In the self-proclaimed People's Republics of Donetsk and Luhansk, local "Ministries of State Security" used their powers under local "decrees" to detain individuals arbitrarily for up to 30 days and repeatedly extend this. Igor Kozlovsky (arrested on 27 January), and Volodymyr Fomychev (arrested on 4 January), were both accused of possessing illegal weapons, which they denied, and of "supporting" the "Ukrainian side". A court in Donetsk sentenced Volodymyr Fomychev to two years in jail on 16 August. Igor Kozlovsky remained in pre-trial detention at the end of the year.'[116]

6.8.6 The UN Human Rights Council further noted that 'In territory controlled by armed groups, OHCHR [Office of the UN High Commissioner for Human Rights] was only allowed to visit the Seleznivka women's penal colony (Perevalskyi district, Luhansk region) and Luhansk SIZO [pre-trial detention facility], on 19 November 2016 and 7 February 2017 respectively.'[117]

6.8.7 OHCHR's report covering 16 May to 15 August 2017 stated they had '[…] documented cases of summary executions, enforced disappearances, incommunicado detention, arbitrary deprivation of liberty, torture/ill-treatment and conflict related sexual violence, most of which occurred before but could only be documented during the reporting period. In particular, during the reporting period, individuals were subjected to enforced disappearances and held incommunicado in territory controlled by armed groups.'[118]

6.8.8 The same report stated:

'OHCHR documented new cases during the reporting period in which individuals have been subjected to enforced disappearance, particularly in territory controlled by armed groups. In many cases, individuals were held incommunicado for at least a month. One interlocutor told HRMMU this was an established practice used by the "ministry of state security" ("MGB") in "Luhansk people's republic" in order to hold a suspect until there was enough evidence to bring a "charge"…

'On 18 April 2017, a man was detained by "police" in Luhansk city and reportedly released the same day, but went missing before reaching home. The following day, "MGB" searched his house and seized some personal belongings. The victim was held incommunicado until 31 May, when his family was informed that he had been arrested by the "border service" of

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situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.

[116] Amnesty International. 'Annual report 2016/17;' Ukraine, 22 February 2017. https://www.amnesty.org/en/countries/europe-and-central-asia/ukraine/report-ukraine/. Accessed: 3 August 2017.

[117] UN Human Rights Council (formerly UN Commission on Human Rights). 'Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Ukraine;' (16 November 2016 to 15 February 2017) [A/HRC/34/CRP.5], 16 March 2017, available at ecoi.net: http://www.ecoi.net/file_upload/1930_1490713212_a-hrc-34-crp-5-e.doc. Accessed: 26 May 2017.

[118] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

"MGB". Accused of "high treason", he remained in detention as of 15 August [2017]. On 3 June 2017, a blogger in Donetsk city known as Stanislav Vasin was detained by "MGB" and held incommunicado for more than a month, despite inquiries by his family. On 15 July 2017, his mother was informed of his detention. As of 15 August, he remained in detention.'[119]

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6.9 Mistreatment of detainees

6.9.1 Amnesty International, in their February 2017 Annual Report, stated, 'The UN Subcommittee on Prevention of Torture (SPT) suspended its visit to Ukraine on 25 May after the Security Service of Ukraine (SBU) denied it access to some of its facilities in eastern Ukraine where secret prisoners were reportedly held as well as tortured and otherwise ill-treated. The SPT resumed and completed its visit in September and produced a report which the Ukrainian authorities did not give their consent to publish.'[120]

6.9.2 The USSD's 2016 report noted:

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

'According to October [2016] press reports citing information from the Eastern Human Rights Group, abuse of prisoners was widespread in areas not controlled by the government. Prior to the conflict, more than 5,000 prisoners were held in the part of Luhansk Oblast under the control of Russian-backed separatists. According to the group, prison conditions had deteriorated severely. The groups reported systemic abuses, such as torture, starvation, denial of medical care, and solitary confinement, as well as the extensive use of prisoners as slave labor to produce goods that, when sold, provided a direct source of personal income to Russian-backed separatist leaders.'[121]

6.9.3 The USSD's 2016 report further noted that 'According to the Justice for Peace in Donbas human rights coalition, individuals held in illegal detention facilities in territories controlled by Russian-backed separatists reported

[119] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

[120] Amnesty International. 'Annual report 2016/17;' Ukraine, 22 February 2017. https://www.amnesty.org/en/countries/europe-and-central-asia/ukraine/report-ukraine/. Accessed: 3 August 2017.

[121] US Department of State. 'Country Reports on Human Rights Practices for 2016,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 31 July 2017.

cases of gender-based violence, in particular rape, attempted rape, and sexual abuse.'[122]

6.9.4 OHCHR stated that they '[…] continued documenting cases of torture on territory controlled by armed groups. Due to limited access to places of deprivation of liberty, OHCHR is often able to document such cases only after the release of individuals, when they move to Government controlled territory and are able to speak more freely about their experiences.'[123]

6.9.5 In their report covering the period 16 February to 15 May 2017, OHCHR:

'[…] documented new cases of individuals accused of conflict-related charges being subjected to torture and ill-treatment on both sides of the contact line, a pattern which has been previously identified by OHCHR. While the gravity and frequency of such cases has reduced compared to the previous years of conflict, the practice has persisted. Victims of torture who remained in detention continued to have limited access to healthcare, which often aggravated their condition.

'OHCHR recorded new accounts from victims and witnesses suggesting the systematic use of torture and ill-treatment of conflict-related detainees by SBU officals in order to extract confessions. During the reporting period [16 February to 15 May 2017], OHCHR documented five cases involving nine individuals who were tortured at the Kharkiv SBU [Security Service of Ukraine] premises in 2015-2016…

'OHCHR also documented new cases of torture and ill-treatment of former members of armed groups.'[124]

6.9.6 The same report by OHCHR noted that 'Accounts … of those detained on charges of membership in armed groups reveal widespread practices of enforced disappearance, arbitrary detention, torture and ill-treatment, carried out by or at the behest of Government authorities. These techniques are used for the purposes of compelling victims to testify against themselves with a view to prosecuting them.'[125]

6.9.7 OHCHR's report covering the period from 16 May to 15 August 2017 stated:

'OHCHR continued to be denied access to detainees and places of deprivation of liberty in the self-proclaimed "Donetsk people's republic" and self-proclaimed "Luhansk people's republic", despite repeated requests, raising serious concerns regarding detention conditions, including possible further human rights abuses, such as torture and ill-treatment. OHCHR was nevertheless able to document, on both sides of the contact line, the

