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2020 Country Reports on Human Rights Practices: Ukraine

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

EXECUTIVE SUMMARY

ANNOUNCEMENT: The Department of State will release an addendum to this report in mid 2021 that expands the subsection on Women in Section 6 to include a broader range of issues related to reproductive rights.

Ukraine is a republic with a semipresidential political system composed of three branches of government: a unicameral legislature (Verkhovna Rada); an executive led by a directly elected president who is head of state and commander in chief, and a prime minister who is chosen through a legislative majority and as head of government leads the Cabinet of Ministers; and a judiciary. In April 2019 Volodymyr Zelenskyy was elected president in an election considered free and fair by international and domestic observers. In July 2019 the country held early parliamentary elections that observers also considered free and fair.

The Ministry of Internal Affairs is responsible for maintaining internal security and order. The ministry oversees police and other law enforcement personnel. The Security Service of Ukraine is responsible for state security broadly defined, nonmilitary intelligence, and counterintelligence and counterterrorism matters. The Ministry of Internal Affairs reports to the Cabinet of Ministers, and the Security Service reports directly to the president. The Ministry of Defense and Ukrainian armed forces are responsible for defending the country’s sovereignty and territorial integrity by deterring armed aggression. The Ministry of Defense ensures sovereignty and the integrity of national borders and exercises control over the activities of the armed forces in compliance with the law. The president is the supreme commander in chief of the armed forces. The Ministry of Defense reports directly to the president. The State Fiscal Tax Service exercises law enforcement powers through the tax police and reports to the Cabinet of Ministers. The State Border Guard Service under the Ministry of Internal Affairs implements state policy regarding border security, while the State Migration Service, also under the Ministry of Internal Affairs, implements state policy regarding migration, citizenship, and registration of refugees and other migrants. Civilian authorities generally maintained effective control over security forces in the territory controlled by the government. Members of the security forces committed some abuses.

Significant human rights issues included: unlawful or arbitrary killing; torture and cases of cruel, inhuman, or degrading treatment or punishment of detainees by law enforcement personnel; harsh and life-threatening conditions in prisons and detention centers; arbitrary arrest or detention; serious problems with the independence of the judiciary; abuses in the Russia-led conflict in the Donbas, including physical abuse of civilians and members of armed groups held in detention facilities; serious restrictions on free expression, the press, and the internet, including violence, threats of violence, or unjustified arrests or prosecutions against journalists, censorship, and blocking of websites; refoulement of refugees; serious acts of corruption; lack of investigation of and accountability for violence against women; violence or threats of violence motivated by anti-Semitism; crimes involving violence or threats of violence targeting persons with disabilities, members of ethnic minority groups, and lesbian, gay, bisexual, transgender, or intersex persons; and the existence of the worst forms of child labor.

The government generally failed to take adequate steps to prosecute or punish most officials who committed abuses, resulting in a climate of impunity. Human rights groups and the United Nations noted significant deficiencies in investigations into alleged human rights abuses committed by government security forces.

In the Russia-instigated and -fueled conflict in the Donbas region, Russia-led forces reportedly engaged in unlawful or arbitrary killings of civilians, including extrajudicial killings; forced disappearances and abductions; torture and cases of cruel, inhuman, or degrading treatment or punishment. Other significant human rights issues included: harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; serious problems with the independence of the judiciary; serious restrictions on free expression, the press, and the internet; substantial interference with the freedom of peaceful assembly and freedom of association; severe restrictions of religious

freedom; serious restrictions on freedom of movement across the line of contact in eastern Ukraine; restrictions on political participation, including unelected governments and elections that were not genuine, free, or fair; and unduly restricted humanitarian aid.

Significant human rights issues in Russia-occupied Crimea included: forced disappearances and abductions; torture and cruel, inhuman, or degrading treatment or punishment of detainees to extract confessions and punish persons resisting the occupation; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious restrictions on free expression, the press, and the internet, including violence, threats of violence, or unjustified arrests or prosecutions against journalists, censorship, and site blocking; substantial interference with freedom of peaceful assembly and freedom of association; severe restrictions of religious freedom; serious restrictions on freedom of movement; restrictions on political participation, including unelected governments and elections that were not genuine, free, or fair; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, or intersex persons. Russian occupation authorities in Crimea reportedly continued to engage in widespread violence against and harassment of Crimean Tatars and pro-Ukrainian activists in response to peaceful opposition to Russian occupation (see Crimea subreport).

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

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

There were reports that the government or its agents committed possible arbitrary or unlawful killings. The State Bureau for Investigations is responsible for investigation of crimes allegedly committed by law enforcement agencies.

Human rights organizations and media outlets reported deaths due to torture or negligence by police or prison officers. For example, in February police charged five staff members of the Vinnytsya Prison with torture and an additional staff member with “violence against a prisoner in places of imprisonment” for their alleged involvement in beating a 59-year-old prisoner who had been charged with rape of a minor. In July 2019 the staff members took the prisoner from his cell to a separate room, where they allegedly struck him 85 times. Investigators said the staff members then returned the prisoner to his cell, where a cellmate delivered additional blows that resulted in his death.

There were few reports that state actors ordered or took part in targeted attacks on civil society activists and journalists in connection with their work during the year, but impunity for past attacks remained a significant problem. In June 2019 a court in Dnipropetrovsk Oblast convicted five persons for carrying out the fatal 2018 acid attack against public activist Kateryna Handziuk on charges of deliberately causing grievous bodily harm resulting in death. They were sentenced to terms of three to six-and-a-half years in prison. Each suspect agreed to testify against those who ordered the killing. On April 27, the Security Service announced it had completed its pretrial investigation. As a result of the investigation, the head of the Kherson regional legislature, Vladyslav Manger, and a suspected accomplice, Oleksiy Levin, were charged with inflicting intentional grievous bodily harm in a manner bearing signs of torment and resulting in death. The suspects’ first court hearing took place on August 28. As of late November, both suspects were to remain in custody until December 13.

Former parliamentary aide Ihor Pavlovsky was charged in 2019 with concealing Handziuk’s murder. On September 16, Pavlovsky asked an Odesa court to authorize a plea bargain. Human rights defenders and Handziuk supporters alleged additional organizers of the crime likely remained at large and that law enforcement bodies had not investigated the crime fully.

In December 2019 police arrested three suspects in connection with the 2016 killing of prominent Belarusian-Russian journalist Pavel Sheremet. All suspects had previous military experience as volunteers in the conflict with Russia-led forces. In August the case was transferred to a Kyiv court, where trial proceedings were underway as of November.

Law enforcement agencies continued to investigate killings and other crimes committed during the Euromaidan protests in Kyiv in 2013-14. Human rights groups criticized the low number of convictions despite the existence of considerable evidence. The Office of the UN High Commissioner for Human Rights Monitoring Mission in Ukraine (HRMMU) noted little progress had been made in investigating the killings, and the cases that have reached the courts continued to be delayed. As of November the State Bureau for Investigations had identified 61 alleged perpetrators of Euromaidan killings; most of whom absconded and were wanted. As of November the only three perpetrators who had been convicted were charged with lesser offenses, not murder, and received prison sentences ranging from three to five years.

On January 11, the State Bureau for Investigations announced it had established a special unit for investigating Euromaidan cases, in accordance with the Prosecutor General’s Office’s 2019 decision to transfer responsibility for such cases to the State Bureau for Investigations. Euromaidan activists accused State Bureau for Investigations deputy director Oleksandr Babikov of having a conflict of interest, citing his former role as a lawyer for then president Yanukovych. During the year the State Bureau for Investigations served notices of suspicion to 37 individuals, filed 19 indictments against 25 persons (six judges, 13 law enforcement officers, and six civilians), and made two arrests for Euromaidan-related crimes. On March 10 and 12, for example, the State Bureau for Investigations arrested two men suspected of involvement in the kidnapping and torture of two activists and the murder of one of them (see section 1.b.).

On March 20 and 25, the State Bureau for Investigations served a notice of suspicion to the former head and deputy head of the public security unit at the main police department in Kyiv and investigated reports they “organized and provided illegal obstruction of the meeting of citizens on November 30, 2013, in order to carry out the criminal order.”

On June 18, the State Bureau for Investigations charged in absentia a former officer from the Berkut riot police unit in connection with the killing of 48 protesters and the attempted killing of an additional 80 protesters in 2014. On June 22, a court in Kyiv ordered the pretrial detention of the suspect in absentia.

On May 12, the Pechersk District Court in Kyiv authorized the arrest of former president Yanukovych, his former defense minister, and two former heads of law enforcement agencies on charges of criminal involvement in the killings of protesters in Kyiv in 2014.

On October 20, the Svyatoshynsky District Court in Kyiv designated as fugitives three former Berkut officers accused of killing 48 protesters, indicating the suspects would be tried in absentia. The three suspects were part of a group of five former Berkut officers implicated in Euromaidan killings who were released into the custody of Russia-led forces in the Donbas region in December 2019 as part of a negotiated prisoner and detainee exchange between Ukraine and Russia. Two other suspects voluntarily returned and were standing trial as of December.

The HRMMU did not note any progress in the investigation and legal proceedings in connection with the 2014 trade union building fire in Odesa that stemmed from violent clashes between pro-Russian and Ukrainian unity demonstrators. During the clashes and fire, 48 persons died. Pandemic-related restrictions exacerbated trial delays.

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

b. Disappearance

There were allegations that state agents abducted and deported foreign citizens on behalf of their governments without due process. For example, family members and advocates for three Uzbekistani men alleged the Security Service collaborated with the Uzbekistani State Security Service to extradite the men without complying with relevant laws and international agreements (see section 2.f.).

In connection with abuses committed during the 2013-14 Euromaidan protests in Kyiv, Sergei Myslyvyi was arrested on March 10 for his suspected involvement in the abduction and torture of Euromaidan activists Ihor Lutsenko and Yuriy Verbitsky and the premeditated murder of Verbitsky. Ivan Novotny was detained on March 12 on suspicion of involvement in the case and charged with “creation of a criminal organization” and “unlawful imprisonment or abductions of a person.” The State Bureau for Investigations finished its pretrial investigation of both cases in August. As of November, Novotny and Myslyvyi remained in pretrial detention; 12 other suspects in the case remained at large.

A law on missing persons came into force in 2018 to assist in locating those who disappeared in connection to the conflict in eastern Ukraine. The law calls for the creation of a commission that would establish a register of missing persons. The commission was established in July. On November 11, President Zelenskyy signed a decree calling on the Cabinet of Ministers to ensure the commission operates effectively. As of late November, it had not convened.

There were reports of politically motivated disappearances in connection with Russia’s aggression in Donetsk and Luhansk Oblasts (see section 1.g.).

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

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

Abuse of detainees by police remained a widespread problem. For example, on January 3, the Kharkiv Human Rights Protection Group interviewed 30 prisoners from the Kharkiv Oblast’s Oleksyyivska correctional colony No. 25 after the group received information regarding severe abuse of inmates, including torture and rape. The group collected reports of rape, beatings, forced labor, and extortion of money, and sent them to the State Bureau for Investigations to open an investigation. The Office of the Parliamentary Commissioner on Human Rights (Ombudsperson’s Office) visited the institution twice that month and reported during its first visit instances of officers handcuffing 22 inmates and beating them with rubber batons, which resulted in abrasions and bruising.

