



World Report 2016 - Ukraine

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Throughout the year, international and domestic actors struggled to end the armed conflict in eastern Ukraine, but the situation has remained unstable. Parts of Donetsk and Luhansk regions remain under de facto control of Russia-backed fighters. All sides in the conflict violated international humanitarian law. Travel restrictions introduced by the government in January 2015 contributed to severe delays in delivery of humanitarian assistance, including medicine, to conflict-affected areas, resulting in a dire humanitarian situation for civilians.

As of fall 2015, according to estimates by aid groups, over 5 million people in eastern Ukraine needed humanitarian assistance, with over 3 million most vulnerable. In August, violence broke out in Kiev after the parliament voted to consider constitutional reform giving more autonomy to rebel-controlled areas. During clashes between far right-wing protesters and police, a protester threw a grenade that injured more than 100 people, including a policeman who later died from his injuries.

In October, local elections were held in government-controlled territories of Ukraine. Rebels postponed elections in territories they control until February 2016, requesting in return that the government grant those territories special autonomous status.

Hostilities in Eastern Ukraine

As of fall 2015, more than 9,000 people had been killed and over 20,000 wounded in the conflict. By September, an estimated 1.4 million people were internally displaced in Ukraine and more than 600,000 had fled abroad, mainly to Russia.

Although the September ceasefire largely held, sporadic fighting continued. Both sides violated the laws of war. They committed indiscriminate attacks that injured and killed civilians, including through the use of cluster munitions. Government forces and Russia-backed rebels deployed within or near densely populated areas, endangering civilians and civilian objects, including schools, hospitals, and apartment buildings. There was significant evidence that several types of antipersonnel landmines have been used in eastern Ukraine, although at time of writing it was not possible to determine the responsible party or parties.

Both rebel and government forces were implicated in credible reports of torture and cruel and degrading treatment of detainees.

Thousands of civilians remain in rebel-held areas of Donetsk and Luhansk regions. Travel restrictions, introduced by the Ukrainian government in January 2015, severely impede the ability of civilians in rebel-controlled areas to reach safety and access life-saving services available in Ukraine-controlled territory. The restrictions also impede the delivery of humanitarian aid, causing a severe shortage of medicine and medical supplies in rebel-held areas. The resulting health crisis is having a devastating effect on some of the most vulnerable groups of patients, in particular those receiving treatment for tuberculosis, HIV, and drug dependence.

Rule of Law, Accountability for Past Abuses

No significant progress has been achieved in accountability for perpetrators of abuses during the 2014 Maidan protests, in which more than 100 protesters and 13 law enforcement officers died and many were injured. In its March report, the Council of Europe's International Advisory Panel criticized the slow progress and poor quality of the investigation, noting a "widespread perception of impunity" on part of law enforcement agencies.

Among positive steps, in December the authorities established a Special Investigation Division within the Prosecutor General's Office tasked specifically with Maidan-related investigations. The prosecutor's office claimed that it had identified all senior government officials who took part in decision-making during Maidan events, but at time of writing, it was unclear whether any had been charged. Authorities detained several riot police officers suspected of killing protesters from February 18 to 20, 2014. At time of writing, the trial of two of the officers remain ongoing. Many of the alleged perpetrators have reportedly left Ukraine.

At least eight people remain missing in connection to the Maidan events.

Trials are ongoing regarding some aspects of the May 2, 2014 political violence in Odessa, in which 48 people died and more than 200 were injured. Law enforcement bodies, however, have been either unable or unwilling to bring many of those responsible to justice.

In a positive development, in September, Ukraine issued a declaration accepting the jurisdiction of the International Criminal Court (ICC) for crimes committed in the country since February 20, 2014. Although Ukraine is not yet an ICC member country, this declaration paves the way for the ICC prosecutor to consider whether the court should investigate abuses committed during the armed conflict.

A February parliamentary resolution that prompted the government's declaration attempted to cast the ICC's potential inquiry as limited to alleged crimes committed by Russia or Russia-backed forces, but the ICC prosecutor will be able to consider conduct by all sides to the conflict. The government had also accepted the court's jurisdiction for the time period covering the Maidan protests during the period of November 21, 2013, to February 22, 2014. In November, the ICC prosecutor reported that based on the information available, the abuses committed during that period did not amount to crimes against humanity, but that the prosecutor could reconsider this in light of any additional information.

Freedom of Expression and Freedom of Media

Positive developments included an open data law, passed in April, which encourages government agencies to open their records and regularly share information with the public. In June, the parliament passed a law to make public archives of Ukraine's Soviet-era KGB files.

However, Ukrainian authorities, citing the "information war" with Russia, took controversial steps restricting freedom of expression. In December 2014, the government's creation of the Ministry of Information Policy coincided with independent reports of Ukrainian forces' abuses in eastern Ukraine. Ukrainian bloggers and journalists protested the new ministry, fearing it could lead to censorship. In April, Ukraine banned all films made in Russia after January 2014 and all films post-1991 that portrayed the Russian military in a positive light. In August, authorities introduced a list of 38 books, mostly by Russian authors, banned from being imported to Ukraine, and also "blacklisted" several Russian singers and actors for their views on the conflict. In September, the government expanded the list of persons banned from entering Ukraine to 382. Among them were 35 journalists and bloggers from several countries, including Russia, Israel, and Great Britain.

In June, a package of laws entered into force that ban Nazi and communist symbols and criminalize denial of the "criminal nature of the communist totalitarian regime," punishable by up to five years in prison. "Propaganda" of either ideology is punishable by up to 10 years in jail. Another law recognizes as "fighters for independence" nationalist groups that fought Germany during World War II but also collaborated with the Nazis. The law also criminalizes questioning the legitimacy of their actions.