[122] US Department of State. 'Country Reports on Human Rights Practices for 2016; Ukraine,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 31 July 2017.
[123] OHCHR. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.
[124] OHCHR. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.
[125] OHCHR. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.

persisting practice of torture, ill-treatment and sexual violence involving conflict-related detainees, often to extract confessions.'[126]

6.9.8 The same OHCHR report, covering 16 May to 15 August 2017, stated:

'Credible accounts from persons apprehended and detained by parallel structures of "administration of justice" in territory controlled by armed groups demonstrated a lack of guarantees or safeguards in place, leading to human rights abuses…

'HRMMU [UN Human Rights Monitoring Mission in Ukraine] was able to document cases of persons who were held in territory controlled by armed groups and subjected to treatment which could amount to torture or ill-treatment. These included both cases which occurred before and during the reporting period…

'After nine months of detention by armed groups, a judge of the court of appeal of Luhansk region was released on 14 July 2017. Detained at the Stanytsia Luhanska checkpoint in October 2016, he was held incommunicado by the "ministry of state security" of the "Luhansk people's republic". He spent 48 days in solitary confinement. The conditions of detention were poor, including insufficient food, cold temperatures, limited space and sanitary conditions. OHCHR considers that these conditions may amount to ill-treatment.

'During his detention, the victim heard other detainees taken for "interrogation", who were apparently subjected to beatings and electric shocks. He was forced to record a propaganda video against Ukraine. 'During his detention, OHCHR repeatedly requested access to him. Until the day of his release, when he was presented to HRMMU, the "Luhansk people's republic" refused to provide any information about his whereabouts or fate.'[127]

6.9.9 The OHCHR further reported:

'On 13 July 2017, a woman with a hearing disability, who had publicly criticized the "Luhansk people's republic" on social media, was detained at a checkpoint controlled by armed groups at the Stanytsia Luhanska crossing route. She was held incommunicado for 16 days by the "ministry of state security" of the "Luhansk people's republic", during which time it consistently denied to her family that she was being detained. The woman was interrogated four times without legal representation. During one interrogation session, one of her fingers was dislocated with a pair of pliers. She was threatened to be moved to the basement with male detainees and told she would "have a fun night". On 29 July, she was brought back to the same

[126] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

[127] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

checkpoint and told to cross to the government-controlled side. An investigation into this case was launched by the Luhansk regional department of the National Police. '[128]

6.9.10 The same report also stated:

'On 2 June 2017, a woman in Kramatorsk was abducted by unknown men dressed in black, without any insignia. She was threatened at gun point, and questioned about her family for approximately 90 minutes. The perpetrators demanded that she provide information about armed groups' military equipment. When she refused, she was violently grabbed by the hair, and threatened to be taken to the front line. She was then taken to a forest marked as a minefield and threatened to be made to walk through it. The perpetrators videotaped her "confession". She was then told to leave the city immediately and remain silent, or she would be killed.

'In May 2017, a woman in Mariupol was lured to an Azov battalion position, where she was blindfolded and transported to an unknown destination. She was hit in the knees with a rifle butt and threatened to be buried on the spot, and therefore forced to cooperate. After the perpetrators informed the police that they had caught a member of an armed group, the police interrogated her without a lawyer, and she signed the interrogation protocol, incriminating herself as a member of an armed group. The next day, her "confession" was filmed, and then she was brought to the Mariupol SBU building where she had to repeat her confession to two officers. After one of the officers left the room, the other one locked the door and ordered her to undress for a physical examination… The victim was then taken to her flat, which had been searched, and she was held there by two SBU officers for three days. She was then taken to court, where an SBU officer punched her twice in the stomach in the corridor, causing severe pain. The Military Prosecutor's Office has launched an investigation into the conduct of the SBU.' [129]

6.9.11 See Violence and abuse and Accountability for human rights abuses for further information on these subjects.

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6.10 Violence and abuse

6.10.1 The USSD's 2016 report noted:

'In the Donbas region, there were reports that government and progovernment forces engaged in military operations at times committed human rights abuses, including torture. There were reports that Russian-backed separatist forces in the self-proclaimed "people's republics" of Donetsk and Luhansk systematically committed numerous abuses, including torture, to maintain control or for personal financial gain. According to international organizations and nongovernmental organizations (NGOs),

[128] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

[129] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

abuses included beatings, forced labor, psychological and physical torture, public humiliation, and sexual violence.'[130]

6.10.2 OHCHR's report covering the period 16 February to 15 May 2017 stated:

'During the reporting period, OHCHR continued to document cases of conflict related sexual violence. Most of the cases reflected in the report took place in 2015-2016. Similarly as for torture, these cases are often reported only after a certain time has passed following the violation …sexual violence has most often been perpetrated in the context of deprivation of liberty, against both men and women and may, in some instances, amount to torture.

'The presence of armed actors in residential areas remained one of the highest risk factors for sexual and gender-based violence, especially against women. When victims have reported these crimes, effective investigations have been rare due to shortcomings in legislation and lack of will and capacity of law enforcement. Victims living in territory controlled by armed groups have been particularly hesitant to report the incidents, including due to fear and absence of access to justice. The identification and documentation of sexual violence cases has also been impeded by the lack of regular access to places of deprivation of liberty in territory controlled by armed groups.

'OHCHR continued to verify allegations of torture with elements of sexual violence perpetrated by SBU [Security Service of Ukraine] officers against conflict-related detainees with a view to extracting confessions…

'OHCHR also documented three cases of sexual and gender-based violence perpetrated against women by members of Ukrainian Armed Forces positioned in residential areas.'[131]

6.10.3 OHCHR's report covering the period 16 November 2016 to 15 February 2017 stated:

'During the reporting period, OHCHR documented new cases of conflict-related sexual violence, which amount to torture or cruel, inhuman or degrading treatment. On 16 February 2017, OHCHR published a report on conflict-related sexual violence in Ukraine between 14 March 2014 and 31 January 2017. The report highlights the trends and patterns of sexual violence committed in the context of the conflict in the east, the ongoing impunity enjoyed by perpetrators, and the lack of a comprehensive programme to ensure that all survivors receive prompt and adequate access to an effective remedy, including gender-sensitive rehabilitation, restitution, compensation, satisfaction and guarantees of non-recurrence.