On January 11, the Ombudsperson’s Office interviewed 12 inmates in the medical unit. The 12 individuals claimed that at around three or four in the morning, they were handcuffed and dragged down the street in their underwear to the institution’s headquarters, where they remained until around seven in the evening. Inmates remained in handcuffs for almost 15 hours and did not receive any food. Inmates also reported being dragged on the floor from the first to second floor. Their bodies were reportedly covered in abrasions and hematomas, particularly on their heads from the abuse they suffered. One inmate reported suffering from burns in the area of the buttocks and anus. These injuries were only recorded in the institution’s medical records after the visit by the Ombudsperson’s Office. On January 13, the Prosecutor General’s Office filed criminal proceedings for torture and abuse of power with the use of violence.

Reports of law enforcement using torture and mistreatment to extract confessions were reported throughout the year. For example, on March 27, the State Bureau for Investigations charged two Uzhhorod police officers with violent abuse of authority. According to investigators, in September 2019 the officers detained Ihor Harmatiy and Ivan Bukov on suspicion of theft and took the men to the Uzhgorod police department where, according to Bukov, they severely beat Bukov with a bat, knocked his teeth out, and handcuffed him to a radiator. Bukov reported he was able to get out of his handcuffs the next morning and jumped from the fourth floor of the police department to flee further abuse. He survived the fall but tore his spleen, injured his pelvis, and broke both arms. Harmatiy similarly reported being tortured and indicated that he signed a confession in order to stop the abuse. Human rights groups criticized the State Bureau for Investigations for not filing charges of “torture” against the officers.

Impunity for abuses committed by law enforcement was a significant problem. The HRMMU reported that a majority of the torture allegations made against security forces from February to July were “disregarded.” The State Bureau for Investigations and a specialized department within the Office of the Prosecutor General were responsible for investigating such allegations. According to the Kharkiv Human Rights Protection Group, individuals who experienced torture during pretrial detention often did not file complaints due to intimidation and lack of access to a lawyer.

In the Russia-controlled areas of Donetsk and Luhansk, the UN Office of the High Commissioner for Human Rights (OHCHR) reported after interviewing 56 released detainees that torture and mistreatment of detainees were systematic during the initial stage of detention, which could last up to a year. The individuals interviewed were initially detained under “administrative arrest” in the so-called “Donetsk People’s Republic” (“DPR”), or “preventive arrest” in the so-called “Luhansk People’s Republic” (“LPR”), and held incommunicado without access to a lawyer. The vast majority reported being subjected to some form of mistreatment, including beatings; electric shocks; sexual violence; asphyxiation; removal of teeth and nails; mock execution; deprivation of water, food, sleep or sanitation facilities; and threats of violence against family members.

Victims of abuses committed by Russia-led forces in the “DPR” and “LPR” had no legal recourse to attain justice.

Prison and Detention Center Conditions

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

Physical Conditions: Overcrowding remained a problem in some pretrial detention facilities, although human rights organizations reported that overcrowding at such centers decreased as a result of reforms in 2016 that eased detention requirements for suspects. Monitors from the Office of the Parliamentary Commissioner on Human Rights (Ombudsperson) reported that cells in one of the Kharkiv detention facility’s buildings measured less than 11 square feet, which allowed prisoners only enough room to stand. According to monitors, even short-term detention there could be regarded as mistreatment.

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

Physical abuse by guards was a problem. For example, according to media reports, five staff members of the Vinnytsya Prison were charged with torture and one staff member with “violence against a prisoner in places of imprisonment” in February for severely beating an inmate. The inmate ultimately died after receiving additional blows by another inmate (see section 1.a.). In another instance, two prisoners from the Kropyvnytskyi pretrial detention center sustained bodily injuries after allegedly being beaten by the facility’s staff. In May the Kirovohrad Oblast Prosecutor’s Office initiated criminal proceedings investigating “abuse of power” of the detention center’s staff.

There were reports of prisoner-on-prisoner violence. For example, media outlets reported in February that Odesa pretrial detention facility staff illegally allowed two detainees into another detainee’s cell. The two transferred detainees allegedly attacked the other detainee, inflicting grave bodily injuries. The facility staff then transferred the attack victim to a solitary confinement cell, where he died from his injuries. An investigation was underway as of October.

Most detention facilities were old and needed renovation or replacement. According to the country’s seventh periodic report for the UN Convention against Torture, some cells and facilities had very poor sanitary conditions. Some detainees reported that their cells were poorly ventilated and infested with insects. In Zhovti Vody, the Kharkiv Human Rights Group reported remand prison cell walls were covered with mold and the damp air made breathing difficult. Cells were infested with fleas and cockroaches, and inmates often only had access to unboiled tap water that contained worms. Conditions in police temporary detention facilities and pretrial detention facilities were harsher than in low- and medium-security prisons. Temporary detention facilities often had insect and rodent infestations and lacked adequate sanitation and medical facilities.

The quality of food in prisons was generally poor. According to the January 2019 report of the UN special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, inmates received three meals a day, although in most places the food was described as “inedible,” leading inmates to rely on supplementary food they received through parcels from family. According to the Council of Europe’s Committee for the Prevention of

Torture (CPT), in some pretrial detention centers, detainees did not have consistent access to food and water. According to the UN special rapporteur, most hygienic products including toilet paper, soap, and feminine hygiene products were not provided, and detainees relied on supplies provided by family or donated by humanitarian organizations. In some facilities, cells had limited access to daylight and were not properly heated or ventilated.

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

The condition of prison facilities and places of unofficial detention in Russia-controlled areas continued to deteriorate. According to the Justice for Peace coalition, there was an extensive network of unofficial places of detention in the "LPR" and "DPR" located in basements, sewage wells, garages, and industrial enterprises. There were reports of severe shortages of food, water, heat, sanitation, and proper medical care. The HRMMU was denied access to detainees held by Russia-led forces in the "DPR" and the "LPR." The lack of access to detainees raised concerns about the conditions of detention and treatment.

The Eastern Human Rights Group continued to report systemic abuses against prisoners in the "LPR," such as torture, starvation, denial of medical care, and solitary confinement as well as the extensive use of prisoners as slave labor to produce goods that, when sold, provided personal income to the leaders of the Russia-led forces.

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

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

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

d. Arbitrary Arrest or Detention

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

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

Arrest Procedures and Treatment of Detainees

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

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

In August the Association of Ukrainian Monitors on Human Rights in Law Enforcement reported a widespread practice of unrecorded detention, in particular, the unrecorded presence in police stations of persons "invited" for "voluntary talks" with police, and noted several allegations of physical mistreatment that took place during a period of unrecorded detention. Authorities occasionally held suspects incommunicado, in some cases for several weeks. The association also reported that detainees were not always allowed prompt access to an attorney of their choice. Under the law the government must provide attorneys for indigent defendants. Compliance was inconsistent because of a shortage of defense attorneys or because attorneys, citing low government compensation, refused to defend indigent clients.

The law provides for bail, but many defendants could not pay the required amounts. Courts sometimes imposed travel restrictions as an alternative to pretrial confinement.

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

On March 12, the HRMMU released findings based on interviews with 75 individuals who had been detained. More than 70 percent of those interviewed reported arbitrary detention or procedural violations at the initial stages of detention, primarily by Security Service officials. More than one-third of interviewees reported being kept incommunicado in unofficial places of detention for several days before being transferred to official detention facilities. In at least 32 cases, access to legal counsel was provided only after the first interrogation. In 11 of these cases, the detainees offered confessions before seeing a lawyer.

Human rights experts reported arbitrary detention in the context of conscription into the armed forces. For example, in late May representatives of the Kharkiv military registration office systematically stopped and forcibly detained young men near public transport stops, taking them to military registration and enlistment offices. The detainees were deprived of their cell phones, kept indoors, fed once a day, and sent to undergo medical examinations, after which they were conscripted.

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

From November 2019 to February 2020, the OHCHR interviewed 56 detainees released by “DPR” and “LPR” and reported a consistent pattern of arbitrary detention, which often amounted to forced disappearance, torture, and mistreatment.

Pretrial Detention: The Association of Ukrainian Human Rights Monitors noted that pretrial detention usually lasts two months, but can be extended. When cases are delayed, precautionary measures are usually eased, such as permitting house arrest or temporary release. The HRMMU, however, continued to report the security services’ persistent use of extended pretrial detention of defendants in conflict-related criminal cases as a means to pressure them to plead guilty. Since the beginning of the armed conflict in 2014, the OHCHR has documented 16 cases in which, following a court-ordered release, prosecutors pressed additional conflict-related criminal charges, enabling police to rearrest the defendant. In one case, prosecutors charged a soldier with treason after he had been charged with desertion and granted release by a court.

e. Denial of Fair Public Trial

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

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

The International Commission of Jurists emphasized in an April report that attacks on lawyers were often associated with their defense of clients in politically sensitive criminal cases. The commission concluded such attacks undermined the ability of lawyers to adequately perform their duties and protect the rights of their clients. In one such case, on March 27, police officers used force and inflicted bodily injuries on lawyer Mykola Ponomariov in Brovary in Kyiv Oblast. Police beat and handcuffed Ponomariov when he refused a request to provide false testimony as a witness in a case involving one of his father’s employees. As of November, the State Bureau for Investigations was investigating the case.

The HRMMU expressed concern about intimidation of judges, defendants, and defense lawyers by members of violent radical groups. For example, on October 16, a car belonging to legal aid lawyer Oleksandr Kovrak was set on fire in Odesa. Kovrak claims that the culprits opened the gate to the private area where the car was parked, broke the cars’ windows, and threw a fire accelerant into the car. He suspects the attack might be retaliation for the legal aid work that he provides voluntarily in support of rural residents seeking advice on property rights. Police opened an investigation.

Trial Procedures

The constitution and law provide for the right to a fair and public trial. Human rights groups noted that ineffective investigations and misuse of trial extensions by judges and defense lawyers sometimes caused undue trial delays. A single judge decides most cases, although two judges and three public assessors who have some legal training hear trials on charges carrying the maximum sentence of life imprisonment. The law provides for cross-examination of witnesses by both prosecutors and defense attorneys and for plea bargaining.

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

Trials are open to the public, but some judges prohibited media from observing proceedings, often justifying measures as necessary to contain the COVID-19 pandemic. An OHCHR survey of 121 lawyers concluded COVID-19 restrictions made it more difficult to access court registries and conduct confidential meetings with clients held in detention, increasing trial delays. While trials must start no later than three weeks after charges are filed, prosecutors seldom met this requirement. Human rights groups reported officials occasionally monitored meetings between defense attorneys and their clients.

The HRMMU documented violations of the right to a fair trial in criminal cases related to the Russia-led conflict in the Donbas region, notably the right to a trial without undue delay and the right to legal counsel. The government’s lack of access to Russia-controlled areas complicated investigations into human rights violations there. As a result, perpetrators of such violations were rarely prosecuted. As of April the OHCHR was aware of only four convictions in conflict-related cases involving human rights violations.

Authorities also failed to effectively investigate and prosecute perpetrators for interfering in investigations and manipulating court proceedings. The OHCHR reported that in one case an appellate court failed to publish its judgement after the defendant complained of fair trial violations.

Undue delays continued to slow criminal proceedings in conflict-related cases.

