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World Report 2020 - Ukraine

Hostilities in eastern Ukraine entered their sixth year and continued to put civilians' lives and well-being at risk, even as absolute numbers of civilian casualties dropped. Former comedian Volodymyr Zelensky won the presidential election in May. Snap parliamentary elections in July delivered his party, Servant of the People, a single-party parliamentary majority, for the first time since Ukraine's independence. After taking office, Zelensky demonstrated commitment to carrying out anti-corruption reform and ending the armed conflict with Russia.

In 2019, environment for media in Ukraine remained unsafe. Violence by far-right groups continued.

In September, Russia and Ukraine exchanged a total of 70 prisoners. Eleven prisoners held by Russia on politically motivated charges, including Oleg Sentsov, Edem Bekirov, Pavlo Hryb, Olexander Kolchenko, Roman Sushenko, and 24 Ukrainian sailors Russia captured in the Kerch strait in 2018, were part of the swap. Another major prisoner exchange between Ukraine and Russia-backed armed groups took place in December 2019. Ukraine turned over 124 people and the armed groups released 76.

In November, Ukraine became the 100th country to endorse the Safe Schools Declaration, an international political commitment to make schools safe during times of war.

Armed Conflict

2019 saw a significant decrease in civilian casualties. The leading causes were shelling by artillery and mortars, fire from light weapons, landmines, and explosive remnants of war.

Between January and May 2019, attacks on schools on both sides of the contact line tripled compared with the same period in 2018. Throughout six years of conflict, 147 children were killed.

The government continued discriminatory policies requiring people living in Russian proxy-held areas to register as internally displaced and regularly travel to, and maintain residence in, governmental areas in order to access social benefits. This continued to create hardship for many older people in accessing their pensions; those unable to regularly cross due to health or mobility issues could not access their pensions at all. In

December 2018, the Supreme Court found residency verifications for pensioners to be unconstitutional. In May 2018, it found that requiring pensioners to register as displaced put additional burden on access to pensions.

Limited access to basic facilities and emergency medical help remained a problem at some crossing points. Between January and April 2019, at least 19 people, mostly older persons, died from health complications while crossing the line of contact.

In positive developments, in March authorities annulled expiration dates for electronic passes required to travel across the contact line. In August, authorities provided an electric cart to drive older people and people with disabilities crossing the pedestrian-only Stanytsia Luhanska checkpoint. In November, they completed much-needed repairs to the destroyed bridge at this crossing point, which will reduce some of the hazards of crossing.

In August, Russia-backed armed groups in Luhansk region sentenced student Sergei Rusinov to six years in jail for “terrorism” for his pro-Ukraine social media posts. In December 2019, pro-Ukraine journalists Stanyslav Aseev and Oleh Halaziuk, unlawfully held by armed groups in Donetsk since May 2017 and August 2017 respectively, were released to Ukraine as part of a prisoner exchange.

Rule of Law, Judicial Reform

Justice for crimes committed during the 2014 Maidan protests and violence in Odesa remained largely unaddressed. In August, the Prosecutor General’s Office ordered the dissolution of units within its Special Investigative Department tasked with investigating Maidan-related abuses and, in November, transferred all ongoing cases to another investigative body, the State Bureau of Investigations. The move was done without a clear handover procedure, resulting in the effective suspension of all ongoing investigations. Activists and lawyers raised alarm about the possible collapse of all Maidan-related investigations and the loss of work that has already been done on those cases.

In June, Andrii Kozlov was dismissed from the High Qualification Commission of Judges, after he publicly criticized his colleagues’ attempts to falsify the voting procedure to protect from dismissal a judge who was involved in persecuting Euromaidan activists.

In July, President Zelensky proposed expanding the lustration law to cover people who served in public office between February 23, 2014 and his inauguration. The current lustration law bans broad categories of people who worked in official positions under pre-2014 governments from holding certain government positions.

Two September developments marked significant progress towards fulfilling Zelensky’s election promise to combat corruption: parliament voted to cancel immunity for lawmakers, and Ukraine’s High Anti-Corruption Court finally became operational. In November, Zelensky signed a law on whistleblowers, providing protection and offering financial remuneration to those willing to report on corruption.

Freedom of Religion

In January, the head of the global Orthodox Church granted independence to the newly formed Orthodox Church of Ukraine, separating it completely from the Russian Orthodox Church. A number of congregations transitioned to the new church, sometimes accompanied by violence involving supporters of both churches and, in some cases, local authorities. In several reported cases involving intimidation and threats against members and clergy of the Ukrainian Orthodox Church, the police did not respond and in some cases, contributed to it. The Ukrainian Security Service (SBU) carried out dozens of raids at priests’ residences and churches aligned with the Russian Orthodox Church.

In “separatist”-controlled areas, reported incidents of violence and intimidation against the Orthodox Church of Ukraine included searches of churches’ premises and priests’ homes and confiscation of property.

Freedom of Expression, Attacks on Journalists

Independent media remained under pressure. The Institute of Mass Information, a media watchdog, documented at least 11 cases of journalists beaten or injured and one killed, between January and July 2019. It also reported dozens of cases of journalists receiving threats and facing obstruction, in some cases by authorities, including damaged equipment and restricted access to officials and events.

In June, investigative journalist Vadym Komarov died from severe head injuries he sustained in a May attack by an unidentified assailant. In previous years he had been threatened and attacked. Investigators linked the attack to his journalism. The investigation was ongoing at time of writing.

