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Home Office

# Country Information and Guidance

## Ukraine: Background information, including actors of protection and internal relocation

**Version 1.0**

**August 2016**

# Preface

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

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

## Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the European Asylum Support Office's research guidelines, Country of Origin Information report methodology, dated July 2012.

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please email the Country Policy and Information Team.

## Independent Advisory Group on Country Information

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

Independent Chief Inspector of Borders and Immigration,

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

Email: chiefinspectorukba@icinspector.gsi.gov.uk

Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

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# Guidance

Updated: 3 August 2016

## 1. Introduction

### 1.1 Summary of issues

1.1.1 In general, are those at risk of persecution or serious harm able to seek effective protection?

1.1.2 In general, are those at risk of persecution or serious harm able to internally relocate to escape that risk?

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## 2. Consideration of Issues

### 2.1 Protection

2.1.1 The current crisis in Ukraine began in November 2013 when the then President, Yanukovych, backtracked on a trade and cooperation agreement with the EU in favour of closer economic ties with Russia. The government's use of violence to break up the subsequent protests led to scores of deaths, international condemnation, and the President's abrupt departure to Russia. New elections resulted in President Petro Poroshenko assuming office on 7 June 2014 (see Current crisis).

2.1.2 Shortly after Yanukovych's departure from Ukraine in late February 2014, Russia annexed Crimea. Despite this, UN resolution 68/262 asserts that Crimea remains part of Ukraine and fully under Ukrainian sovereignty (see Current crisis).

2.1.3 Russia also continues to supply separatists in two of Ukraine's eastern provinces (Luhansk and Donetsk) with manpower, funding, and material, resulting in an armed conflict with the Ukrainian Government. Representatives from Ukraine, Russia, and the unrecognized separatist republics signed a ceasefire agreement in September 2014. However, this ceasefire failed to stop the fighting. In a renewed attempt to alleviate ongoing clashes, leaders of Ukraine, Russia, France, and Germany negotiated a follow-on peace deal in February 2015 known as the Minsk Agreements. Representatives from Ukraine, Russia, and the Organization for Security and Cooperation in Europe also meet regularly to facilitate implementation of the peace deal. Scattered fighting between Ukrainian and Russian-backed separatist forces is still ongoing in eastern Ukraine. By the end of 2015 at least 9,000 people had been killed and more than 20,000 injured in the conflict in eastern Ukraine, with over two million people displaced (see Current crisis).

2.1.4 The availability of effective protection differs between areas controlled by the Ukrainian government, Crimea and the so-called Luhansk and Donetsk People's Republics (see Police).

2.1.5 The authorities in the government-controlled area of Ukraine maintain control over law enforcement agencies and there is evidence of the authorities

bringing charges against members of the law enforcement agencies. However cases often remained under investigation without being brought to trial, while authorities allowed alleged perpetrators to continue their work. Human rights groups have criticised the lack of progress in investigations and have also expressed concern that authorities have not properly investigated crimes committed by law enforcement agencies and have not punished them (see Police).

2.1.6 Security forces generally prevent or respond to societal violence, although there were reports of excessive force and some failures to protect individuals from harassment or violence (see Police).

2.1.7 Corruption has been a serious problem in Ukraine and there has been progress on removing factors that contribute to corruption, such as overregulation of the economy and the power of oligarchs. In October 2014 parliament adopted a package of anticorruption legislation which meets the benchmark set by the European Commission, although this is being implemented slowly. The judiciary is commonly accused of political bias, corruption, resistance to change, incompetence, dishonesty, and unjust decisions (see Judiciary and Corruption).

2.1.8 Where the person's fear is of ill-treatment or serious harm at the hands of non-state agents (including rogue state agents) then effective state protection is likely to be available. However, decision-makers must consider each case on its facts. The onus is on the person to demonstrate why they would not be able to seek and obtain effective state protection.

2.1.9 However, the situation is different in Crimea, where Russian law has applied since annexation in 2014. Similarly under Russian influence, persons in the so-called Luhansk and Donetsk People's Republics are unable to access the legal protections provided in Ukrainian law (see Police, Judiciary and country information and guidance on Ukraine: Crimea, Donetsk and Luhansk).

2.1.10 For further information on assessing the availability or otherwise of state protection, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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## 2.2 Internal relocation

2.2.1 Decision-makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis, taking full account of the individual circumstances of the particular person.

2.2.2 Decision-makers need to take account of the nature of the threat and the reach of the non-state actor making those threats. In general, where a person does encounter a localised threat they may be able to avoid this by moving elsewhere in Ukraine, but only if the risk is not present there and if it would not be unduly harsh to expect them to do so.