Russia-led forces terminated Ukrainian court system functions on territories under their control in 2014. The “DPR” and “LPR” did not have an independent judiciary, and the right to a fair trial was systematically restricted. The HRMMU reported that in many cases individuals were not provided with any judicial review of their detention and were detained indefinitely without any charges or trial. In cases of suspected espionage or when individuals were suspected of having links to the Ukrainian government, closed-door trials by military tribunals were held. The “courts” widely relied on confessions obtained through torture and coercion. There were nearly no opportunities to appeal the verdicts of these tribunals. Observers noted that subsequent “investigations” and “trials” seemed to serve to create a veneer of legality to the “prosecution” of individuals believed to be associated with Ukrainian military or security forces. The HRMMU reported that Russia-led forces generally impeded private lawyers from accessing clients and that “court”-appointed defense lawyers generally made no efforts to provide an effective defense and participated in efforts to coerce guilty pleas.

Political Prisoners and Detainees

There was one individual whom some human rights groups considered to be subjected to politically motivated detention, but during the year the detainee, Zhytomyr journalist Vasyl Muravytskyy, was released on his own recognizance while his case continued. Muravytskyy was charged in 2017 with state treason, infringement of territorial integrity, incitement of hatred, and support for terrorist organizations based on statements deemed pro-Russian for which he could face up to 15 years’ imprisonment. Some domestic and international journalist unions called for his release, claiming the charges were politically motivated.

According to the State Bureau for Investigations, as of mid-August, Russia-led forces kept an estimated 235 hostages in the Donbas region (see section 1.g.).

Civil Judicial Procedures and Remedies

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

Property Restitution

The country endorsed the 2009 Terezin Declaration but has not passed any laws dealing with the restitution of private or communal property, although the latter has been dealt with partly through regulations and decrees. In recent years most successful cases of restitution have taken place as a result of tacit and behind-the-scenes lobbying on behalf of Jewish groups.

The Department of State’s Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly on July 29, 2020, can be found on the Department’s website: https://www.state.gov/reports/just-act-report-to-congress/.

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

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

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

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

Law enforcement bodies monitored the internet, at times without appropriate legal authority, and took significant steps to block access to websites based on “national security concerns” (see section 2.a.).

g. Abuses in Internal Conflicts

The Russian government controlled the level of violence in eastern Ukraine, intensifying it when it suited its political interests. Russia continued to arm, train, lead, and fight alongside forces in the “DPR” and the “LPR.” Russia-led forces throughout the conflict methodically obstructed, harassed, and intimidated international monitors, who did not have the access necessary to record systematically ceasefire violations or abuses committed by Russia-led forces.

International organizations and nongovernmental organizations (NGOs), including Amnesty International, Human Rights Watch, and the HRMMU, issued periodic reports documenting abuses committed in the Donbas region on both sides of the line of contact. As of September the Organization for Security and Cooperation in Europe (OSCE) fielded 1,291 persons supporting a special monitoring mission, which issued daily reports on the situation and conditions in most major cities.

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

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

Killings: As of July 31, the OHCHR reported that since the start of the conflict, fighting had killed at least 13,200 individuals, including civilians, government armed forces, and members of armed groups. The HRMMU reported that 3,367 of these were civilian deaths. This figure included the 298 passengers and crew on board Malaysian Airlines flight MH-17, shot down by a missile fired from territory controlled by Russia-led forces in 2014 over the Donbas region. The OHCHR recorded 107 civilian casualties (18 fatalities and 89 injuries) between January 1 and July 31.

The HRMMU noted that significant numbers of civilians continued to reside in villages and towns in close proximity to the contact line and that both government and Russia-led forces were present in areas where civilians resided. According to the HRMMU, on January 30, a man in Holubivske in the Russia-controlled part of Luhansk Oblast was injured by shrapnel from a mortar round while standing near his house.

According to media reports, on July 3, an 80-year-old woman in Zaitseve in the government-controlled part of Donetsk Oblast was killed as a result of a mortar attack carried out by Russia-led forces of the “DPR.” The OHCHR reported the presence of military personnel and objects within or near populated areas on both sides of the line of contact.

The HRMMU also regularly noted concerns about the dangers to civilians from landmines, booby traps, and unexploded ordnance. According to the Ministry of Defense, 2,730 square miles of both government-controlled territory and territory controlled by Russia-led forces in Donetsk and Luhansk Oblasts needed humanitarian demining. According to the HRMMU, 39 civilians were killed and 30 were injured by mines and explosive ordnance from January through July.

According to press reports, on May 15, a 35-year-old Ukrainian citizen was injured when an antipersonnel mine exploded near Dokuchayevsk in the Russia-controlled part of Donetsk Oblast. Ukrainian military personnel evacuated the woman to a local hospital. On March 27, two persons were killed and another seriously injured in an antipersonnel mine explosion in Slovyanoserbsky District in the Russia-controlled part of Luhansk Oblast.

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

Abductions: As of mid-August, more than 788 missing persons were registered with the International Committee of the Red Cross and the Ukrainian Red Cross as unaccounted for, approximately one-half of whom were civilians. According to the international committee, 1,835 applications requesting searches for missing relatives were submitted since the beginning of the conflict in eastern Ukraine.

There were reports of abductions or attempted abductions by Russia-led forces. According to a joint statement by Human Rights Watch and Amnesty International, as of August there have been no new cases of forced disappearances committed by Ukrainian security services since 2016, although impunity for past disappearances persisted, and the Security Service continued to detain individuals near the contact line arbitrarily for short periods of time. Amnesty International assessed the situation on the Russia-controlled side of the contact line has worsened, noting Russia-led forces “continue to unlawfully deprive civilians of their liberty while concealing their fate and whereabouts for weeks, sometimes months, and subject them to physical violence and psychological abuse.”

According to the head of the Security Service of Ukraine, Russia-led forces held 235 Ukrainian hostages in the Donbas region as of mid-August. Human rights groups reported that Russia-led forces routinely kidnapped persons for political purposes, to settle vendettas, or for ransom. The HRMMU repeatedly expressed concern about “preventive arrest” procedures used in the “LPR” and “DPR” since 2018, which it assessed amounted to incommunicado detention and “may constitute enforced disappearance” (see section 1.d.).

In one example, on April 10, representatives of the “ministry of state security” of the “DPR” arrested Bohdan Maksymenko, a 20-year-old resident of Donetsk, on suspicion of “extremist activities.” As of October Maksymenko’s family had no communication with him.

Physical Abuse, Punishment, and Torture: Both government and Russia-led forces reportedly abused civilians and members of armed groups in detention facilities, but human rights organizations consistently cited Russia-led forces for large-scale and repeated abuses and torture. Abuses reportedly committed by Russia-led forces included beatings, physical and psychological torture, mock executions, sexual violence, deprivation of food and water, refusal of medical care, and forced labor. Observers noted that an atmosphere of impunity and absence of rule of law compounded the situation.

In government-controlled territory, the HRMMU continued to receive allegations that the Security Service of Ukraine detained and abused individuals in both official and unofficial places of detention in order to obtain information and pressure suspects to confess or cooperate. The HRMMU did not report any cases of conflict-related torture in government-controlled territory that occurred, but suspected such cases were underreported because victims often remained in detention or were afraid to report abuse due to fear of retaliation or lack of trust in the justice system. Based on interviews with 27 individuals detained by the government in 2018 or 2019 and later released, the HRMMU reported on March 12 that detainees continued to report having been beaten during detention. The HRMMU noted that the percentage of interviewed detainees making allegations of torture or mistreatment “considerably decreased” in comparison with prior years.

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

There were reports that Russia-led forces committed numerous abuses, including torture, in the territories under their control. According to international organizations and NGOs, abuses included beatings, forced labor, psychological and physical torture, public humiliation, and sexual violence. On February 7, the Media Initiative for Human Rights reported that 48-year-old Serhiy Kuris was tortured for six days by Russia-led forces at the Izolatsiya detention facility after he was detained near his home in Donetsk in September 2019 by plainclothes representatives of the “ministry of state security.” Kuris’s wife, who was with him when he was detained, said armed men handcuffed him, put a plastic bag over his head, and pushed him into an unmarked minivan. Four days later, “investigators” searched Kuris’s home and claimed that military-style clothing and a book about a 2014 battle between Ukrainian and Russia-led forces amounted to evidence of his involvement in terrorism. In a letter Kuris gave to prisoners released in a December 2019 prisoner exchange, Kuris claimed interrogators at Izolatsiya had tortured him in an attempt to force a confession, including with beatings, electric shocks, and hanging him alternatively by his handcuffs and legs. As of November he was still being held in a pretrial detention facility in the “DPR.”

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

A March HRMMU report noted that government authorities committed sexual and gender-based violence against individuals detained in relation to the conflict, but has not documented any cases occurring after 2017. The HRMMU noted Russia-led forces continue to commit sexual and gender-based abuses, and the majority of cases occurred in the context of detention. In these cases both men and women were subjected to sexual violence. Beatings and electric shock in the genital area, rape, threats of rape, forced nudity, and threats of rape against family members were used as a method of torture and mistreatment to punish, humiliate, or extract confessions. The HRMMU noted that women were vulnerable to sexual abuse at checkpoints along the contact line.

According to the HRMMU’s 2017 report, in the territory controlled by Russia-led forces, sexual violence was also used to compel individuals deprived of liberty to relinquish property or perform other actions demanded by the perpetrators, as an explicit condition for their safety and release. While the majority of these incidents dated back to 2014-15, the HRMMU continued to receive testimonies indicating that such practices still occurred in territory controlled by Russia-led forces and in Crimea.

There were reports that in territory controlled by Russia-led forces, conditions in detention centers were harsh and life threatening (see section 1.c.). In areas controlled by Russia-led forces, the Justice for Peace in Donbas Coalition indicated that sexual violence was more prevalent in “unofficial” detention facilities, where in some cases women

and men were not separated. The HRMMU reported that more than one in four of the 56 individuals released by Russia-led forces and interviewed by the HRMMU reported being a victim of sexual violence while detained. The reported forms of abuse included rape, threats of rape, threats of castration, intentional damage to genitalia, threats of sexual violence against family members, sexual harassment, forced nudity, coercion to watch sexual violence against others, forced prostitution, and humiliation.

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

Other Conflict-related Abuse: On March 9, a Dutch court in The Hague started hearing the criminal case connected to the 2014 downing of Malaysian Airlines flight MH17 in the Donbas region. In June 2019 the Netherlands' chief public prosecutor announced the results of the activities of the Joint Investigation Group. The Prosecutor General's Office issued indictments against three former Russian intelligence officers and one Ukrainian national. In 2018 the investigation concluded that the surface-to-air missile system used to shoot down the airliner over Ukraine, killing all 298 persons on board, came from the Russian military.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

Freedom of Speech: With some exceptions, individuals in areas under government control could generally criticize the government publicly and privately and discuss matters of public interest without fear of official reprisal.

The law criminalizes the display of communist and Nazi symbols as well as the manufacture or promotion of the St. George's ribbon, a symbol associated with Russia-led forces in the Donbas region. On March 29, police issued an administrative offense citation in Odesa to a local resident for publicly displaying a portrait of Stalin. During the May 9 celebration of World War II Victory Day, police fined individuals in Odesa, Zaporizhzhya, and Kyiv for carrying banned Soviet symbols.

