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The State of the World's Human Rights; Ukraine 2023

Background

Russia's war of aggression against Ukraine continued, resulting in civilian deaths, destruction of infrastructure, and consistently high levels of internally displaced people and refugees. As of November, the UN had recorded 28,711 civilian casualties since Russia's full-scale invasion in February 2022, including 10,058 deaths. A Ukrainian counteroffensive made minimal territorial gains, opening the prospect of a prolonged war of attrition and raising concerns about sustainability of military support from Ukraine's allies. The economy continued to significantly contract, with a growing dependency on foreign grants and loans. In July Russia withdrew from the Black Sea Grain Initiative intended to ensure stable food prices and avert the threat of famine in lower-income countries.

On 14 December, the European Council decided to open EU accession negotiations with Ukraine.

Violations of international humanitarian law

Indiscriminate attacks

Russian forces continued indiscriminate attacks hitting populated areas, resulting in widespread civilian casualties. In some instances, official Russian comments on the strikes indicated that these were likely deliberately targeted. On 5 October, at least 59 people were killed in a single missile strike on a café in the village of Hroza, Kharkiv region, during a memorial service for a Ukrainian soldier. A Russian representative at the UN spoke of the attendees as the soldier's "Nazi collaborators", a reference to the official Russian justification of its war of aggression.

Civilian infrastructure was apparently systematically targeted. During winter months, Russian forces sought to further destroy Ukraine's energy infrastructure, in a tactic intended to maximize civilian suffering. Russia's withdrawal from the Black Sea Grain Initiative was accompanied by strikes on other critical infrastructure, including grain storage and export facilities in Odesa and other ports.

Cluster munitions and mines

Both Russian and Ukrainian forces used cluster munitions, and indicated no intent to end this practice, despite the inherently indiscriminate nature of the weapons and lasting risks for the civilian population. Following the provision of cluster munitions to Ukraine by the USA, the authorities reportedly committed not to use them in built-up areas and to document their location for subsequent de-mining.¹ Both antipersonnel and anti-tank landmines were also widely used, leading to estimates that Ukraine was the world's most heavily mined country.

Prisoners of war

Russia consistently denied relief organizations access to Ukrainian prisoners of war in Ukrainian territories it occupied. Torture and other ill-treatment of such prisoners were widespread, including summary executions, mock executions, beatings and electrocution. Some Ukrainian prisoners of war were put on trial for alleged war crimes, amid concerns that they were prosecuted for mere participation in hostilities. Prisoner of war Maksym Butkevych, a prominent Ukrainian human rights defender, was held incommunicado in occupied Luhansk region before being given 13 years' imprisonment for purported war crimes which he could not have committed but was forced to "confess" to on camera.² He was forcibly disappeared after an appeal hearing at a Moscow court where he appeared via a video link³. He was later reported serving his sentence in Luhansk region in early December.

International monitors did have access to places of internment operated by Ukraine, and were allowed confidential interviews with Russian prisoners of war. There was a marked reduction in the number of reports of abuse of such prisoners. According to the UN, 12 Russian prisoners of war interned in Ukraine had complained of torture during interrogations and evacuations before reaching the official places of internment.

Freedom of expression

Derogation from the right to freedom of expression, alongside other rights, remained in place.

According to the OHCHR, the UN human rights office, as of July, criminal proceedings had been opened in over 2,000 cases under Article 436-2 of the criminal code of Ukraine: "...justification, recognition as legitimate and denial of the armed aggression of the Russian Federation against Ukraine and glorification of its participants". This disproportionate restriction of the right to freedom of expression had led to 443 convictions between March 2022 and November 2023, according to Ukrainian media, with many resulting in non-custodial sentences. An example of this offence was calling the war an "internal civil conflict".

Criminal proceedings under Article 436-2 were opened in August against Yuriy Sheliashenko, a cofounder and leader of the Ukrainian Pacifist Movement. An advocate of the right to conscientious objection, he was accused of "justifying Russian aggression against Ukraine". His home was searched, and he was placed under a night curfew pending trial.