2.2.3 Freedom of movement is restricted in the Donbas. Civilians in Crimea and the separatist-controlled regions of Donetsk and Luhansk need to cross the contact line into Government-controlled areas in order to access social entitlements, including pensions and health services, or to reunite with family

members, and for their livelihoods. There have been complaints of bribes being demanded at some checkpoints or goods confiscated to ease passage. Women in particular are often subjected to degrading and abusive behaviour when crossing. There were reports that occupation authorities selectively detained and at times abused persons attempting to enter or leave Crimea. The situation for civilians in Luhansk is particularly difficult as there are still no official vehicle crossings between areas controlled by the Government and areas controlled by armed groups (see Freedom of movement). For information about support available and the humanitarian situation in Ukraine, see country information and guidance on Crimea, Donetsk and Luhansk.

2.2.4 The onus is on the person to demonstrate why they believe they would be unable to relocate elsewhere in Ukraine to mitigate any risk.

2.2.5 For the situation for IDPs and humanitarian support, see country information and guidance on Crimea, Donetsk and Luhansk. For the situation for women, see country information and guidance on Women fearing gender-based violence.

2.2.6 For further information on considering internal relocation and the factors to be taken into account, see the Asylum Instruction on Assessing Credibility and Refugee Status.

2.2.7 For further guidance on relocation from Crimea, Luhansk or Donetsk see country information and guidance on Ukraine: Crimea, Donetsk and Luhansk.

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## 3. Policy summary

3.1.1 In general, a person is likely to be able to access effective state protection against persecution or serious harm by non-state actors or rogue state actors in the government-controlled areas of Ukraine. Effective protection is unlikely to be available in Crimea and the separatist-held regions of Donetsk and Luhansk. However, each case needs to be carefully considered on its facts.

3.1.2 Internal relocation to government-controlled areas of Ukraine is likely to be available in order to escape any risk.

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# Country Information

Updated: 3 August 2016

## 4. Geography

4.1.1 The following map of Ukraine was published by the UN Geospatial Information Section, and was dated March 2014.[1]


4.1.2 The Australian Department of Foreign Affairs and Trade (DFAT) noted, 'Ukraine is a large country, covering over 603,000 square kilometres. It borders Russia to the east, Belarus to the north, Poland, Slovakia and Hungary to the west, Romania and Moldova to the southwest, and the Black Sea and Sea of Azov to the south. Kyiv is the capital of Ukraine.'[2]

4.1.3 The US CIA World Factbook noted that Ukraine occupies a strategic position between Europe and Asia and is the second-largest European country. The capital is Kyiv (Kiev). The same source identified the main urban areas:

[1] UN Geospatial Information Section. Map of Ukraine, dated March 2014. http://www.un.org/Depts/Cartographic/map/profile/ukraine.pdf Date accessed: 18 March 2016

[2] Australian Government; Department of Foreign Affairs and Trade. 'Ukraine Country Brief,' updated May 2016. http://dfat.gov.au/geo/ukraine/Pages/ukraine-country-brief.aspx Date accessed: 9 June 2016.

'KYIV (capital) 2.942 million; Kharkiv 1.441 million; Odesa 1.01 million; Dnipropetrovsk 957,000; Donetsk 934,000; Zaporizhzhya 753,000 (2015).

'Administrative divisions: 24 provinces (oblasti, singular - oblast'), 1 autonomous republic* (avtonomna respublika), and 2 municipalities (mista, singular - misto) with oblast status**; Cherkasy, Chernihiv, Chernivtsi, Crimea or Avtonomna Respublika Krym* (Simferopol'), Dnipropetrovs'k, Donets'k, Ivano-Frankivs'k, Kharkiv, Kherson, Khmel'nyts'kyy, Kirovohrad, Kyiv**, Kyiv, Luhans'k, L'viv, Mykolayiv, Odesa, Poltava, Rivne, Sevastopol'**, Sumy, Ternopil', Vinnytsya, Volyn' (Luts'k), Zakarpattya (Uzhhorod), Zaporizhzhya, Zhytomyr

'note 1: administrative divisions have the same names as their administrative centers (exceptions have the administrative center name following in parentheses).'[3]

4.1.4 Britannica.com stated:

'More than two-thirds of the population lives in urban areas. High population densities occur in southeastern and south-central Ukraine, in the highly industrialized regions of the Donets Basin and the Dnieper Bend, as well as in the coastal areas along the Black Sea and the Sea of Azov. Portions of western Ukraine and the Kiev area are also densely populated. Besides the capital, major cities in Ukraine include Kharkiv, Dnipropetrovsk, Donetsk, Odessa, Zaporizhzhya, Lviv, and Kryvyy Rih. Of the rural population, more than half is found in large villages (1,000 to 5,000 inhabitants), and most of these people are employed in a rural economy based on farming. The highest rural population densities are found in the wide belt of forest-steppe extending east-west across central Ukraine, where the extremely fertile soils and balanced climatic conditions are most favourable for agriculture.'[4]