'Cases of sexual violence are under-reported, due to stigma, trauma and the fear of retaliation. Based on the documented cases, there are no grounds to

[130] US Department of State. 'Country Reports on Human Rights Practices for 2016; Ukraine,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 31 July 2017.
[131] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.

believe that sexual violence has been used for strategic or tactical ends. At the same time, some documented cases may amount to war crimes.

'The majority of the documented cases occurred when people, both men and women, were deprived of liberty by Government forces and armed groups. Beatings and electrocutions on the genitals, rapes, threats of rape, and forced nudity were used as methods of torture and ill-treatment to punish, humiliate, or extract confessions.

'Numerous checkpoints and the presence of Ukrainian Armed Forces and armed groups in populated areas have also increased the risk of sexual violence against civilians, mainly women. The deterioration of the economic situation, breakdown of community ties and displacement further contribute to the risk of sexual violence and trafficking. Due to shortcomings in national legislation and lack of capacity in law enforcement agencies and the judiciary, survivors often face inaction from the State authorities, causing them to be victimised twice.

'There is a significant lack of medical and psychological services available for victims, with little or no assistance available in rural areas. Access to services for survivors living in the areas controlled by armed groups is further limited due to restrictions imposed by armed groups.'[132]

6.10.4 The UN office for the Coordination of Humanitarian Affairs (OCHA) Humanitarian Bulletin on Ukraine covering 1-31 August 2017 stated:

'According to the GBV [gender-based violence] Sub-Cluster, since February 2016, the National 24/7 hotline for GBV survivors received some 20,806 calls. The sub-cluster stresses that some 10 per cent of these calls come from Donetsk and Luhansk provinces, including NGCA [non-Government controlled areas]. Particularly, more than 5,200 GBV cases were reported, when survivors called to obtain information, and psychological or legal consultations. Of this, some 40 per cent were attributed to sexual and physical violence. As GBV cases increase, the sub-cluster continues to provide targeted assistance to the GBV survivors, despite limited resources. In August alone, some 1,200 survivors obtained psychological and psycho-social assistance, while 24/7 shelters for GBV survivors continue providing safe space accommodation and complex psychological, social and legal support to the GBV survivors.' [133]

6.10.5 See Mistreatment of detainees and Accountability for human rights abuses for further information on these subjects.

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[132] OHCHR. 'Report on the human rights situation in Ukraine, 16 November 2016 to 15 February 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport17th_EN.pdf. Accessed: 14 September 2017

[133] OCHA. 'Humanitarian Bulletin: Ukraine,' Issue 21, 1 – 31 August 2017. https://reliefweb.int/report/ukraine/humanitarian-bulletin-ukraine-issue-21-1-31-august-2017 Accessed: 15 September 2017

6.11 Accountability for human rights abuses

6.11.1 In their report covering the period 16 February to 15 May 2017, OHCHR referred to mistreatment of detainees by Ukrainian officials, stating that they were 'concerned about ineffective investigations into allegations of torture and ill-treatment brought by victims to law enforcement officers or raised in court.'[134]

6.11.2 The same report by OHCHR stated that 'Ukrainian law enforcement and security forces often refute detainees' complaints of human rights violations as a defence tactic, which may contribute to the systemic failure to adequately investigate such allegations. Such an attitude has, to a large extent, contributed to victims' mistrust in national redress mechanisms, leading them to refrain from filing complaints…

'OHCHR welcomes the completion of the trial against 12 former members of the "Tornado" special police regiment charged with grave human rights violations including arbitrary detention, abduction, torture, and violent "unnatural gratification of sexual desire" during the security operation in the east… the Obolonskyi district court of Kyiv convicted all defendants, sentencing eight of them to various prison terms and releasing four on probation. OHCHR is concerned that despite strong evidence of the killing of at least one individual, none of the perpetrators was held accountable for this act...

'Despite continued lack of access to territory controlled by armed groups, which negatively affects the ability of Ukrainian law enforcement to conduct full investigations, the Office of the Prosecutor General and SBU [Security Service of Ukraine] continued investigating human rights abuses perpetrated by the armed groups…

'OHCHR notes that none of the members of the armed groups has been brought to account for such human rights abuses as torture, ill-treatment or arbitrary deprivation of life. Instead, the majority are prosecuted for their mere armed group membership. OHCHR further notes that, for the first time, charges of violation of rules and customs of war have been brought against seven members of armed groups with regard to the arbitrary execution, illegal detention, torture and ill-treatment of Ukrainian soldiers and civilians.'[135]

6.11.3 OHCHR's report covering the period from 16 May to 15 August 2017 stated:

'The persistent lack of accountability for human rights violations and abuses contributed to the prevailing sense and state of impunity'. The same report stated:

'With some exceptions, HRMMU [UN Human Rights Monitoring Mission in Ukraine] continued to observe that Ukrainian authorities have yet to

[134] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.
[135] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.

effectively investigate human rights violations alleged to have been perpetrated by members of the Ukrainian military or security forces... Similarly, other human rights violations, including torture and ill-treatment, allegedly perpetrated by SBU elements, have not been effectively investigated.

'OHCHR has previously noted that human rights abuses perpetrated by members of armed groups are often neglected in the course of criminal investigations, with the vast majority of perpetrators prosecuted solely on charges of affiliation with armed groups. While this practice has persisted, it was notable that on 1 June 2017, the Slovianskyi town-district court of Donetsk region convicted a member of the armed groups of the 'Donetsk people's republic' for violating the rules and customs of war for the illegal capture, detention, torture and ill-treatment of Ukrainian servicemen and others at the former premises of the Donetsk regional department of SBU in 2014. This was the first conviction of a member of an armed group since the beginning of the conflict for crimes committed, and not on affiliation to an armed group.'[136]

6.11.4 See Mistreatment of detainees and Violence and abuse for further information on these subjects.

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7. Internally displaced persons from the Donbas

7.1 Statistics and demography

7.1.1 A report from the NGO 'Foundation.101' stated:

'According to the information obtained [from the Ministry of Social Policy in Ukraine], in February 2017, the total number of IDPs equals 1.63 million people. The decreasing number of officially registered IDPs is the first thing that attracts attention. The number of IDPs decreased by 70 thousands compare to October 2016. The figures are also lower by 7 thousand compare to December 2015. Thus, current number of registered IDPs is the smallest over the last year.