Freedom of religion and belief

The Ukrainian Orthodox Church (which remained in disputed ecclesiastical subordination to the Russian Orthodox Church) was regularly accused by state authorities of remaining an agent for Russia in its war of aggression. In March, its clergy and non-ordained members were evicted from the state-owned Kyiv Pechersk Lavra monastery and in April its abbot, Metropolitan Pavlo Lebid, was placed under house arrest and charged under Article 436-2 and Article 161 ("violating citizens' equality" on racial, ethnic, religious and other grounds) of the criminal code. The monks faced eviction from the monastery unless they joined the Orthodox Church of Ukraine (subordinated to religious authorities in Ukraine).

In October, parliament adopted in its first reading a draft law prohibiting the operation of religious organizations affiliated with "associations whose centre of influence is located in the state that has committed armed aggression against Ukraine."

Violence against women and girls

According to human rights groups and official police data, levels of domestic violence reached the highest level on record, after having reportedly fallen during the first months of Russia's full-scale

invasion. Police registered 349,355 cases of domestic violence from January to May, compared with 231,244 cases over the same period in 2022 and 190,277 in the first five months of 2021. The previous highest number had been registered during the Covid-19 lockdown measures in 2020.

Older people's rights

Older people were disproportionately affected by the conflict, killed and injured at higher rates than any other civilians. Those displaced struggled to access private housing independently. Temporary shelters typically remained physically inaccessible for older people particularly those with a disability. Many older people were placed in specialized residential institutions or medical facilities and suffered from isolation and segregation. Hostilities were not the only reason for displacement; many older people fled their homes because of a de facto care crisis in their local communities, with family members relocating and understaffed social services failing to cope with increased needs.

Children's rights

According to UN data, as of November, 569 children had been killed since 24 February 2022 and at least 1,229 injured. No reliable data existed as to the number of Ukrainian children unlawfully transferred by the occupying Russian authorities into other occupied territories or to Russia, but it was estimated at hundreds and possibly thousands. These included children who were orphaned or had lost contact with their families, those from children's institutions, and children who travelled away from home with parental consent for recreational purposes but faced difficulties reuniting with their families after the moving front line separated them. On 17 March, the ICC issued arrest warrants for Russia's President Vladimir Putin and its Commissioner for Children's Rights Maria Lvova-Belova for the alleged war crime of unlawfully deporting and transferring children from occupied areas to Russia.⁴

The ongoing war continued to impact children's access to education, particularly in-person teaching in government-controlled territories. Pupils from schools without bomb shelters and those in proximity to the front line were taught only online. Other schools offered a combination of online and in-person schooling. Online schooling left pupils dependent on an often unreliable internet connection due to energy outages and lack of relevant IT equipment, resulting in an increased workload for teachers who also had to cope with their own and the children's war-related trauma.

LGBTI people's rights

Draft legislation on registration of civil partnerships, including for same-sex couples, was published in March. Although opposed by many religious organizations, it was supported by key ministries. Civil partners, including same-sex partners, would enjoy the same property and inheritance rights, and social protection as married couples. The existing prohibition on same-sex couples adopting children would not be lifted.

Right to a healthy environment

The ongoing Russian aggression caused huge environmental harm, including pollution to air, water and land and the degradation of nature, as well as undermining the prospects of national and multilateral climate action. Waste management infrastructure was overwhelmed with debris and hazardous rubbish. According to the UN, between February 2022 and March 2023 there were over 1,800 incidents of war damage which may have caused environmental harm.

On 6 June, the Kakhovka dam in Kherson region was destroyed in what appeared to be a deliberate military act, widely believed to have been committed by Russian forces. This led to hundreds of square kilometres being flooded, while the reservoir and thousands of square kilometres of wetlands dried out. Thousands of people were displaced, and dozens were reported as dead or missing in government-controlled areas; casualties on the Russian-controlled left bank were not known and may have pushed the real death toll much higher. The occupying Russian authorities refused humanitarian assistance from the UN and other stakeholders, failed to carry out organized evacuations or provide crucial humanitarian support to civilians and obstructed the work of volunteers, while Russian forces continued indiscriminate attacks on the Ukrainian-controlled right bank during ongoing civilian evacuations.⁵ The breach severely harmed the biodiversity of the region, led to chemical and waste contamination, including the release of hundreds of tons of machine oil, and was set to cause long lasting ecological consequences far beyond Ukrainian borders. The water supply for up to 1 million people was affected.