In June, a court sentenced to prison five men who planned and carried out the 2018 acid attack on anti-corruption activist Kateryna Handziuk, who died from the *wounds she sustained*. At time of writing, the organizers who ordered the attack had yet to be indicted.

In August, a court released Russian journalist Kyrill Vyshinskiy, editor of a Russian state wire service, held since May 2018 on dubious treason charges, from pretrial custody. In September, Vishinsky went to Russia as part of the prisoner swap.

In August, a court upheld a defamation claim by Ukrainian far-right nationalist group, C14, against the independent internet television station Hromadske.TV after the outlet referred to C14 as a “neo-Nazi” group. In November, an appeal court upheld the decision.

In April, the Ukrainian parliament adopted a law requiring that Ukrainian language be used in most aspects of public life. The law raised concerns about sufficient guarantees for the protection and use of minority languages.

Crimea

Throughout the year, Russian authorities in occupied Crimea continued to harass Crimean Tatars, prosecuting dozens on trumped-up terrorism charges.

In March alone, Russian authorities arrested 24 men, most of whom were active in Crimean Solidarity, a legal and social support group for families of those arrested for political reasons. All were charged with association with Hizb ut-Tahrir, a pan-Islamist movement that is proscribed in Russia as a “terrorist” organization but is legal in Ukraine. None were accused in relation to any act of violence. Russian security agents tortured or ill-treated at least four. In June, authorities arrested eight men in Crimea on similar charges.

In June, the European Court of Human Rights ordered Russian authorities to immediately hospitalize Edem Bekirov, a gravely ill Crimean Tatar activist in pretrial detention since December 2018. Russia defied the request and released Bekirov only in August. In September, Bekirov returned to Kyiv as part of the prisoner exchange.

In December 2018, Russia’s Justice Ministry requested that the Crimean Bar Association expel human rights lawyer Emil Kurbedinov because of his alleged involvement in “extremist activities.” Earlier in December, Kurbedinov was sentenced to five days in jail for a 2013 social media post about a Hizb ut-Tahrir meeting in Crimea.

Hate Crimes

Members of groups advocating hate and discrimination continued putting ethnic minorities, lesbian, gay, bisexual, and transgender (LGBT) people and rights activists at risk. In some cases, law enforcement’s efforts in countering such violence improved as compared to previous years and helped to prevent far-right attacks, including during public events. In others, police responses were largely ineffective.

Police successfully prevented violent attacks against participants in women’s rights rallies held on March 8 in seven Ukrainian cities.

The Equality March, held in Kyiv in June, was Ukraine’s largest-ever pride event, drawing 8,000 participants. It was mostly peaceful and well-protected by police.

In April, far-right activists in Kyiv disrupted the European Lesbian Conference by trying to break through security cordons and spraying tear gas.

In April, police in Dnipro raided a gay club, forcing customers to lay on the floor for hours, using homophobic slurs, and filming. Two people were injured.

Key International Actors

The Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe's Parliamentary Assembly (PACE) found the presidential election competitive and featuring a high turnout. Its observation mission noted that the campaign for July parliamentary elections respected fundamental freedoms but was marred by “widespread malpractice and the misuse of political finance.”

At its annual Human Rights Dialogue, held in Kyiv in March, Ukraine and the European Union discussed ways to protect the rights of internally displaced persons (IDPs), including de-linking of pension payments from IDP status. Other topics included the rights of LGBT persons and ethnic, linguistic, religious, and national minorities, the need to investigate attacks against civil society and the media, as well as the need to take into account the Venice Commission opinion on the draft law on the use of state language.

At the EU-Ukraine summit in July, the EU condemned Russian measures entitling Ukrainian citizens of the areas under control of Russia-proxies to apply for Russian citizenship in a simplified manner. The EU leaders also agreed on the importance of accelerating Ukraine's reform efforts to combat corruption.

A resolution on Ukraine adopted at the 41st session of the United Nations Human Rights Council (HRC) recognized the need for ongoing reporting on human rights issues and invited the High Commissioner for Human Rights to continue to update the HRC. In its September report, the UN Office of the High Commissioner for Human Rights welcomed the decline in civilian casualties and called attention to the impact of the conflict on people living along both sides of the contact line and the lack of protection for media and civil society. The UN called on Ukraine to “reduce the impact on civilians” and to “prevent, stop and condemn all acts of violence” against media professionals and activists.

Following an April-May visit to Ukraine, the UN independent expert on protection against violence and discrimination based on sexual orientation and gender identity expressed concern over the use of violence and promotion of hatred against LGBT people by far-right groups.

The OSCE media freedom representative made several statements expressing concern about freedom of expression, condemning the killing of journalist Vadim Komarov and criticizing the court ruling fining Hromadske TV.

In June, the Joint Investigative Team, which has been carrying out the criminal inquiry into the downing of flight MH17 in July 2014, announced that the Public Prosecution Service of the Netherlands will prosecute four suspects for downing the plane. The trial will take place in the district court of the Hague in 2020.

In 2016, Ukraine's parliament amended article 124 of the constitution, removing a constitutional barrier to ratification of the Rome Statute as of June 2019.

Although Ukraine is not a member of the International Criminal Court (ICC), it accepted the court’s jurisdiction over alleged crimes committed on its territory since November 2013. The ICC prosecutor’s preliminary examination as to whether it should open an investigation into abuses committed during the armed conflict is merited remained ongoing.

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