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

Freedom of Press and Media, Including Online Media: The NGO Freedom House rated the country's press as "partly free." Independent media and internet news sites were active and expressed a wide range of views. Privately owned media, particularly television channels, the most successful of which were owned by influential oligarchs, often provided readers and viewers a "biased pluralism," representing the views of their owners and providing favorable coverage of their allies and criticism of political and business rivals. The 10 most popular television stations were owned by businessmen whose primary business was not in media. Independent media had difficulty competing with major outlets that operated with oligarchic subsidies. Editorial independence was particularly limited in media controlled by individuals and oligarchs supportive of or linked to the Russian government and intelligence agencies. The Ministry of Defense on November 25 stated the Russian Federation "has intensified measures to discredit the top state and military leadership of Ukraine. To this end, pro-Russian media, journalists and agents of influence, including in Ukraine, are being used more actively."

There were reports of continuing financial and political pressure on the National Public Broadcasting Company, created to provide an independent publicly funded alternative to oligarch-controlled television channels. The 2020 budget provided only 89 percent of the previous budget's funding for the broadcaster, which was already reportedly 45 percent lower than what it should have received by law. Parliament consistently failed to comply with legal requirements allocating at least 0.2 percent of the state's annual budget to the broadcaster. In late February the State Executive Service blocked the broadcaster's bank accounts pursuant to a Supreme Economic Court order to repay the debt of its predecessor, the National Television Company of Ukraine. On March 6, the Independent Media Council noted the action left the broadcaster unable to continue operations. On June 2, the bank accounts were unblocked.

Jeansa–the practice of planting one-sided or favorable news coverage paid for by politicians or oligarchs–continued to be widespread. Monitoring by the Institute for Mass Information (IMI) of national print and online media for jeansa indicated a wide range of actors ordered political jeansa, including political parties, politicians, oblast governments, and oligarchs. Only 11 out of the 50 most-visited information sites did not contain jeansa, according to an IMI study conducted from June to August. The study found that 70 percent of the jeansa materials identified were of a political nature. The IMI attributed the widespread use of political jeansa during this period to an attempt to influence voters ahead of the October 25 local elections.

Violence and Harassment: Violence against journalists remained a problem. Human rights groups and journalists blamed what they saw as government inaction in solving the crimes for the emergence of a culture of impunity. Government authorities sometimes participated in and condoned attacks on journalists.

According to the IMI, as of September 1, there had been 20 reports of attacks on journalists, which is equal to the number of attacks on journalists during the first eight months of 2019. As in 2019, private, rather than state, actors perpetrated the majority of the attacks. As of September 1, there were 20 incidents involving threats against journalists, as compared with 33 during the same period in 2019. The IMI and editors of major independent news outlets also noted online harassment of journalists by societal actors, reflecting a growing societal intolerance of reporting deemed insufficiently patriotic, a development they asserted had the tacit support of the government.

There were multiple reports of attacks on journalists by government officials. For example, on August 26, members of the Zaporizhzhya city council physically removed *Gvozdi* (Nails) newspaper editor Bohdan Vasylenko from the city administrative building. Vasylenko had planned to attend the city council meeting to inquire about local COVID-19 prevention measures. The journalist filed a police report. No charges had been brought as of mid-September.

Media professionals continued to experience pressure from the Security Service, the military, police, and other officials when reporting on sensitive issues. For example, on April 29, a police officer beat *Hromadske* journalist Bohdan Kutyepov, pushed him to the ground, and broke his media equipment while he was live-streaming antiquarantine protests taking place in front of a government building. As of November the State Bureau for Investigations was looking into the incident.

There were reports of attacks on journalists by nongovernment actors, including numerous attacks against investigative journalists from the Radio Free Europe/Radio Liberty (RFE/RL) program *Schemes* that occurred throughout the year. On August 7, RFE/RL investigative journalist Mykhailo Tkach found alleged evidence of wiretapping in his apartment and posted images on Facebook of holes drilled into the ceiling of his apartment as evidence of the suspected wiretapping attempt. Shortly thereafter, on the evening of August 16, the car of an RFE/RL *Schemes* driver and film crew member was set on fire. Tkach claimed he had received anonymous messages indicating that his “journalistic activities are annoying high-level officials.” Schemes journalists believe the attacks were in response to its critiques of President Zelenskyy and its investigative reporting on high-level corruption. Police initiated an investigation, and the case gained a high degree of media attention. The head of the Kyiv Regional Police, Andriy Nebytov, wrote on Facebook, “It is obvious that the arsonist and their ‘curators’ had a goal not only to destroy the vehicle, they wanted more to cause outrage among the journalistic community and the public, to create a perception of insecurity and permissiveness.” As of October, no arrests had been made in the case.

In January, RFE/RL journalist Halyna Tereshchuk’s car was set on fire in Lviv in an arson attack. In February the Security Service detained a 19-year-old believed to be responsible for the attack, and in August a police officer was arrested on charges indicating his complicity in the crime.

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

There were reports that government officials sought to pressure journalists through the law enforcement system, often to reveal their sources in investigations. For example, the State Bureau for Investigations summoned television anchor Yanina Sokolova and editor in chief of the online news platform *Censor.Net*, Yuriy Butusov, for questioning. On August 18, Butusov, citing law enforcement sources, reported the detention of Russian mercenaries in Belarus had been part of a special operation by Ukrainian security services that failed due to a leak from the Office of the President. Sokolova announced she was summoned on the grounds that she had potentially disclosed information pertaining to a state secret.

Journalists received threats in connection with their reporting. For example, on July 13, Kateryna Serhatskova, a journalist and cofounder of the online platform *Zaborona* (Prohibition), left the country, claiming threats to her life and her family believed to be in connection with her reporting. On July 3, *Zaborona* published an article detailing alleged links between leaders of violent radical groups and the directors of Stop-Fake.org, a project of the nonprofit Media Reforms Center, aimed at stopping the dissemination of false information about the country (see Internet Freedom). According to Serhatskova, police refused to open an investigation into the threats against her, prompting her lawyer to appeal to the Ministry of Interior Affairs, which opened an investigation in July. As of November, the investigation continued.

In December 2019 police arrested three suspects and two persons of interest in the 2016 killing of well known Belarusian-Russian journalist Pavel Sheremet (see section 1.a.). In early September the Shevchenkivskyy District Court in Kyiv began hearing the case.

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

On September 3, the National Council on Television and Radio Broadcasting (Derzhkomteleradio) revoked the broadcasting license of the Pryamy FM radio station for not broadcasting within a year of the date its license was issued. Derzhkomteleradio is an eight-member executive body charged with overseeing television and radio broadcasters' compliance with Ukrainian laws. The parliament and the president appoint four members each to the council.

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

Libel/Slander Laws: Libel is a civil offense. While the law limits the monetary damages a plaintiff can claim in a lawsuit, local media observers continued to express concern over high monetary damages awarded for alleged libel. Government entities, and public figures in particular, used the threat of civil suits, sometimes based on alleged damage to a person's "honor and integrity," to influence or intimidate the press and investigative journalists.

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

The government continued the practice of banning specific works by Russian actors, film directors, and singers, as well as imposing sanctions on pro-Russian journalists. According to the State Film Agency, as of mid-September approximately 808 films and television shows had been banned on national security grounds since 2014. In response to Russia's continued barrage of cyberattacks and disinformation as part of its efforts to destabilize the country, the government maintained a ban on the operations of almost 839 companies and 1,605 persons that allegedly posed a "threat to information and the cyber security of the state." Among them were two widely used social networks based in Russia and major Russian television channels as well as smaller Russian channels that operated independently of state control.

Derzhkomteleradio maintained a list of banned books seen to be aimed at undermining the country's independence; promoting violence; inciting interethnic, racial, or religious hostility; promoting terrorist attacks; or encroaching on human rights and freedoms. As of November the list contained 227 titles.

There were reports the government used formal pretexts to silence outlets for being "pro-Russian" and for being critical of its national security policy. On October 15, Derzhkomteleradio announced an unscheduled inspection of pro-Russian television channels Newsone, 112 Ukraine, and ZIK, claiming their favorable coverage of an October 6 meeting between Russian president Vladimir Putin and Ukrainian politician Viktor Medvedchuk might have violated national security laws.

Nongovernmental Impact: There were reports that radical groups committed attacks on journalists. For example, on June 15, members of radical groups attacked *ZIK* television journalist Alla Zhyznevska at the Shevchenkivskyy district courthouse in Kyiv where Serhiy Sternenko was being held and protests were organized by activists of the Youth Wing and members of the Opposition Platform for Life. Clashes broke out, and police detained five individuals. A few days prior, on June 12, Zhyznevska reported another incident in which she was conducting a story on a local market in Odesa when six unknown men emerged, demanded the journalist's crew not take pictures, and forcibly removed them from the market. Police were called, but the six men dispersed before they arrived.

The ability to exercise freedom of expression reportedly remained extremely limited in territory controlled by Russia-led forces in the Donbas region. Based on HRMMU media monitoring, critical independent media on the territory controlled by Russia-led forces was nonexistent. According to Digital Security Lab Ukraine, an independent digital analysis organization, authorities in the "LPR" blocked approximately 158 Ukrainian news outlets as of late January.

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

Internet Freedom

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

On May 14, President Zelenskyy renewed sanctions on several Russian websites that were introduced in 2017 in retaliation for Russian cyberattacks. The sanctions included a ban on popular Russian social networks VKontakte and OdnoKlassniki, although the sites could easily be reached with use of a virtual private network connection. Ukrainian internet providers continued to block websites at government behest based on national security concerns.

As of September, 475 sites were blocked in the country on such grounds. According to monitoring by Digital Security Lab Ukraine, internet service provider compliance with the government's orders to block sites varied widely.

Free speech advocates expressed concern that courts continued to block access to websites on grounds other than national security. Freedom House reported thousands of websites, including some self-described news sites, were blocked for alleged involvement in cybercrime, fraud, and other illegal activities. For example, on January 27, a Kyiv court ruled to block access to 59 websites, including the media platforms *smi.today*, *capital.ua*, and *ukr.fm*, at the request of the Kyiv Oblast prosecutor's office on grounds related to violations of intellectual property rights.

There were reports of the disclosure of personally identifiable information of persons to penalize expression of opinions. On July 11, a Ukrainian journalist with more than 130,000 followers on his social media account posted a picture of journalist Kateryna Serhatskova with her son as well as details about her personal life, suggesting she worked for Russian intelligence services. In the comments responding to the post, users posted her address, photos of her home, and death threats against her. The threats and disclosures came in response to Serhatskova's July 3 publication of an article about the alleged influence of violent radical groups on a fact-checking organization, StopFake.org. Human Rights Watch called on authorities to provide for her safety. On July 14, Serhatskova left the country out of concern for her safety and that of her family.

The Myrotvorets (peacemaker) database, which reportedly maintained close ties to the country's security services, published the personal data of journalists and public figures who had been critical of the country's security services or had made other statements the site considered unpatriotic. For instance, in early August the website published personally identifiable information of the editor and host of the television program *Nashi Hroshi* (Our Money), Denys Bihus. Myrotvorets published the information in retaliation for Bihus's investigative reporting on Ihor Hladkovsky, the son of a former National Security and Defense Council official. Myrotvorets justified its actions by citing a July court ruling that dismissed the claims of Bihus and other journalists regarding Hladkovsky's alleged involvement in embezzlement.