Russian-occupied territories

The crackdown on rights and freedoms in Russian-occupied territories intensified. As of September, those not holding Russian passports were only able to enter the occupied territories from outside Russia through Sheremetyevo airport in Moscow. Individuals were forced to wait up to 24 hours to complete verification procedures without access to food and hygiene facilities, undergo intrusive checks and answer questions on whether they supported Russia's "special military operation" against Ukraine.

Arbitrary deprivation of nationality

The occupying authorities forced residents to acquire Russian passports or be deprived of access to healthcare, education, humanitarian and social support, employment and the right to freedom of movement.

Freedom of expression

The right to freedom of expression was further suppressed. Any sign of disloyalty to Russia, including possession of Ukraine-related content on personal electronic devices, such as exchange of messages with family members in government-controlled Ukraine, was monitored and penalized, including via enforced disappearance, arbitrary detention, interrogation, ill-treatment, and threat of deportation. Representatives of Ukrainian local authorities were intimidated into attending public gatherings in support of the occupation through violence and threats against their relatives.

Arbitrary detention and enforced disappearances

More than 20,000 civilians were officially registered by the Ukrainian authorities as people missing due to the war and other related "special circumstances". Numerous civilians initially reported as missing were later found to be arbitrarily detained by Russian forces in the occupied territories because of their support for Ukraine, alleged affiliation with Ukrainian authorities or armed forces, or refusal to cooperate with the occupying administrations. Many were held incommunicado, often in unacknowledged detention, in occupied territories or in Russia, in a practice that amounted to enforced disappearance.

Torture and other ill-treatment

The most common forms of torture and other ill-treatment reported against detainees in occupied territories included beatings, sleep deprivation, inadequate provision of water and food, prolonged

periods in a stress position, and denial of adequate healthcare and personal hygiene.

Right to education

In Russian-occupied territories all local schools were forced to teach Russian curricula. School attendance was fraught as parents were threatened with having their children taken away if they did not attend school or if the use of online platforms to access Ukrainian schooling was detected on electronic devices.⁶ A new history textbook introduced in September was a blatant attempt to unlawfully indoctrinate schoolchildren, violating children's rights to appropriate and quality education.⁷ Parents and pupils were forced to attend propaganda events at schools, and write letters of support to members of the Russian forces.

Unfair trials

Individuals detained in Russian-occupied territories were subjected to hearings by unrecognized courts, and had their fair trial rights otherwise violated. Denial of access to legal counsel of one's choice was common, especially in politically motivated cases. Relatives were denied news about their loved ones, and often had to rely on local lawyers, paying them considerable fees to visit detention facilities to obtain information on those detained. The practice of using court-appointed lawyers who failed to act in the best interest of their clients was common.

Judges accepted inadmissible evidence, including forced "confessions", when convicting individuals under politically motivated charges.

After conviction, numerous individuals were unlawfully transferred to Russia to serve their sentence. There was no information on their whereabouts for months while in transit and the final destination was often remote.

Crimea

The territory of the occupied peninsula was regularly targeted by Ukrainian strikes against claimed military objectives. In July, an explosion damaged the bridge connecting Crimea with Russia, reportedly killing two people and injuring a child.

The occupying authorities continued to crack down on the rights to freedom of expression, peaceful assembly and association. Representatives of the Crimean Tatar community and minority faith-based groups, and individuals opposing the war, were subjected to dismissal from work, fines, increasingly frequent, intrusive and deliberately destructive house searches, arbitrary arrest and imprisonment.

The persecution of human rights lawyers continued. In April, Lilia Hemedzhy was disbarred again in retaliation for defending members of the Crimean Tatar community.⁸