'The regions with the highest concentration of the IDPs remained constant over the time. Most of the IDPs are registered in the three regions: Donetsk, Luhansk and Kharkiv.'[137]

7.1.2 The USSD's 2016 report stated 'The largest number of IDPs resided in areas immediately surrounding the conflict zones, in government-controlled areas of Donetsk and Luhansk Oblasts, as well as in the Kharkiv, Dnipropetrovsk,

[136] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

[137] Report from Foundation.101, available at Reliefweb. 'The number of registered IDPs decreased in 2017,' 6 March 2017 http://reliefweb.int/report/ukraine/number-registered-idps-decreased-2017 Accessed: 31 August 2017

and Zaporizhzhya Oblasts. Many resided in areas close to the line of contact in hope that they would be able to return home.'[138]

7.1.3 The report of the Austrian fact-finding mission, published in May 2017, noted that IDPs from the Donbas mostly stayed in the east of Ukraine.[139]

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7.2 Social assistance and pensions

7.2.1 The USSD's 2016 report described payments made to IDPs:

'The government granted social entitlements only to those individuals who had registered as IDPs. By law IDPs are eligible to receive payments of 880 hryvnias ($33) per month for children and persons with disabilities and 440 hryvnias ($16) per month for those able to work. Families may receive no more than 2,400 hryvnias ($89) per month…

'On February 16 [2016], the Ministry of Social Policy instructed its regional offices and local departments to suspend all social payments for IDPs, pending verification of their presence in government-controlled territory, ostensibly to combat fraudulent payments…

'According to the HRMMU [UN Human Rights Monitoring Mission in Ukraine], the government applied the IDP verification procedure extremely broadly. The suspensions affected approximately 85 percent of IDPs residing in government-controlled areas and 97 percent of those residing in areas under the control of Russian-backed separatists, particularly the elderly and disabled whose limited mobility hindered their ability to verify whether they were included in the lists or prove their residency. The government often suspended payments without notification, and IDPs reported problems having them reinstated.'[140]

7.2.2 UNOCHA reported as follows in their Humanitarian Snapshot of 3 April 2017:

'Queues at checkpoints registered a record hit in March, with over 960,000 crossings compared to 550,000 in February. This is largely due to the compulsory verification for IDP pensioners imposed by the Ukrainian Government (resolution #637, 28 December 2016) at Oshchadbank. The verification takes place every three months from the date of opening their account at Oschadbank. Should they fail to present themselves, their social benefits could be suspended. This mandatory requirement has resulted in a massive movement of people, mostly pensioners, across the "contact line", long queues and overcrowding at the bank branches (reportedly up to 500

[138] US Department of State. 'Country Reports on Human Rights Practices for 2016,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.
[139] BFA Staatendokumentation. Division de l'information, de la documentation et des recherches (OFPRA): Bericht zur Fact Finding Mission Ukraine 2017, May 2017 (by BFA Staatendokumentation (Austrian Federal Office for Immigration and Asylum, COI unit), available at ecoi.net: http://www.ecoi.net/file_upload/1729_1499068631_ffm-report-ukraine-2017-05.pdf. Accessed: 4 August 2017.
[140] US Department of State. 'Country Reports on Human Rights Practices for 2016; Ukraine,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.

people a day) and bus stations. At least one death and three hospitalisations among pensioners at the checkpoints have been reported in March. Field reports indicate that some people from NGCA [non-Government controlled areas] were not able to complete their ID verification and were forced to stay overnight in GCA [Government-controlled areas] at their own expenses, while some had to wait for three days to complete the verification process.'[141]

7.2.3 The UN High Commissioner for Refugees provided an Operational Update covering March 2017, which stated:

'Access of IDPs and those remaining in non-government controlled areas to pensions and social assistance is a persistent concern. The Cabinet of Ministers of Ukraine has extended the deadline for IDP pensioners to appear in person at branches of the state-owned Oschadbank until 1 May [2017]. Despite the extension, and due to lack of information, the number of persons crossing the line of contact to report to the bank has significantly increased. The verification process for immobile IDP pensioners remains an issue. Oschadbank does not have instructions on how to deal with such cases. At present, relatives of immobile IDP pensioners submit applications to Oschadbank on their behalf, while others call Oschadbank's telephone hotline. Some bank staff visit IDP pensioners at home in an unofficial capacity. IDP pensioners who have a bankcard with a photo must be verified every six months; those with bankcards without a photo must be verified every three months. The cards of unverified pensioners will be blocked, although no procedures on unblocking suspended bankcards have been developed. Long queues of pensioners at Oschadbank branches have been observed. UNHCR has established contact with Oshchadbank focal points in to raise some of the main concerns of IDPs.'[142]

7.2.4 The OHCHR report covering February to May 2017 stated:

'Despite numerous consultations at various levels, the Government has not yet addressed the issue of payment of pensions to all eligible citizens of Ukraine. At least 160,000 pensioners residing in territory controlled by armed groups did not receive their pensions between December 2014 and December 2016 because they were not registered as IDPs, as required by Government resolutions adopted in November 2014. Those who did register as IDPs were subjected to a cumbersome verification procedure which, in 2016, resulted in the discontinuance of pension payments for 43 per cent of eligible IDPs (over 400,000 people).'[143]

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[141] UN Office for the Co-ordination of Humanitarian Affairs. 'Ukraine – Humanitarian snapshot (as of 3 April 2017).' http://reliefweb.int/mwg-internal/de5fs23hu73ds/progress?id=HLOJnedJrqZ5Vwm3iZKQTEHC6I6bQmtXEwIhSublyuM,. Accessed: 23 May 2017

[142] UN High Commissioner for Refugees. 'Ukraine; UNHCR Operational Update; 1-31 March 2017,' 31 March 2017. http://www.ecoi.net/mwg-internal/de5fs23hu73ds/progress?id=kLHV4B3zfbk3X56wcmcMQ9tWtEuWQLhduBtkx3cYPbo,&dl. Accessed: 23 May 2017.

[143] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.