There were reports of cyberattacks on journalists who reported on corruption. For example, after publishing an investigative report in July on the pro-Russian influence of certain *Telegram* channels closely followed by members of parliament, journalist Lyubov Velychko reported repeated attempts to hack her social network and messenger accounts as well as numerous online death threats against her.

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

In its annual *Freedom on the Net* report published in November, Freedom House concluded that the country has made cautious improvements in regards to internet freedom. Improvements included the removal of telecommunications licensing requirements that were previously tied to corruption and a reduction in the practice of administratively blocking websites, with the exception of President Zelenskyy's extension of sanctions to several Russian-owned technology companies in May.

There were reports the government prosecuted individuals for their posts on social media. For example, according to press reports, in early August, the Security Service in Sumy searched a house and detained a man who allegedly posted calls on social networks to break the ceasefire in Donbas.

Academic Freedom and Cultural Events

There were some instances in which the government restricted academic freedom or cultural events.

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

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

The constitution provides for the freedom of peaceful assembly, but police sometimes restricted, or failed to protect freedom of assembly. No laws, however, regulate the process of organizing and conducting events to provide for the right, and authorities have wide discretion under a Soviet-era directive to grant or refuse permission for assemblies on grounds of protecting public order and safety. Organizers are required to inform authorities in advance of demonstrations.

There were reports of police restricting and failing to protect freedom of assembly. For example, in July police officers in Lviv restricted activists' ability to assemble peacefully near the Taras Shevchenko monument in the city's center by dispersing the group and writing up a police report for "petty hooliganism." The activists held a performance in which one member wore a Zelenskyy mask and handed out one million hryvnia notes to all who passed by, while others smashed a printer that was printing the fake money.

Human rights defenders noted that police at times arbitrarily enforced COVID-19 quarantine restrictions, including through selective dispersal of civic assemblies. For example, on June 25, organizers of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community support month in Kyiv scheduled two events at the same location. Organizers informed police about both events in advance to abide by legal processes and COVID-related restrictions. The events were reportedly both approved in advance, and police allowed the first event–a panel discussion–to proceed as planned but dispersed participants of the second event and wrote a misdemeanor report against the venue's owner, citing alleged quarantine restrictions. The owner reported that in addition to the events being previously approved, authorities also previously checked the venue to ensure it met quarantine requirements and had not reported any concerns.

Events organized by women's rights activists or the LGBTI community were regularly disrupted by members of violent radical groups. Police at times did not adequately protect participants from attack before or after the events, nor did they provide sufficient security for smaller demonstrations or events, especially those organized by persons belonging to minority groups or opposition political movements. For example, two men who participated in the March 8 Women's Rights March in Kyiv were beaten and sprayed with tear gas in an underground tunnel after the event. Police detained four suspects, including Vita Zaverukha and three other activists from the violent radical group Unknown Patriot. As of July 6, only one indictment against one suspect for "hooliganism" had been sent to court.

On August 30, members of the radical group Tradition and Order attacked participants of the Odesa pride rally. Tradition and Order members punched, kicked, and threw projectiles at both participants and police. Two officers were injured. International monitors noted that poor communication between event organizers and police contributed to police failure to provide adequate protection. Police arrested 16 persons involved in the attack and investigated the incident. Similarly, on September 20, representatives of violent radical groups gathered in the downtown area of Zaporizhzhya for a counterprotest in response to the March of Equality (pride march). During the event, police detained an armed man after he aimed a gun at the pride march participants. No shots were fired, and the perpetrator was taken to the Dnipro police department.

On December 14, a group of young men attacked two teenage boys in Kyiv's Kontrakova Square, shouting homophobic slurs, beating, and kicking them in what appears to have been an unprovoked attack. A witness who posted a video of the attack claimed that while police arrested one of the victims for arguing with them, the attackers remained in the square even after police left, shouting racist slogans.

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

Russia-led forces in the "DPR" and "LPR" continued to implement "laws" requiring all religious organizations except the Ukrainian Orthodox Church-Moscow Patriarchate to undergo "state religious expert evaluations" and reregister with them. According to the HRMMU, a majority of religious groups recognized under Ukrainian law continued to be unable to reregister because of stringent legal requirements under "laws" in the "DPR" and "LPR" that mirrored Russian legislation preventing or discouraging reregistration of many religious communities (see the Department of State's *International Religious Freedom Report* at https://www.state.gov/religiousfreedomreport/).

Freedom of Association

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

Human rights organizations reported an increase in attacks on activists following a decrease in attacks in 2019 (48 attacks in the first six months of the year, up from 39 in the same period of 2019). International and domestic human rights NGOs remained concerned about the lack of accountability for attacks on members of civil society organizations, which they believed had created a climate of impunity.

For example, on July 23, the head of the NGO Anticorruption Center, Vitalii Shabunin, reported suspected arson after his home was set on fire. Shabunin's parents and children were in the house at the time but managed to escape unharmed. After an investigation, police concluded the fire resulted from an arson attack that started on the activist's porch with the assistance of a flammable liquid to ignite a stable flame. As of September the perpetrators had not been identified. Shabunin believed the arson was an assassination attempt carried out at the request of politically influential oligarchs to prevent his organization's investigative reporting on corruption. On December 30, police removed suspicious items resembling bombs from the doorsteps of apartments belonging to Shabunin's relatives. In recent years several major human rights groups have expressed concern about the government's singling out of Shabunin for unfair treatment.

There were reports the government targeted activists for raids, arrests, or prosecution in retaliation for their professional activity. For example, on September 30, Shabunin was fined 850 hryvnias ($30) for the late submission of an asset declaration by half a day. The Anticorruption Center believed the fine was issued to include Shabunin on a register of corrupt individuals and used against the organization in a smear campaign.

On March 30, police arrested Yuriy Fedorenko, the head of the Tverdynia NGO that works to expose illegal construction projects, as he was attempting to film construction in Kyiv he believed to be illegal. Fedorenko himself called police to report the construction violation, but they instead arrested and searched him and transported him to a nearby police station where he was charged with a violation of quarantine, despite his wearing a mask while in public. Police, citing privacy concerns, did not provide a reason for the arrest, and Fedorenko was later completely acquitted in court.

There were reports that unknown actors initiated violent attacks against activists because of their involvement in civil society organizations. For example, on June 20, Valentyna Buchok was wounded when a grenade exploded near a gate outside her home in Ivanopillya in the government-controlled part of Donetsk Oblast. Buchok, who was reportedly tortured while imprisoned by Russia-led forces in the Izolatsiya detention facility on falsified charges from 2016-17, was a member of SEMA Ukraine, a group that advocated for survivors of conflict-related sexual violence. Human rights groups claimed the explosion marked the third attempt on her life since her release in a prisoner exchange in 2017.

According to the HRMMU, in the territories controlled by Russia-led forces, domestic and international civil society organizations, including human rights defenders, could not operate freely. Residents informed the HRMMU they were being prosecuted (or feared being prosecuted) by the "ministry of state security" for their pro-Ukrainian views or previous affiliation with Ukrainian NGOs. If human rights groups attempted to work in those areas, they faced significant harassment and intimidation. The HRMMU also noted some civil society organizations run by Russia-led forces appeared to require certain persons, such as public-sector employees, to join.

c. Freedom of Religion

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

d. Freedom of Movement

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

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

On March 16, the government introduced COVID-related restrictive measures on transit through the five entry and exit checkpoints, barring all crossings except those involving humanitarian grounds. On March 21, Russia-led forces in the "LPR" and "DPR" established similar restrictions. On June 10, the government reopened its side of the Stanytsia Luhanska and Marinka checkpoints, but it began requiring individuals to download an app on their cell phones monitoring their compliance with quarantine orders, effectively preventing anyone who did not own a cell phone from crossing into government-controlled territory. Russia-led forces in Donetsk likewise turned many away who attempted to cross into government-controlled territory; those allowed to cross were required to sign a document indicating they would not return until the COVID-19 pandemic had subsided. On June 19, the "LPR" reopened its side of the Stanytsia Luhanska checkpoint but required individuals seeking entry to provide proof of residency. Public passenger transportation remained prohibited; private transportation was available at high prices and was generally unaffordable for the majority of persons crossing.

According to the HRMMU, from late March to mid-June, the number of monthly line-of-contact crossings decreased from 1.3 million to a few hundred, most of which occurred in Luhansk Oblast. As a result, thousands were separated from their families and lost access to quality health care, pensions, social protection, and employment. Women and elderly persons, who comprised the majority of those crossing before the COVID-19 lockdown, were particularly affected. The government required those seeking to cross into government-controlled territory to obtain a pass. The pass system imposed significant hardships on persons crossing into government-controlled territory, in particular those seeking to receive pensions and government benefits not distributed in the territory controlled by Russia-led forces.

According to the HRMMU, since late June, civilians seeking entry to territory controlled by Russia-led forces in the "DPR" had to have permission from the "Operational Headquarters to Combat COVID-19" and have a residence registered in the "DPR." To enter government-controlled territory from the "DPR," civilians had to be registered in the government-controlled territory.

The government and Russian occupation authorities subjected individuals crossing between Russian-occupied Crimea and the mainland to strict controls at the administrative boundary between Kherson Oblast and Crimea. Authorities prohibited rail and commercial bus service across the administrative boundary, requiring persons either to cross on foot or by private vehicle. Civil society, journalists, and independent defense lawyers reported that the government made efforts to ease requirements for entering Crimea, improving previously lengthy processes to obtain required permissions that hindered their ability to document and address abuses taking place there. On April 3, Russian occupation authorities imposed a measure in Crimea banning Russian citizens from leaving the territory of the Russian Federation. The measure affected Ukrainian residents of Crimea due to authorities requiring all residents of Crimea to be Russian citizens, and Russia's purported annexation of Crimea (see Crimea subreport).

e. Status and Treatment of Internally Displaced Persons

According to the Ministry of Social Policy, as of late September more than 1.4 million persons were registered as internally displaced persons (IDPs) due to Russia's aggression in eastern Ukraine and occupation of Crimea. Some NGOs and international organizations estimated the number to be lower, since some persons returned to their homes after registering as IDPs, while others registered while still living in the conflict zone. The largest number of IDPs resided in areas immediately adjoining the conflict zones, in government-controlled areas of Donetsk and Luhansk Oblasts as well as in the Kharkiv, Dnipropetrovsk, and Zaporizhzhya Oblasts and Kyiv. Many resided in areas close to the line of contact in the hope they would be able to return home.

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

According to the HRMMU, as part of its COVID-19 prevention measures, the government suspended the burdensome requirement that IDPs undergo identification checks every second month in order to receive social benefits.

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

IDPs were able to vote in local elections and for single-mandate district seats in parliamentary elections. In May the Central Election Commission passed a resolution allowing IDPs, working migrants, and citizens without registration to apply in-person or online to the State Registry of Voters to identify or change their voting address and vote where they actually live. As a result, approximately 5.5 million additional Ukrainians were eligible to participate in local elections in October.

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

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

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

f. Protection of Refugees

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

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

Refoulement: There were reports the government did not provide for protection against the expulsion or return of some asylum seekers to a country where there was reason to believe their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. For example, on May 14, the Supreme Court rejected the asylum appeal of prominent Kazakhstani journalist and opposition activist Zhanara Akhmetova. Human rights groups warned that the decision put Akhmetova at risk of deportation to Kazakhstan, where she would likely face mistreatment or torture for her political views.