The armed conflict and the political tension caused by the information war between Russia and Ukraine have jeopardized journalists' safety. A prominent pro-Russian journalist was shot and killed in Kiev in April. At time of writing, the trial of two men charged with the murder was ongoing. Nearly all pro-Ukrainian journalists fled eastern Ukraine and Crimea and relocated to government-controlled parts of Ukraine, fearing repercussions from local authorities. Rebel authorities in eastern Ukraine deny accreditation to foreign correspondents whose reporting is "unfavorable." In June, rebel authorities in Donetsk region expelled a journalist from the independent Russian newspaper *Novaya Gazeta*, and rebel forces beat him in retribution for his reporting.

Sexual Orientation and Gender Identity

The authorities have been more supportive of the lesbian, gay, bisexual, and transgender (LGBT) movement than in previous years, but homophobia and intolerance remain widespread.

In June, the March for Equality took place in Kiev, and although the city's authorities expressed concerns that they would not be able to provide protection to the participants, President Petro Poroshenko publicly supported the idea of the march. On the day of the march, several dozen far-right activists attacked around 300 participants of the gathering, shouting abuses and throwing flares at them. Police tried to block the attackers, but nine policemen were injured in the clashes and one was seriously injured.

In November, the parliament passed an amendment to the labor code that bans discrimination based on sexual orientation and gender identity, a precondition for instituting a visa-free regime with the European Union (EU). LGBT activists voiced concerns that a newer version of the amended labor code being developed at time of writing did not include the same anti-discrimination provision.

In June, a Kiev court overturned the government's rejection of a transgender man's application to have his gender fully recognized, ruling that the applicant did not have to prove he had been sterilized to receive documents in his preferred gender. The ruling represented a major victory in the struggle against the existing gender change process in Ukraine, which is lengthy and humiliating and violates rights of transgender people, including the right to health and the prohibition on inhuman and degrading treatment or punishment.

Crimea

The human rights climate in Crimea under Russian occupation remains repressive. People who decline Russian citizenship and retain their Ukrainian citizenship experience serious difficulties in accessing education, employment opportunities, or social benefits. The authorities did not conduct meaningful investigations into the 2014 enforced disappearances of Crimean Tatar and pro-Ukrainian activists.

They continue to silence critical voices and pressure Crimean Tatars, the ethnic minority which openly criticizes Russia's actions in Crimea. In April, ATR-TV, a Crimean Tatar television channel known for its critical reporting, was forced to cease operating because it was not able to re-register under Russian law within the deadline set by authorities. Meydan radio station and Lale, a children's television channel, which are part of the same media holding company as ATR-TV, also had to discontinue. In May, Crimean authorities once again refused to allow public events in Simferopol to commemorate the 1944 deportation of Crimean Tatars.

From September until time of writing, Crimean Tatar activists, backed by Ministry of Interior troops, border guards and the far-right group Right Sector, blocked roads connecting Crimea to mainland Ukraine to prevent food deliveries from Ukraine to Crimea to protest Russia's occupation of Crimea.

Key International Actors

Moscow continues to deny its direct involvement in the conflict in eastern Ukraine, despite mounting evidence to the contrary, such as accounts by Russian soldiers captured in Ukraine, and observers from the Special Monitoring Mission of the Organization (SMM) for Security and Co-operation in Europe (OSCE).

Ukraine's international allies frequently speak out against Russian aggression in Ukraine but rarely publicly criticize abuses by the Ukrainian government. Still, key international actors, including the United Nations, the Council of Europe (CoE), OSCE, the United States, and the EU have repeatedly called on all parties to the conflict to honor the ceasefire laid out in the Minsk agreements. Several European leaders have warned the government of Ukraine against trying to regain territory militarily, fearing increased military involvement from Russia and further escalation of the conflict.

In March, in a joint initiative with the Ukrainian government, the CoE launched a two-year action plan to support Ukraine in fulfilling its human rights obligations.

Through 2015, several rapporteurs of the Parliamentary Assembly of the Council of Europe, conducted fact-finding visits to Ukraine. The CoE's human rights commissioner conducted numerous visits to eastern Ukraine to look into the human rights consequences of the conflict, and issued detailed reports on his findings, repeatedly calling on both sides to respect international humanitarian law. In June, the Parliamentary Assembly adopted a report on missing persons, calling on both sides of the conflict to join efforts to resolve the problem of persons reported missing during the conflict.

The United Nations Human Rights Monitoring Mission in Ukraine and the OSCE's SMM continue to monitor and regularly report on the human rights situation in the country. In May, the SMM published a report highlighting concerns about the protection of civilians and freedom of movement in the Donetsk and Luhansk regions, and recommended the Ukrainian government review whether its permit system's impact on civilians is proportionate to the government's security needs.

In January, the EU Foreign Affairs Council adopted conclusions on Ukraine condemning the escalation of fighting and calling on Russia to use its influence with the rebels to stop their hostile

actions. It also called on Ukraine to accept full jurisdiction of the International Criminal Court for abuses committed in 2014 and 2015.

In January 2015, the European Parliament adopted a resolution condemning Russia's "aggressive and expansionist policy" in Ukraine and calling on the government of Ukraine to continue efforts to eradicate corruption.

In July, the UN Human Rights Council adopted a resolution welcoming the technical assistance to Ukraine provided by the Office of the United Nations High Commissioner for Human Rights, acknowledging further need for such assistance and establishing a process for the high commissioner to regularly brief the council in interactive dialogue on each report of the monitoring mission. The first such briefing took place at the September council session.

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