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7.3 Housing

7.3.1 The USSD's 2016 report noted that 'According to the law, the government should provide IDPs with housing, but authorities had not taken effective steps to do so.'[144]

7.3.2 The OHCHR also reported on the housing situation for IDPs:

'Housing needs of the affected population are becoming increasingly acute as prolonged displacement outlasts individual savings and available assistance. While housing support for IDPs provides assistance in covering utility bills, Government authorities did little to protect IDPs against forced evictions from collective centres and often did not offer reasonable alternatives…

'Right to adequate housing and property rights continued to be tightly connected to the displacement patterns in Ukraine. According to a recent study, 78 per cent of returnees mentioned ownership of private property and the absence of rent payment as the main reasons for their return. Among IDPs, housing remains the most needed type of support.'[145]

7.3.3 The USSD's 2016 report stated:

'A shortage of employment opportunities and the generally weak economy particularly affected IDPs, forcing many to live in inadequate housing, such as collective centers and other temporary accommodation. As of July 1 [2016], there were 271 such collective centers housing more than 10,000 persons. Other IDPs stayed with host families, volunteers, and in private accommodation, although affordable private accommodation was often in poor condition…'[146]

7.3.4 OHCHR's report covering the period from 16 May to 15 August 2017 stated:

'The restitution and rehabilitation of destroyed or damaged property or compensation remain among the most pressing unaddressed socio-economic issues. Damage to property may stem from shelling and armed hostilities or from military occupation and use of civilian property.

'The conflict-affected population, including IDPs, continued to suffer from unregulated claim procedures and lack of inventory of such property, making it hard to pursue related claims. OHCHR notes that only in a few instances claimants were able to win court cases, and thereby gain legal right to compensation for loss of property. On 31 May 2017, the Cabinet of Ministers adopted amendments which would allow authorities to deny housing assistance (rent and utility subsidies) to IDPs if the IDP or a family member

[144] US Department of State. 'Country Reports on Human Rights Practices for 2016,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.
[145] OHCHR. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.
[146] US Department of State. 'Country Reports on Human Rights Practices for 2016,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.

owns residential property or a part thereof in government-controlled territory. Moreover, these amendments aim to further narrow the eligibility criteria for such assistance. Only IDPs originating from settlements "where state authorities temporarily do not exercise their powers or located along the contact line", or those whose housing was destroyed or has become unsuitable for living as a result of the conflict are considered as eligible.'[147]

7.3.5 The same report explained the position in relation to territory controlled by armed groups as: 'Military occupation and use of civilian housing by armed groups hindered the ability of displaced persons to return to their homes. OHCHR was informed about a woman who returned to Luhansk city and could no longer access her apartment because the lock had been changed. Interlocutors from Luhansk alleged that apartments were being opened and given to armed groups.'[148]

7.3.6 OCHA's Humanitarian Bulletin on Ukraine covering 1-31 August 2017 stated:

'Improving the process of registration of IDPs at their new place of residence is essential, as it allows them to claim critical state benefits, such as pensions and housing assistance. Since the start of the conflict, many bureaucratic and legislative impediments have created obstacles for IDPs during residence registration process, while efforts to improve the legislative basis continue across all areas. According to the Danish Refugee Council/Danish Demining Group (DRC/DDG) analysis, on 9 August, the Cabinet of Ministers of Ukraine amended the Rules of Registration of Place of Residence, which excludes an IDP certificate from the list of documents, which confirms the registration of place of temporary residence. It is expected that this amendment will help to avoid speculations on the nature of residence of IDPs, be it temporary or permanent. Despite this development, the analysis further suggests that the local authorities still deny registration to IDPs at their permanent addresses, e.g. in NGCA [non-Government controlled areas], guided by an argument that the legislation allows to carry out registration only within respective territories for the members of their communities. This means that the local authorities cannot register a person at an address in a city or village other than the one where they function.' [149]

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7.4 Education

7.4.1 Austria's Federal Office for Immigration and Asylum published a report in May 2017 of a fact-finding mission to Ukraine, which stated:

[147] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

[148] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

[149] OCHA. 'Humanitarian Bulletin: Ukraine,' Issue 21, 1 – 31 August 2017 https://reliefweb.int/report/ukraine/humanitarian-bulletin-ukraine-issue-21-1-31-august-2017 Accessed: 15 September 2017.

'Enrollment of children in school is no problem for IDPs. The number of teachers was increased to cover the demand. Students had some problems to enroll in new universities, but that was countered with special legal provisions. As far as the collective centers are concerned, there are classes for IDP-children: Although not on a regular basis and not well-functioning, they are still better than nothing. The government has no overview of the schooling topic, so it depends a lot on how much the parents care.'[150]

7.4.2 For further information about IDPs, see Humanitarian situation. For further information about NGOs, see Civil society and freedom of assembly.

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7.5 Roma

7.5.1 The USSD's 2016 report stated, 'During the year many Roma fled settlements in areas controlled by Russian-backed separatists and moved elsewhere in the country. According to Chiricli approximately 10,000 Roma were among the most vulnerable members of the country's IDP community. Because many Roma lacked documents, obtaining IDP assistance, medical care, and education was especially difficult.'[151]

7.5.2 The same report added, 'Romani activists expressed concern that some Roma in eastern areas could not afford to flee conflict areas, while others had no choice but to leave their homes.'[152]

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7.6 Discrimination and attitudes of host communities

7.6.1 In their report covering February to May 2017, the OHCHR stated:

'Many IDPs continued to face bureaucratic impediments and discrimination due to various legislative acts adopted since the beginning of the conflict. Being deprived of political rights, subjected to regular checks by authorities, and facing disproportionate hardship in accessing basic public services, IDPs are at risk of becoming marginalized in society, further deepening their dependence on external aid. After three years of the displacement crisis, the Government is still struggling to elaborate a comprehensive and durable strategy for IDPs, including for their socio-economic integration, especially as the conflict lingers without a foreseeable end. Yet, according to a recent study, 88 per cent of IDPs said they are partially or fully integrated into the local community.'[153]

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[150] BFA Staatendokumentation. Division de l'information, de la documentation et des recherches (OFPRA): Bericht zur Fact Finding Mission Ukraine 2017, May 2017 (by BFA Staatendokumentation (Austrian Federal Office for Immigration and Asylum, COI unit), available at ecoi.net: http://www.ecoi.net/file_upload/1729_1499068631_ffm-report-ukraine-2017-05.pdf. Accessed: 4 August 2017.

[151] US Department of State. 'Country Reports on Human Rights Practices for 2016,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.

[152] US Department of State. 'Country Reports on Human Rights Practices for 2016,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.