The Open Dialogue Foundation claimed the decision was rushed and failed to address defense arguments. Akhmetova fled Kazakhstan in 2017 with her minor son without serving her suspended sentence for a 2009 fraud case, fearing that moves by Kazakhstani authorities to shut down her newspaper and fine her for social media posts put her in danger of political harassment and abuse.

There were also allegations that officials deported three individuals to Uzbekistan, where they were at risk of imprisonment. At a news conference on October 23, relatives and advocates for three Uzbekistani men who disappeared in October alleged that the Uzbekistani State Secret Service had kidnapped the men with the help of the Security Service of Ukraine and taken them to Uzbekistan, where they were allegedly imprisoned. The disappearances occurred in Poltava, Kharkiv, and Odesa. The families' lawyers alleged that in two of the cases, witnesses claimed the men were detained by plainclothes Security Service officials. The men's lawyers called on

police to initiate investigations and claimed the extraditions were linked to Uzbekistan's religious persecution of Muslims, including members of the group Hizb ut-Tahrir, which is legal in Ukraine. Two of the families submitted claims to the UN Working Group on Enforced or Involuntary Disappearances on behalf of their missing relative.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a legal system for providing protection to refugees. Protection for refugees and asylum seekers was insufficient, however, due to gaps in the law and the system of implementation. According to the State Migration Service, the number of refugees and asylum seekers has decreased. The country is a transit and destination country for asylum seekers and refugees, principally from Afghanistan, the Russian Federation, Bangladesh, Syria, and Iraq.

Many Belarusian nationals were either forcibly exiled by Belarusian authorities or voluntarily fled Belarus, crossing into Ukraine to seek refuge during a violent crackdown and political crisis in Belarus stemming from election-related mass protests following the fraudulent presidential election there on August 9. On October 4, President Zelenskyy signed a decree that relaxed requirements for certain categories of Belarusian citizens seeking residence. The decree directed the Cabinet of Ministers to extend the time allotted for temporary stays for Belarusian citizen entrepreneurs and information technology specialists from 90 to 180 days as well as to simplify procedures for obtaining a residence permit. While a few hundred Belarusians utilized the relaxed requirements for temporary stays and residence, relatively few applied for asylum. As of October, only 11 Belarusians had applied for asylum in the country.

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

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

Employment: Refugees frequently had a hard time finding employment due to lack of qualifications and language proficiency. Some worked illegally, increasing their risk of exploitation.

Access to Basic Services: The national plan on the integration of refugees adopted by the government did not allocate resources for its implementation.

Temporary accommodation centers had a reception capacity of 421 persons. Asylum seekers living outside an official temporary accommodation center often experienced difficulties obtaining residence registration, and authorities regularly imposed a substantial fine because they lacked registration. According to the State Migration Service, refugees could receive residence registration at homeless shelters for up to six months.

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

Temporary Protection: The government provided temporary protection ("complementary protection") to individuals who may not qualify as refugees. As of August 31, authorities had provided complementary protection to 56 persons.

g. Stateless Persons

UNHCR estimated there were more than 35,000 stateless persons in the country. Persons who were either stateless or at risk of statelessness included Roma, homeless persons, current and former prisoners, and persons older than 50 who never obtained a Ukrainian personal identification document after the fall of the Soviet Union and were no longer able to obtain one.

The law requires establishing identity through a court procedure, which demanded more time and money than some applicants had. UNHCR reported Roma were at particular risk for statelessness, since many did not have birth certificates or any other type of documentation to verify their identity. Homeless persons had difficulty obtaining citizenship because of a requirement to produce a document testifying to one's residence.

In June parliament amended the laws on recognition of stateless persons to define clearly the terms "stateless person," "child separated from the family," and "legal representatives" of such individuals. The law allows stateless persons to stay in the country and obtain a residence permit and stateless identity card, which facilitates foreign travel.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections

held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Nationwide local elections took place on October 25, with runoff mayoral elections taking place through November and December. The local elections were the first to take place after decentralization reforms devolved power concentrated at the national level to local leaders. Due to COVID-19 related restrictions, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) only sent a limited election observation mission to monitor the conduct of these elections, while other observers cancelled their missions. As of early December, the ODIHR had not released its preliminary findings on the elections.

The country held early parliamentary elections in July 2019. A joint international election observation mission by the ODIHR, the OSCE Parliamentary Assembly, the NATO Parliamentary Assembly, and the European Parliament assessed that "Fundamental rights and freedoms were overall respected and the campaign was competitive, despite numerous malpractices, particularly in the majoritarian races." The administration of the election was generally competent and effective, despite the short time available to prepare the elections. In sharp contrast, the campaign was marked by widespread vote buying, misuse of incumbency, and the practice of exploiting all possible legislative loopholes, skewing equality of opportunity for contestants. Intertwined business and political interests dictate media coverage of elections and allow for the misuse of political finance, including at the local level.

The country held a presidential election in two rounds in March and April 2019. The joint international election observation mission assessed the election, "was competitive, voters had a broad choice and turned out in high numbers. In the pre-electoral period, the law was often not implemented in good faith by many stakeholders, which negatively impacted trust in the election administration, enforcement of campaign finance rules, and the effectiveness of election dispute resolution. Fundamental freedoms were generally respected. Candidates could campaign freely; yet, numerous and credible indications of misuse of state resources and vote buying undermined the credibility of the process. The media landscape is diverse, but campaign coverage in the monitored media lacked in-depth analysis and was often biased. Election day was assessed positively overall and paves the way to the second round. Still, some procedural problems were noted during the count, and conditions for tabulation were at times inadequate."

Russian occupation authorities and Russia-led forces did not allow voting in either the parliamentary or the presidential elections to take place in Crimea or in the parts of the Donbas region under the control of Russia-led forces.

Political Parties and Political Participation: The Communist Party remains banned. Voters in 18 communities in government-controlled territories of Donetsk and Luhansk Oblasts were denied the right to participate in local elections in October due to a decision by the Central Election Commission that elections could not be held there, based on security concerns identified by local civil-military authorities. Rights groups criticized the lack of transparency and justification, as well as the inability to appeal the decision.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process, and they did participate. To increase women's representation in elected office, parliament amended the electoral code in July to require at least two of every five candidates on political party lists to be of a different gender than the other three. In the July 2019 parliamentary elections, women accounted for 23 percent of the candidates and won 21 percent of the seats. In the October local elections, women accounted for 43 percent of candidates on party lists and won approximately 30 percent of seats on local councils. No woman was elected mayor of a major city.

Section 4. Corruption and Lack of Transparency in Government

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

The High Anticorruption Court started its work in September 2019. The court's creation completed the country's system of bodies to fight high-level corruption, complementing two previously created anticorruption agencies, the National Anticorruption Bureau and the Special Anticorruption Prosecutor's Office. During the first year of its operations, the High Anticorruption Court issued 20 sentences, including 19 convictions (nine of which resulted in imprisonment) and one acquittal. Prior to the court's establishment, general jurisdiction courts considering cases brought by the National Anticorruption Bureau and the Special Anticorruption Prosecutor's Office issued 34 sentences, only two of which resulted in imprisonment. Although the hearing continued, on April 3, the High Anticorruption Court issued its first decision on the measure of "restraint for officials charged with top corruption," setting bail at 80 million hryvnias ($2.8 million) for former member of parliament Maksym Mikitas. As new cases were opened, the court also set bails in the amount of 100 million hryvnias ($3.5 million) for Member of Parliament Yaroslav Dubnevych, and 120 million hryvnias ($4.3 million) for former member of parliament Olena Mazurova. It enforced penalties for violating bail terms, charging Mikitas 30 million hryvnias ($1.1 million) and former member of parliament Vadim Alperin 35 million hryvnias ($1.3 million). As of September the court's account had 756 million hryvnias ($27 million) in bail money, more than twice its annual budget.

Despite their successes, the new independent anticorruption bodies faced political pressure from antireform elites and oligarchs that undermined public trust, raised concern about the government's commitment to fighting corruption, and threatened the viability of the institutions. Since the inception of the anticorruption infrastructure, various political actors attempted to embed loyal agents in the institutions through legislative changes and political leverage over selection procedures or to dissolve them altogether. In this regard, human rights groups called for more transparency and impartiality respecting procedures for appointing the heads of the bodies. Current selection procedures of the new head of the Special Anticorruption Prosecutor's Office continued at year's end.

Human rights groups claimed another threat to the anticorruption infrastructure came from the Constitutional Court, where antireform interests exercised undue influence on judges. From August to October, the Constitutional Court ruled unconstitutional certain provisions of the National Anticorruption Bureau law, a presidential decree to appoint the bureau's director, and certain provisions of the anticorruption legislation that established the country's asset declaration system for public officials. The court was also reviewing the constitutionality of the High Anticorruption Court law and several other reform laws.

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

In July the former acting head of Ukravtodor, the state agency for road maintenance, Slawomir Novak, was detained in his native Poland on suspicion of corruption based on a joint investigation by the National Anticorruption Bureau and Polish authorities. According to the bureau, Novak's activities while heading Ukravtodor during 2016-19 "were aimed at embezzling funds from international organizations that allocated money for road repairs."

As of November the National Anticorruption Bureau had investigated 986 criminal cases with 261 billion hryvnias ($9.6 billion) of losses and 390 suspects since its inception in 2015.

Financial Disclosure: The law mandates filing of income and expenditure declarations by public officials and allows for public access to declarations and sets penalties for either not filing or filing a false declaration. By law the National Agency for the Prevention of Corruption is responsible for reviewing financial declarations, monitoring the income and expenditures of high-level officials, and checking party finances. Observers increasingly questioned, however, whether the agency had the capacity and independence to fulfill this function. On October 27, the Constitutional Court ruled certain provisions of the financial disclosure law unconstitutional and deprived the agency of most of its powers. The controversial ruling reversed a key anticorruption reform and led the president and parliament to call for the dissolution of the Constitutional Court, describing it as a threat to the country's sovereignty and national security. In response to the ruling, the National Anticorruption Bureau closed 110 proceedings on false declarations and the High Anticorruption Court stopped 17 court cases in process. In December parliament passed legislation reinstating the asset declaration system, and President Zelenskyy later endorsed it.

On July 7, President Zelenskyy informed the National Agency for the Prevention of Corruption that he had not submitted notifications of significant changes in property status, prompting the agency to initiate administrative proceedings against him. In July 2019 President Zelenskyy bought and sold government bonds with a total value that exceeded the reporting threshold. According to the law, public officials must submit notifications of significant changes in property status to the Register of Declarations within 10 days from the time of the transaction. No such notification was received by the Register. On July 24, a court in Kyiv closed the administrative case against President Zelenskyy, noting that under the constitution, the president enjoys immunity from prosecution while in office.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases.

Authorities in Russia-controlled areas in eastern Ukraine routinely denied access to domestic and international civil society organizations. Human rights groups attempting to work in those areas faced significant harassment and intimidation (see section 2.b., Freedom of Association).

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

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

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

Women

Rape and Domestic Violence: The law prohibits rape of men or women. The penalty for rape is three to 15 years'

imprisonment. Sexual assault and rape continued to be significant problems.