4.1.5 Further geographical information provided by the US CIA World Factbook is available here.[5] Britannica.com also provided information about geography and climate, which is available here.[6]

4.1.6 See Freedom of movement for further information.

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# 5. Demography

## 5.1 Population size

5.1.1 The population was estimated at 44,429,471 in July 2015.[7]

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[3] US Central Intelligence Agency. The World Factbook; Europe; Ukraine; People and society, and Government, last updated 11 July 2016. https://www.cia.gov/library/publications/the-world-factbook/geos/up.html Date accessed: 9 June 2016.
[4] Britannica.com. Ukraine; People; Settlement patterns, last updated 22 April 2016 http://www.britannica.com/place/Ukraine/Languages Date accessed: 10 June 2016.
[5] US Central Intelligence Agency. The World Factbook; Europe; Ukraine; Geography, last updated 6 May 2016. https://www.cia.gov/library/publications/the-world-factbook/geos/up.html Date accessed: 9 June 2016.
[6] Britannica.com. Ukraine; Land, last updated 22 April 2016. http://www.britannica.com/place/Ukraine Date accessed: 10 June 2016.

## 5.2 Ethnic groups

5.2.1 The US CIA World Factbook provided information about ethnic groups and their prevalence in Ukraine:

'Ukrainian 77.8%, Russian 17.3%, Belarusian 0.6%, Moldovan 0.5%, Crimean Tatar 0.5%, Bulgarian 0.4%, Hungarian 0.3%, Romanian 0.3%, Polish 0.3%, Jewish 0.2%, other 1.8% (2001 est.).'[8]

5.2.2 BBC News commented on Ukraine's ethnic groups in April 2014:

'The country has been torn between east and west since the collapse of the Soviet Union in 1991 and this is reflected in a cultural and linguistic divide… According to the 2001 Ukraine census, while most Ukrainians identified themselves as Ukrainian, most residents of Crimea identified themselves as ethnic Russians…

'However, there are still large populations of ethnic Ukrainians and Tartars [in Crimea]. Many ethnic Ukrainians have natural loyalties to Kiev, while many of Crimea's indigenous Tatar community… boycotted the referendum. Some have also expressed fear at being once again under Moscow's rule.'[9]

5.2.3 Al-Jazeera described the Tatars as an ethnically Turkic and religiously Sunni Islam community which has faced decades of religious and political persecution under Russian domination.[10]

5.2.4 The Guardian reported on the Tatar ethnic group in March 2014:

'There are 266,000 Crimean Tatars in Crimea, over 13% of the local population. They are Sunni Muslim, traditionally pro-Ukrainian, and much better organised than the local Ukrainians, who make up 23% of the population. A quick look at history tells you why: Stalin deported the Crimean Tatars en masse to Central Asia in 1944, and half of them died during or after the journey. They were only able to return after 1989; by which time their homes had gone and their culture had been erased.

'The Crimean Tatars are still economically marginalised, with constant tensions over land-squatting and "irregular constructions" (shanty towns). But Crimea is their only home. Turkey hosts a large diaspora; but the peninsula was home to the Crimean Tatar Khanate from 1441 to 1783…

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[7] US Central Intelligence Agency. The World Factbook; Europe; Ukraine; People and society, last updated 11 July 2016. https://www.cia.gov/library/publications/the-world-factbook/geos/up.html Date accessed: 9 June 2016.
[8] US Central Intelligence Agency. The World Factbook; Europe; Ukraine; People and society, last updated 11 July 2016. https://www.cia.gov/library/publications/the-world-factbook/geos/up.html Date accessed: 9 June 2016.
[9] BBC News. 'Ukraine's sharp divisions,' dated 23 April 2014. http://www.bbc.co.uk/news/world-europe-26387353 Date accessed: 21 March 2016.
[10] Al-Jazeera. 'Putin's war on the Crimean Tatars,' dated 7 May 2015. http://www.aljazeera.com/indepth/opinion/2015/03/putin-war-crimean-tatars-150304103241416.html Date accessed: 21 March 2016.

'The Crimean Tatars have been well organised since the 1960s. They have their own would-be parliament, the Qurultay, which revamped its voting system last year after an internal debate on accountability, introducing some proportional representation.

'Most religious organisations belong to the allied Spiritual Directorate of Muslims of Crimea (DUMK), which has close links to official Islam in Turkey. Radical Islam exists, but has largely been kept to the fringes by the DUMK to date.