[153] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights

7.6.2 The USSD's 2016 report stated, 'There were reports of government officials expressing discriminatory views toward IDPs. For example, on September 23, Minister of Internal Affairs Avakov publicly attributed an increase in the crime rate to an inflow of IDPs, provoking a public outcry. NGOs reported employment discrimination against IDPs. Some IDPs, particularly those in government-controlled areas of Donetsk and Luhansk Oblasts, lacked sufficient sanitation, shelter, and access to potable water. IDPs continued to have difficulty obtaining education, medical care, and necessary documents.'[154]

7.6.3 The same report added, 'UN agencies reported that the influx of IDPs led to tensions arising from competition for resources. Critics accused internally displaced men who moved to western areas of the country of evading military service, while competition rose for housing, employment, and educational opportunities in Kyiv and Lviv.'[155]

7.6.4 The report of the Austrian fact-finding mission to Ukraine, published in May 2017, noted the attitude of host communities towards IDPs:

'The available information on the attitude of local residents towards IDPs is contradictory. In some cases they claim to have neutral or friendly attitudes toward IDPs, expressing compassion and understanding of the difficult situation in which IDPs have found themselves and declaring readiness to provide help. On the other hand, there is evidence of discrimination and prejudice against IDPs, as well as negative stereotyping and the existence of hidden and potential social conflicts. The nearer people live to the conflict zone, the higher is their understanding for IDPs. We were told by various interlocutors that the attitude towards IDPs is basically positive but gradually changing. In Vinnitsa there have been isolated incidents with Crimean Tatars, but they don't represent a general trend. Ukrainians are still very supportive of IDPs. The civil society in Ukraine is very strong and IDPs are generally cared for.'[156]

7.6.5 The Austrian report further stated:

'More than half of respondents throughout Ukraine … are willing to hire IDPs for jobs or provide them with housing for rent. More than half of respondents throughout Ukraine… would privately hire IDPs for apartment renovation or as a nanny. Which on the other hand means that nearly half of respondents would refuse to do so. Fear and distrust of strangers are named as the

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situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.

[154] US Department of State. 'Country Reports on Human Rights Practices for 2016,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.

[155] US Department of State. 'Country Reports on Human Rights Practices for 2016,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.

[156] BFA Staatendokumentation. Division de l'information, de la documentation et des recherches (OFPRA): Bericht zur Fact Finding Mission Ukraine 2017, May 2017 (by BFA Staatendokumentation (Austrian Federal Office for Immigration and Asylum, COI unit), available at ecoi.net: http://www.ecoi.net/file_upload/1729_1499068631_ffm-report-ukraine-2017-05.pdf. Accessed: 4 August 2017.

primary reasons for refusal in regard to these questions. Personal biases also play a negative role. 70% of the inhabitants of CLP have felt little or no influence from the arrival of IDPs to their communities. 64% have not noticed any crime rate reduction neither growth nor rise of social cohesion or tension. One fourth of respondents have heard about competition between the long-term local population and IDPs for jobs, housing, places in schools and kindergartens, and waiting time in public facilities; however, a minuscule number of respondents have had first-hand experience in any of these situations. Regular conflicts between IDPs and locals are largely unheard of: 81% of respondents are not aware of any such conflicts in their city, and 11% could remember individual cases. Thus, overall, host communities across Ukraine appear not to perceive any significant pressure from IDP presence on the infrastructure, labor or housing markets. Nor do host communities in general believe that life has undergone any fundamental changes. One of our interlocutors also mentioned the occasional perception of IDPs as competitors as far as jobs, housing etc. are concerned.

'But the situation in particular localities differs from the one generally observed. The presence of IDPs is most noticeable in the East and in Kyiv. About a third of residents in these areas have noticed the effects of IDPs in their communities…'[157]

7.6.6 The Austrian report also noted that 'Language is absolutely no issue. According to representatives of the International Organization for Migration (IOM), Russian speakers are not harassed in Ukraine in any way.'[158]

7.6.7 The Austrian report further noted that 'according to one of our interview partners IDPs in western Ukraine are comparably well integrated and require a low level of government coordination.'[159]

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8. Internally displaced persons from Crimea

8.1.1 The US Department of State's report on events of 2016 stated:

'Approximately 30,000 residents of Crimea registered with Ukraine's State Emergency Service as IDPs on the mainland, according to the UN Office for the Coordination of Humanitarian Affairs. The Mejlis and local NGOs, such as Krym SOS, believed the actual figure could be as high as 100,000 as

[157] BFA Staatendokumentation. Division de l'information, de la documentation et des recherches (OFPRA): Bericht zur Fact Finding Mission Ukraine 2017, May 2017 (by BFA Staatendokumentation (Austrian Federal Office for Immigration and Asylum, COI unit), available at: http://www.ecoi.net/file_upload/1729_1499068631_ffm-report-ukraine-2017-05.pdf. Accessed: 4 August 2017.

[158] BFA Staatendokumentation. Division de l'information, de la documentation et des recherches (OFPRA): Bericht zur Fact Finding Mission Ukraine 2017, May 2017 (by BFA Staatendokumentation (Austrian Federal Office for Immigration and Asylum, COI unit), available at ecoi.net: http://www.ecoi.net/file_upload/1729_1499068631_ffm-report-ukraine-2017-05.pdf. Accessed: 4 August 2017.

[159] BFA Staatendokumentation. Division de l'information, de la documentation et des recherches (OFPRA): Bericht zur Fact Finding Mission Ukraine 2017, May 2017 (by BFA Staatendokumentation (Austrian Federal Office for Immigration and Asylum, COI unit), available at ecoi.net: http://www.ecoi.net/file_upload/1729_1499068631_ffm-report-ukraine-2017-05.pdf. Accessed: 4 August 2017.

most IDPs remained unregistered. Many individuals fled out of fear that occupation authorities would target them for abuse because of their work as political activists or journalists. Muslims, Greek Catholics, and Evangelical Christians who left Crimea said they feared discrimination due to their religious beliefs.