On September 21, the president signed a decree that introduced new measures for preventing and counteracting domestic and gender-based violence. The measures included increased funding and staffing of support service programs for domestic violence victims.

Domestic violence against women remained a serious problem. In the first six months of the year, police received 101,000 domestic violence complaints, which is a 40 percent increase compared with the same period in 2019. Spousal abuse was common. The HRMMU reported the spread of COVID-19 and the implementation of quarantine measures exacerbated the situation. According to the Internal Affairs Ministry, approximately 2,900 cases of domestic violence were investigated during the first nine months of the year. Police issued approximately 81,000 domestic violence warnings and protection orders during the first nine months of the year. Punishment included fines, emergency restraining orders of up to 10 days, ordinary restraining orders from one to six months, administrative arrest, and community service. Human rights groups noted the ability of agencies to detect and report cases of domestic violence was limited.

According to the NGO La Strada, quarantine restrictions made it difficult for victims of domestic violence to receive help. From mid-March to early May–the period during which the most severe quarantine restrictions were in place –human rights groups noted a decrease in the responsiveness of police officers to cases of domestic violence. Victims faced increased difficulty in accessing domestic violence shelters due to the requirement to obtain a hospital certificate declaring they were not infected with COVID-19 before the shelters would provide social services.

According to press reports, on June 29, a 50-year-old man beat his 46-year-old wife in their home in Drohobych, Lviv Oblast. The woman sustained grave bodily injuries and later died in the local hospital. The man was arrested on murder charges and faces seven to 10 years in prison. As of mid-September, police were conducting a pretrial investigation.

According to La Strada, the conflict in the Donbas region has led to a surge in violence against women across the country in recent years. Human rights groups attributed the increase in violence to post-traumatic stress experienced by IDPs fleeing the conflict and by soldiers returning from combat. IDPs reported instances of rape and sexual abuse; many said they fled areas controlled by Russia-led forces because they feared sexual abuse.

As of late September, the government operated 28 shelters for survivors of domestic violence and 21 centers for social and psychological aid across the country for survivors of domestic violence and child abuse.

Sexual Harassment: While the law prohibits coercing a person to have sexual intercourse, legal experts stated that safeguards against harassment were inadequate. The law puts sexual harassment in the same category as discrimination and sets penalties ranging from a fine to three years in prison. Women’s rights groups reported continuing and widespread sexual harassment, including coerced sex, in the workplace. Women rarely sought legal recourse because courts declined to hear their cases and rarely convicted perpetrators.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: While the law provides that women enjoy the same rights as men, women experienced discrimination in employment. According to the government commissioner on gender policy, women on average received 30 percent lower salaries than men. The Ministry of Health maintained a list of 50 occupations that remain prohibited for women. Women experienced discrimination in pay and in access to retirement and pension benefits (see section 7.d.).

Children

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

Registration of children born in Crimea or Russia-controlled areas in the Donbas region remained difficult. Authorities required hospital paperwork to register births. Russian occupation authorities or Russia-led forces routinely kept such paperwork if parents registered children in territories under their control, making it difficult for the child to obtain a Ukrainian birth certificate. In addition, authorities did not recognize documents issued by Russian occupation authorities in Crimea or in territories controlled by Russia-led forces. Persons living in Crimea and parts of the Donbas had to present documents obtained in Russian-controlled territory to Ukrainian courts in order to receive Ukrainian government-issued documents. The courts were obliged to make rulings in 24 hours; these decisions were then carried out by the registry office. Due to the lack of judges in local courts, Ukrainians living in regions under Russian control faced serious difficulty in obtaining Ukrainian documents.

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

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

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

According to press reports, on June 25, Kyiv police officers responded to a report that a six-year-old boy had fallen out the window of an apartment. When police arrived at the boy's home, they observed the boy's mother and godfather were intoxicated. A search of the home and interview with witnesses led police to conclude the boy had been beaten unconscious by his godfather. The boy was taken to a hospital, where he died from his injuries one week later. Police detained the boy's godfather and investigated the case as suspected premeditated murder.

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

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

Sexual exploitation of children remained significantly underreported. Commercial sexual exploitation of children remained a serious problem. In late May a 44-year-old man was arrested in Vinnytsya Oblast for allegedly having filmed himself molesting his minor child and distributing the pornographic content on the internet. An investigation was still open as of mid-September.

Domestic and foreign law enforcement officials reported a significant amount of child pornography on the internet continued to originate in the country. The International Organization for Migration (IOM) reported children from socially disadvantaged families and those in state custody continued to be at high risk of trafficking, including for commercial sexual exploitation and the production of pornography. For example, in February cyber police in the Dnipropetrovsk Oblast arrested a 59-year-old man who was suspected of the rape of a minor and the production and distribution of pornographic items. An investigation was underway as of October.

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

Institutionalized Children: The child welfare system continued to rely on long-term residential care for children at social risk or without parental care, although the number of residential-care institutions continued to drop. Government policies to address the abandonment of children reduced the number of children deprived of parental care. A government strategy for 2017-26 calls for the transformation of the institutionalized child-care system into one that provides a family-based or family-like environment for children. As of early 2020, the government's progress towards this strategy was slow, with the number of children in orphanages dropping from 106,000 to 100,000 over three years. During the year, as a COVID-19 preventative measure, the government transferred 42,000 children back to families without conducting prior checks to verify family conditions. UNICEF raised concerns this action could put the children at risk of abuse.

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

In early September the head physician of the Izmayil boarding school in Odesa Oblast was charged with molesting children under his care. Local police opened an investigation.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html.

Anti-Semitism

According to census data and international Jewish groups, the Jewish population was approximately 103,600, constituting approximately 0.2 percent of the total population. According to the Association of Jewish Organizations and Communities, there were approximately 300,000 persons of Jewish ancestry in the country, although the number might be higher. Estimates of the Jewish population in Crimea and the Donbas region were not available, although

before the conflict in eastern Ukraine, according to the Jewish association, approximately 30,000 Jewish persons lived in the Donbas region. Jewish groups estimated that between 10,000 and 15,000 Jewish persons lived in Crimea before Russia's attempted annexation.

According to the National Minority Rights Monitoring Group, three cases of suspected anti-Semitic violence were recorded as of October 1. The group recorded approximately six cases of anti-Semitic vandalism as of October 1, compared with 10 incidents during the same period in 2019.

On July 28, a man attacked a guard in a synagogue in Mariupol, striking him several times with an ax. The guard managed to disarm the perpetrator, who threw plastic bags filled with sand and feces before fleeing. The attacker escaped to Russia, where he was detained. As of late September, he was in a pretrial detention facility in Rostov-on-Don.

On January 10, at least four Jewish pilgrims were reportedly hospitalized after they were attacked with knives and sticks by approximately 30 persons in Uman. According to eyewitnesses, local law enforcement arrived on the scene but took little action as the mob moved through the town seeking Jewish victims. Also in Uman, on October 24, three men attacked two Jewish teenagers, one of whom suffered a facial wound from a knife, according to media reports.

Graffiti swastikas continued to appear in Kyiv, Rivne, Kherson, Mariupol, Vinnytsya, Uman, Bogdanovka, Kirovgrad, and other cities. According to press reports, on January 20, a man vandalized a monument to victims of the Holocaust in Kryvy Rih in Dnipropetrovsk Oblast. Police investigated the case, and in May a local court gave the man a three-year suspended sentence for desecration of a memorial. On April 21, an individual firebombed a Jewish community center in Kherson, burning the front door. The governor of Kherson quickly denounced the attack. Police arrested two suspects on May 9, and on August 4, the Kherson Prosecutor's Office announced it would charge the suspects with "arson" and "damage to a religious building." Jewish organizations expressed concern about the continued operation of Krakivsky Market and new construction atop a historic Jewish cemetery in Lviv.

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

Trafficking in Persons

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

Persons with Disabilities

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

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

Patients in mental-health facilities remained at risk of abuse, and many psychiatric hospitals continued to use outdated methods and treatments. In a report published in January about its April 2019 visit, the Council of Europe's CPT expressed concerns about incidents of inter-resident violence in psychoneurological institutions. The report also noted that understaffing limited the provision of psychosocial therapy services.

On August 1, the Poltava Oblast Prosecutor's Office announced the opening of a criminal case in response to violations identified during its inspection of the Poltava psychiatric facility. The violations included overcrowding and inadequate protection of privacy rights. As of November, the criminal case continued.

On June 30, the public television channel UA:Pershyi released a documentary film that alleged medical staff at the Ostroh Regional Psychiatric Hospital mistreated residents. In the film, a patient and his family members accused medical staff of beating him. The hospital took disciplinary actions against four of the staff members allegedly involved in the abuse, and on July 2, the Rivne Prosecutor's Office announced it had opened a pretrial investigation into the allegations.

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

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

The law provides every child with a disability the right to study at mainstream secondary schools (which usually include primary, middle, and high school-level education) as well as for the creation of inclusive groups in preschool facilities, secondary and vocational schools, and colleges. According to the president's commissioner for the rights of children, 12,000 children with disabilities went to regular schools within the program of inclusive education.

Persons with disabilities in Russia-controlled areas in eastern Ukraine suffered from a lack of appropriate care and education.

Members of National/Racial/Ethnic Minority Groups

Mistreatment of members of minority groups and harassment of foreigners of non-Slavic appearance remained problematic. According to the most recent data from the National Minority Rights Monitoring Group, 61 xenophobic incidents (attacks, vandalism, and "public expressions of xenophobia") occurred in 2019. Human rights organizations stated the requirement to prove actual intent, including proof of premeditation, to secure a conviction made it difficult to apply the laws against offenses motivated by racial, national, or religious hatred. Police and prosecutors continued to prosecute racially motivated crimes under laws against hooliganism or related offenses.

On July 19, three students from the Democratic Republic of Congo were attacked by five men as they hailed a taxi on a street in Kyiv. One of the attackers fired a gun into the air during the attack. The students alleged the men taunted them for their skin color. Police launched a criminal investigation on the charge of "violation of equality of citizens based on their race, nationality, religious beliefs, disability, and on other grounds combined with violence."

The most frequent reports of societal violence against national/racial/ethnic minorities were against Roma. In one example, human rights groups reported that on August 29, approximately 500 residents of the village of Andriyivka in Kharkiv Oblast gathered to demand the eviction of Romani families living in the district. Following the rally, participants gathered outside a house belonging to Romani families and threw eggs and stones at its windows. Police evacuated the families and helped them relocate with anonymity. Police opened an investigation of the incident. Similarly, on April 29, two young men attacked a Romani family of four at their settlement camp in Kyiv. The attackers forced the family from their tent in the early morning hours, verbally harassed the mother, and kicked the father. They then set the tent and its contents on fire, forcing the family to flee the camp. Police said they did not investigate the incident because the family had not insisted on an investigation.

Human rights activists remained concerned about the lack of accountability in cases of attacks on Roma and the government's failure to address societal violence and harassment against Roma.

Roma continued to face governmental and societal discrimination and significant barriers accessing education, health care, social services, and employment. According to Council of Europe experts, 60 percent of Roma were unemployed, 40 percent had no documents, and only 1 percent had a university degree. According to the Romani women's foundation, Chirikli, local authorities erected a number of barriers to prevent issuing national identification documents to Roma. Authorities hampered access to education for persons who lacked documents and segregated Romani children into special schools or lower-quality classrooms. Officials also expressed anti-Romani sentiments and encouraged discrimination.

On May 22, at a weekly city council meeting, the mayor of Ivano-Frankivsk called for the expulsion of all Roma from the city, alleging that Roma were violating COVID-19 quarantine restrictions. Police subsequently forcibly relocated 10 Romani individuals from the city. At the direction of the minister of internal affairs, police initiated criminal proceedings against the mayor on charges of discrimination.

The enforcement of pandemic-related measures exacerbated governmental and societal discrimination against Roma. According to the HRMMU, many Romani individuals with informal and seasonal employment lost their livelihoods during the quarantine period. Many of these individuals lacked personal identification documents, and therefore had difficulty accessing medical care, social services, pensions, and formal employment.

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

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

There was societal violence against LGBTI persons often perpetrated by members of violent radical groups, and authorities often did not adequately investigate these cases or hold perpetrators to account. The LGBTI rights organization Nash Mir noted that criminal proceedings for attacks against members of the LGBTI community were rarely classified under criminal provisions pertaining to hate crimes, which carried heavier penalties. For example, on April 30, a group of men robbed, beat, and sexually assaulted a 19-year-old transgender man in Zhytomyr while shouting homophobic slurs. Media outlets reported the attackers stripped the man naked, broke his nose, and threatened him with rape before robbing him. Police filed the case as a "robbery" and refused to investigate it as a possible hate crime. An investigative judge subsequently added a hate crime charge.

On February 1, four men disrupted a closed training on sexual orientation and gender identity for journalists in Vinnytsya. Three masked attackers broke into the premises, doused one of the organizers with oil and threw feathers at her, and shouted "No LGBT garbage in Vinnytsya." The organizers had requested protection in an official letter to police prior to the event, but police did not arrive at the scene until they received a call after the attack. Police launched an investigation of the incident.

According to Nash Mir, violent radical groups consistently tried to disrupt LGBTI events with violence or threats of violence (see examples in section 2.b.).

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

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

A UN report noted that Russia-led forces' regular use of identify checks in the "DPR" and "LPR" and at the line of contact put transgender persons at constant risk of arbitrary arrest, detention, and connected abuses, given the lack of identity documents matching their gender identity.

HIV and AIDS Social Stigma

Stigma and discrimination in health-care centers were barriers to HIV-positive individuals receiving medical services. UNICEF reported that children with HIV/AIDS were at high risk of abandonment, social stigma, and discrimination. Authorities prevented many children infected with HIV/AIDS from attending kindergartens or schools. Persons with HIV/AIDS faced discrimination in housing and employment.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution provides for freedom of association as a fundamental right and establishes the right to participate in independent trade unions. The law provides the right for most workers to form and join independent unions, to bargain collectively, and to conduct legal strikes. The law, however, establishes low penalties for noncompliance with collective bargaining agreements by employers. The low penalties are insufficient to ensure employers comply with collective bargaining agreements, making it easier to pay a penalty than to launch negotiations.

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

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

The legal procedure to initiate a strike is complex and significantly hinders strike action, artificially lowering the numbers of informal industrial actions. The legal process for industrial disputes requires initial consultation, conciliation and mediation, and labor arbitration allowing involved parties to draw out the process for months. Workers may vote to strike only after completion of this process, a decision that the courts may still block. The requirement that a large percentage of the workforce (two-thirds of general workers' meeting delegates or 50 percent of workers in an enterprise) must vote in favor of a strike before it may be called further restricts the right to strike. The government can also deny workers the right to strike on national security grounds or to protect the health or "rights and liberties" of citizens. The law prohibits strikes by broad categories of workers, including personnel in the Office of the Prosecutor General, the judiciary, the armed forces, the security services, law enforcement agencies, the transportation sector, and the public-service sector.

Legal hurdles resulting from an obsolete labor code make it difficult for independent unions that are not affiliated with the Federation of Trade Unions of Ukraine to take part in tripartite negotiations, participate in social insurance programs, or represent labor at the national and international levels. Such hurdles hindered the ability of smaller independent unions to represent their members effectively. Authorities did not enforce labor laws effectively. Penalties for labor law violations were raised in 2019 to make them commensurate with those for other similar laws but were not consistently applied.

In September workers in the Zhovtneva Mine began an underground protest to address low wages and unsafe work conditions. The strikes spread to three other mines, encompassing 400 miners. Workers and employers initially agreed to terms; however, the employer ultimately filed a lawsuit against the protests and union officials. On October 16, after 43 days of underground striking, the workers ended the protest. Miners and mine management reportedly signed a memorandum in which the parties agreed on 10 percent increase of miners' salaries starting on October 1, a waiver of prosecution of those miners who took part in the protests, and the payment of salaries for those days miners spent underground.

Worker rights advocates continued to express concerns about the independence of unions from government or employer control. Independent trade unions alleged that the Federation of Trade Unions enjoyed a close relationship with employers and members of some political parties. Authorities further denied unions not affiliated with the federation a share of disputed trade union assets inherited by the federation from Soviet-era unions, a dispute dating back more than two decades.

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

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor. The government did not effectively enforce the law. Penalties for violations were commensurate with those of other serious crimes, but resources, inspections, and remediation were inadequate to enforce the law sufficiently.

During the year the IOM responded to numerous instances of compulsory labor, to include pornography, criminal activity, labor exploitation, begging, and sexual and other forms of exploitation.

Nearly all trafficking victims identified in the first half of the year were subjected to forced labor and labor exploitation. The most prevalent sectors for forced labor exploitation were construction, manufacturing, and agriculture. The vast majority of victims identified in the first half of the year had a university degree or vocational education. Annual reports on government action to prevent the use of forced labor in public procurement indicated that the government has not taken action to investigate its own supply chains for evidence of forced labor. Traffickers subjected some children to forced labor (see section 7.c.).

According to the results of a 2019 IOM survey, 30 percent of Ukrainian migrants working abroad had no regular employment status, rendering them vulnerable to forced labor. The estimated number of Ukrainians working abroad at the time of the survey was 1,051,000, up from previous estimates. According to the IOM study, *Human Trafficking in the Context of Armed Conflict in Ukraine (2019)*, persons who were extremely vulnerable to forced labor included: internally displaced persons and persons living within 12 miles of the conflict line, especially women with children; persons living in areas that were not under government control; persons with disabilities or physical injuries, chronic conditions, and serious health issues (including mental health issues); elderly persons; persons facing socioeconomic difficulties; children; and national minorities.

The government continued to rely on international organizations and NGOs with international donor funding to identify victims and provide the vast majority of victim protection and assistance.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for most employment is 16, but children who are 14 may perform undefined "light work" with a parent's consent. The government did not effectively enforce the law. Penalties were commensurate with those for similar crimes, but were inconsistently applied. While the law prohibits the worst forms of child labor, it does not always provide inspectors sufficient authority to conduct inspections.

From January to August, the State Service on Labor conducted 1,539 inspections to investigate compliance with child labor laws. The decrease in the number of inspections from the previous year was due to COVID-19 lockdown measures. The inspections identified 28 employers engaged in child labor activities. Of these, 11 were in the service sector, five in the industrial sector, two in the agricultural sector, and 10 in other areas. The inspections uncovered 29 cases of undeclared labor and three of minors receiving undeclared wages. Child labor in amber mining remained a growing problem, according to media sources.

The most frequent violations of child labor laws concerned work under hazardous conditions, long workdays, failure to maintain accurate work records, and delayed salary payments. The government established institutional mechanisms for the enforcement of laws and regulations on child labor. The limited collection of penalties imposed for child labor violations, however, impeded the enforcement of child labor laws.

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

d. Discrimination with Respect to Employment and Occupation

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

The government did not effectively enforce the law, and employment discrimination reportedly occurred with respect to gender, disability, nationality, race, minority status, sexual orientation or gender identity, and HIV-positive status. The agriculture, construction, mining, heavy industry, and services sectors had the most work-related discrimination. The law provides for civil, administrative, and criminal liability for discrimination in the workplace. Penalties were commensurate with those for similar violations, but they were not sufficient to deter violations, and the burden of proof in discrimination cases is still on an employee.

Under the law women were not allowed to work the same hours as men; women were prohibited from occupying jobs deemed dangerous, which men were permitted to hold; and women were prohibited from working in all of the same industries as men.

Women received lower salaries due to limited opportunities for advancement and the types of industries that employed them. According to the State Statistics Office, men earned on average 20 percent more than women. The gap was not caused by direct discrimination in the setting of wages, but by horizontal and vertical stratification of the labor market; women were more likely to work in lower-paid sectors of the economy and in lower positions. Women held fewer elected or appointed offices at the national and regional levels.

e. Acceptable Conditions of Work

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

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

The law requires employers to provide appropriate workplace safety standards. Employers sometimes ignored these regulations due to the lack of enforcement or strict imposition of penalties. The law provides workers the right to remove themselves from dangerous working conditions without jeopardizing their continued employment. Employers in the metal and mining industries often violated the rule and retaliated against workers by pressuring them to quit.

Wage arrears continued to be a major problem. A lack of legal remedies, bureaucratic wrangling, and corruption in public and private enterprises blocked efforts to recover overdue wages, leading to significant wage theft. Total wage arrears in the country increased during the year through August to 3.4 billion hryvnias ($129 million) from 2.8 billion hryvnias ($118 million) in September 2019. The majority of wage arrears occurred in the Kharkiv and Dnipropetrovsk regions. The Independent Trade Union of Miners of Ukraine reported that arrears in the coal sector had reached almost 888 million hryvnias ($32 million). Arrears and corruption problems exacerbated industrial relations and led to numerous protests.

In September 2019 the government changed the labor-related authorities of the Ministry of Social Policy and transferred responsibility for employment, labor, and labor migration to the Ministry of Economic Development, Trade, and Agriculture. Moreover, the State Labor Service (Labor Inspectorate) has also been transferred to the Ministry of Economic Development, Trade, and Agriculture.

The government did not effectively enforce minimum wage, overtime, and occupational safety and health laws. Penalties ranged from the administrative to the criminal and were not consistently applied. The number of labor inspectors was insufficient to enforce compliance and the inspectorate lacked sufficient funding, technical capacity, and professional staffing to conduct independent inspections effectively. The absence of a coordination mechanism with other government bodies also inhibited enforcement.

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

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

In August 2019 the government implemented labor legislation that expands the list of possible grounds for labor inspections conducted by the State Labor Service, its territorial bodies, and municipalities. It also allows the labor inspector not to report on the inspection visit if there is a suspicion of undeclared work. When inspectors find cases of labor violations, they are authorized to hold the perpetrator liable if there is clear evidence of labor inspection violations.

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

In the context of the pandemic, a COVID-19 infection in a medical worker was deemed a workplace accident.

During the first eight months of the year, authorities reported 3,231 individual injuries, including 296 fatalities.

Despite active fighting close to industrial areas in the government-controlled areas of the Donbas region, enterprises involved in mining, energy, media, retail, clay production, and transportation continued to operate. Fighting resulted in damage to mines and plants through loss of electricity, destroyed transformers, physical damage from shelling, and alleged intentional flooding of mines by combined Russia-led forces. Miners were especially vulnerable, as loss of electrical power could strand them underground. The loss of electrical power also threatened the operability of mine safety equipment that prevented the buildup of explosive gases.

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