'Crimean Tatars, who made up the largest number of IDPs, said they were concerned about pressure on their community, including an increasing number of arbitrary searches of their homes, surveillance, and discrimination. Additionally, many professionals left Crimea because Russian occupation authorities required them to apply for Russian professional licenses and adopt Russian procedures in their work.'[160]

8.1.2 The report of the Austrian fact-finding mission, published in May 2017, stated that 'IDPs from Crimea mostly settled in Ukraine's western provinces…'[161]

8.1.3 The USSD's 2016 report further stated that 'In September 2015 the Kyiv Administrative Court of Appeal overturned a National Bank decision that Crimean IDPs were nonresidents, which had restricted access to banking and financial services for those fleeing the Russian occupation. Nonetheless, media reports indicated that banks continued to restrict banking services for Crimean IDPs even after the court decision.'[162]

8.1.4 OCHA's Humanitarian Bulletin on Ukraine covering 1-31 August 2017 stated:

'[A]ccording to the analysis prepared by Protection Cluster partners, IDPs and people residing in …Crimea struggle to easily obtain passports. There is a lack of consistent information about the timing required for processing the passport applications. On multiple occasions, IDPs and people residing in …Crimea were requested to invite relatives or neighbors for verification purposes of the passport applicant, which is challenging as many have been displaced to other regions or cannot travel from NGCA [Non-government controlled areas]. These bureaucratic processes continue to result in financially cumbersome and frequent delay of the renewal and obtaining of passports.' [163]

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[160] US Department of State. 'Country Reports on Human Rights Practices for 2016', 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.
[161] BFA Staatendokumentation. Division de l'information, de la documentation et des recherches (OFPRA): Bericht zur Fact Finding Mission Ukraine 2017, May 2017 (by BFA Staatendokumentation (Austrian Federal Office for Immigration and Asylum, COI unit), available at ecoi.net: http://www.ecoi.net/file_upload/1729_1499068631_ffm-report-ukraine-2017-05.pdf. Accessed: 4 August 2017.
[162] US Department of State. 'Country Reports on Human Rights Practices for 2016,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.
[163] OCHA. 'Humanitarian Bulletin: Ukraine,' Issue 21, 1 – 31 August 2017. https://reliefweb.int/report/ukraine/humanitarian-bulletin-ukraine-issue-21-1-31-august-2017 Accessed: 15 September 2017.

9. Freedom of movement

9.1 Freedom of movement in the Donbas

9.1.1 The USSD's 2016 report cited HRMMU [UN Human Rights Monitoring Mission in Ukraine as saying '"In addition to a continuing pattern of sexual violence occurring in conflict-related detention, OHCHR documented cases that indicate the sexual violence and harassment of young women at government-controlled entry/exit checkpoints along the contact line."'[164]

9.1.2 See Violence and abuse for further information on this subject.

9.1.3 The Office of the United Nations High Commissioner for Human Rights produced a Report on the human rights situation in Ukraine, covering the period 16 February to 15 May 2017, which stated:

'Restrictions on the freedom of movement at the contact line had a wider impact on the population due to a sharp rise in the number of people crossing it in March. The increase was caused by a new Government requirement that internally displaced persons (IDPs) entitled to pensions and social payments renew their bank registration at locations in Government-controlled territory. Long queues at entry-exit checkpoints exposed civilians, particularly the most vulnerable, such as pensioners, persons with disabilities and women, to degrading conditions for protracted periods and to the risk of injury or death from shelling.'[165]

9.1.4 The same report stated:

'This reporting period saw a sharp increase in the number of people crossing the contact line, with a daily average of 29,000 crossings and a peak of 45,200 in March – which was substantially higher than in previous months. In the second half of March, OHCHR observed alarming situations at all five crossing routes in Donetsk and Luhansk regions. In "Marinka" corridor, where the road is the narrowest, hundreds of cars were queuing in four lines. People complained of corruption on both sides of the contact line, and about long waiting hours in degrading conditions (for example, without shelter, exposed to extreme temperatures, with limited access to potable water and toilets, sometimes carrying cumbersome luggage) including at night, when the risk of shelling is high.'[166]

9.1.5 The report further stated:

'Restrictions on freedom of movement in some villages located near the contact line impeded the enjoyment of social and economic rights, including the rights to social protection, to the highest attainable standard of physical

[164] US Department of State. 'Country Reports on Human Rights Practices for 2016,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.
[165] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.
[166] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.

and mental health, and to housing, land and property. Access to some of these villages was so restrictive that IDPs who had fled them earlier due to the conflict were unable to return, reunite with families, check on their property, or farm their land. Those who have remained in such villages are isolated and fully dependent on either the Ukrainian military or armed groups to deliver essentials such as water, bread and fuel.'[167]

9.1.6 The UN High Commissioner for Refugees provided an Operational Update covering March 2017, which stated:

'UNHCR remains concerned for the conditions faced by civilians crossing the line of contact between government-controlled and non-government controlled areas. Residents of government-controlled areas near the line of contact face restricted freedom of movement, even if not crossing the line of contact, due to the presence of internal checkpoints. In March, UNHCR continued to provide equipment to government-controlled checkpoints with the aim of expediting processing times and reducing waiting times for civilians waiting to cross. Since 1 March, checkpoints on the line of contact have extended their opening times, now operating from 0700 to 1830. The increased operating hours should alleviate waiting times and the exposure of civilians to risk from the conflict and adverse weather.

'On 1 March, a Cabinet of Minister's resolution on the transfer of goods to and from the non-government controlled areas was adopted. Nonetheless, it was announced that unauthorized trade blockades of the non-government controlled areas would be extended to include rail crossings with the Russian Federation. The political situation further deteriorated, with de facto authorities transferring some 40 companies in the non-government controlled areas to "external management". In mid-March, Ukrainian authorities moved to break up the unauthorized trade blockade between government and non-government controlled areas leading to small protests in several cities.'[168]

9.1.7 UNHCR further reported on the transfer of goods across the line of contact:

'On 1 March [2017], the Cabinet of Ministers adopted resolution no. 99, "On the Order of Transfer of Goods to and from the Anti-Terrorist Operation area". Under the resolution, the Ministry for Temporarily Occupied Territories and IDPs will develop a list of goods and items that can be provided at humanitarian-logistics centers and transferred across the line of contact. Legal entities will need to apply to the State Fiscal Service to be included in the registry of entities transferring goods across the line of contact. The Ministry of Energy and Coal Industry will establish a list of enterprises receiving coal from the non-government controlled areas. Legal entities are prohibited from transferring goods across the line of contact with the

[167] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 February to 15 May 2017.' http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf. Accessed: 22 June 2017.
[168] UN High Commissioner for Refugees. 'Ukraine; UNHCR Operational Update; 1-31 March 2017,' 31 March 2017. http://www.ecoi.net/mwg-internal/de5fs23hu73ds/progress?id=kLHV4B3zfbk3X56wcmcMQ9tWtEuWQLhduBtkx3cYPbo,&dl . Accessed: 23 May 2017.

exception of food and medicines for humanitarian purposes, goods for metallurgical and mineral processing, mining, and power generation, and critical infrastructure. In case of a critical humanitarian situation, restrictions may be lifted to prevent loss of life in the non-government controlled areas, as well as disruption to energy and water supplies.'[169]

9.1.8 See also Internally displaced persons for the impact of the compulsory verification of IDP pensioners on numbers of crossings of the contact line.

9.1.9 OHCHR's report covering the period from 16 May to 15 August 2017 stated:

'Restrictions on freedom of movement affected record numbers of people, with over one million registered occasions when people travelled across the contact line in May, in June and in July. Despite increased operational hours at all entry-exit checkpoints (EECP), long queues continued to be observed. Civilians, in particular the elderly, persons with disabilities and other vulnerable persons, were exposed for protracted periods to very high summer temperatures, degrading physical conditions, inadequate sanitary conditions, and serious security risks due to the ongoing shelling and presence of mines, explosive remnants of war (ERWs) and unexploded ordnance (UXO) near the checkpoints. Additional control measures at 'internal' checkpoints operated by the National Police of Ukraine, targeting residents of territory controlled by armed groups, further restricted freedom of movement.'

9.1.10 The report continued:

'OHCHR documented incidents when unnecessary or disproportionate restrictions and inspections at checkpoints impeded not only freedom of movement, but also the enjoyment of the right to liberty and security. For example, on 11 July 2017, at the Marinka checkpoint, SBU elements questioned about possible connections to armed groups for several hours a female volunteer from Donetsk who frequently crosses the contact line to visit her elderly mother in armed group-controlled territory and her grandchildren in Zaporizhzhia (government-controlled territory).'[170]

9.2 Freedom of movement in Crimea

9.2.1 The USSD's 2016 report stated:

'The government and Russian occupation authorities subjected individuals crossing between Russian-occupied Crimea and the mainland to strict passport controls at the administrative boundary between the Kherson oblast and Crimea. Authorities prohibited rail and commercial bus service across the administrative boundary, requiring persons either to cross on foot or by private vehicle. The three crossing points between Russian-occupied Crimea and mainland Ukraine were closed on several occasions in early August,

[169] UN High Commissioner for Refugees. 'Ukraine; UNHCR Operational Update; 1-31 March 2017,' 31 March 2017. http://www.ecoi.net/mwg-internal/de5fs23hu73ds/progress?id=kLHV4B3zfbk3X56wcmcMQ9tWtEuWQLhduBtkx3cYPbo,&dl . Accessed: 23 May 2017.
[170] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

creating long lines of individuals who were prevented from freely moving across the administrative boundary. As of August 15, the movement of vehicles and persons fully resumed but slowed due to enhanced security measures.'[171]

9.2.2 The same report added:

'There were reports that occupation authorities selectively detained and at times abused persons attempting to enter or leave Crimea. According to human rights groups, Russian authorities routinely detained adult males at the administrative boundary for additional questioning, threatening to seize passports and documents, seizing telephones and memory cards, and questioning them for hours. Crimean residents travelling on Ukrainian passports were required to complete migration paperwork when crossing the administrative boundary between Kherson Oblast and occupied Crimea. As of April 1, Russian authorities forbade Crimean residents with Ukrainian license plates from driving out of Crimea and required all Crimean residents to obtain Russian driver licenses.

'On February 25, when Ukrainian journalist Anastasia Ringis attempted to visit her parents in Crimea, Russian authorities prohibited her from entry until 2020. On March 22, Ukrainian authorities reported that Russian occupation authorities banned Kherson residents Rustem Gugurik, Bekir Gugurik, and Bilyal Seytumerov from admission to Crimea for five years.

'Occupation authorities also prohibited entry into Crimea by Mustafa Jemilev and Refat Chubarov, members of the Verkhovna Rada and the former and current chairmen of the Crimean Tatar Mejlis, respectively; Crimean Tatar activist Sinaver Kadyrov; and Ismet Yuksel, general director of the Crimean News Agency, on the pretext that they would incite radicalism.'[172]

9.2.3 OHCHR's report covering the period from 16 May to 15 August 2017 stated:

'OHCHR continued monitoring freedom of movement at the Chonhar, Kalanchak and Chaplynka crossing points on the administrative boundary line (ABL) with Crimea. As in previous reporting periods, one of the most common complaints was the difficulty of transporting personal belongings to and from Crimea. On 14 June 2017, the administrative court of appeal of Kyiv held that the ban on transportation of goods and personal belongings across the ABL between Crimea and mainland Ukraine was unlawful and invalid. The ban had been denounced by Ukrainian human rights organizations as encouraging corruption and restricting freedom of movement. Based on its monitoring at the ABL, HRMMU [Human Rights Monitoring Mission in Ukraine] observed that the court decision was not consistently applied. In some cases, Ukrainian officers required travellers who were unaware of the decision to comply with the invalided Resolution. In

[171] US Department of State. 'Country Reports on Human Rights Practices for 2016; Ukraine,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484. Accessed: 31 July 2017.
[172] US Department of State. 'Country Reports on Human Rights Practices for 2016,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.

other cases, particularly when they were shown a copy of the court decision, officers allowed unrestricted crossing.'[173]

9.2.4 On forcible relocations in 2016, the USSD's 2016 report added:

'There were reports that authorities forcibly relocated stateless persons in retaliation for their political activism. For example, on November 7, authorities deported Crimean Tatar activist Nedim Khalilov, who had initiated a court case several months earlier against occupation authorities, which sought to have Russia's occupation of Crimea declared illegal. Khalilov possessed only a Soviet identity document, which stated that his place of birth was Uzbekistan. He had obtained neither Ukrainian nor Russian citizenship on ideological grounds. After a brief court hearing, occupation authorities forcibly deported Khalilov to a detention center in Russia; at year's end, he was still awaiting deportation to Uzbekistan, where he had no relatives, housing, or other support.'[174]

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[173] OHCHR. 'Report on the human rights situation in Ukraine, 16 May to 15 August 2017,' 12 September 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf. Accessed: 14 September 2017

[174] US Department of State. 'Country Reports on Human Rights Practices for 2016,' 3 March 2017. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265484 Accessed: 1 August 2017.

Version control and contacts

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Below is information on when this note was cleared:

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