'Now the Crimean Tatars fear these organisations will be suppressed in a Russian-controlled Crimea. Since Yanukovych's election in 2010, the Qurultay and its smaller executive body, the Mejlis, have been squeezed out of official organs and forced to compete with new radical parties, allegedly sponsored by the authorities in both Kiev and Moscow…

'The veteran leader of the Mejlis, Mustafa Cemiloğlu, has recently retired after a long career advocating peaceful protest. His successor, Refat Chubarov, follows a similar line. But since 2010, there has been a rising number of clashes over land, the desecration of graves and monuments, and fights over market trading rights with local mafia groups.'[11]

5.2.5 See Religion for further information about religious beliefs in Ukraine. See Freedom of speech and expression - Crimea and Crimean Tatars for further information about the Tatars.

## 5.3 Language

5.3.1 The US CIA World Factbook provided information about the prevalence of the languages spoken in Ukraine:

'Ukrainian (official) 67.5%, Russian (regional language) 29.6%, other (includes small Crimean Tatar-, Moldavian-, and Hungarian-speaking minorities) 2.9% (2001 est.).'[12]

5.3.2 Britannica.com stated:

'The vast majority of people in Ukraine speak Ukrainian, which is written with a form of the Cyrillic alphabet. The language… is closely related to Russian but also has distinct similarities to the Polish language. Significant numbers of people in the country speak Polish, Yiddish, Rusyn, Belarusian, Romanian or Moldovan, Bulgarian, Crimean Turkish, or Hungarian. Russian is the most important minority language.'[13]

5.3.3 BBC News commented on Ukraine's languages in April 2014:

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[11] The Guardian. 'Tatar Sunni Muslims pose a threat to Russia's occupation of Crimea,' dated 5 March 2014. http://www.theguardian.com/world/2014/mar/05/tartar-ukraine-sunni-muslims-threat-russian-rule-crimea Date accessed: 21 March 2016.

[12] US Central Intelligence Agency. The World Factbook; Europe; Ukraine; People and society, last updated 11 July 2016. https://www.cia.gov/library/publications/the-world-factbook/geos/up.html Date accessed: 9 June 2016.

[13] Britannica.com. Ukraine; People; Languages, last updated 22 April 2016 http://www.britannica.com/place/Ukraine/Languages Date accessed: 10 June 2016.

'Russian is widely spoken in parts of the east and south. In some areas, including the Crimean peninsula, it is the main language.
In western regions - closer to Europe - Ukrainian is the main language and many of the people identify with Central Europe.'[14]

5.3.4 Britannica.com stated:

'In 2012 a law was passed that granted local authorities the power to confer official status upon minority languages. Although Ukrainian was reaffirmed as the country's official language, regional administrators could elect to conduct official business in the prevailing language of the area. In the Crimea, which has an autonomous status within Ukraine and where there is a Russian-speaking majority, Russian and Crimean Tatar are the official languages. In addition, primary and secondary schools using Russian as the language of instruction still prevail in the Donets Basin and other areas with large Russian minorities.'[15]

### 5.4 Religion

5.4.1 The US CIA World Factbook provided information about religious beliefs in Ukraine:

'Orthodox (includes Ukrainian Autocephalous Orthodox (UAOC), Ukrainian Orthodox - Kyiv Patriarchate (UOC-KP), Ukrainian Orthodox - Moscow Patriarchate (UOC-MP), Ukrainian Greek Catholic, Roman Catholic, Protestant, Muslim, Jewish.

**'note:** Ukraine's population is overwhelmingly Christian; the vast majority - up to two-thirds - identify themselves as Orthodox, but many do not specify a particular branch; the UOC-KP and the UOC-MP each represent less than a quarter of the country's population, the Ukrainian Greek Catholic Church accounts for 8-10%, and the UAOC accounts for 1-2%; Muslim and Jewish adherents each compose less than 1% of the total population (2013 est.).'[16]

5.4.2 See Ethnic groups for information about Islam among Tatars in Crimea.

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## 6. Economy

6.1.1 The Economist Intelligence Unit provided the following summary:

'Real GDP fell by 9.9% in 2015. This year, Ukraine's free-trade deal with the EU was met with more economic retaliation by Russia. Along with political uncertainty, this will dampen the recovery, but growth will accelerate in 2017. The formation of a new government in April [2016], led by Volodymyr Groysman, is designed to mark a fresh start but, for the sake of

[14] BBC News. 'Ukraine's sharp divisions,' dated 23 April 2014. http://www.bbc.co.uk/news/world-europe-26387353 Date accessed: 21 July 2016.
[15] Britannica.com. Ukraine; People; Languages, last updated 22 April 2016 http://www.britannica.com/place/Ukraine/Languages Date accessed: 10 June 2016.
[16] US Central Intelligence Agency. The World Factbook; Europe; Ukraine; People and society, last updated 11 July 2016. https://www.cia.gov/library/publications/the-world-factbook/geos/up.html Date accessed: 9 June 2016.

stability, it may defer any serious attempt to tackle deep corruption public life.'[17]

6.1.2 The US CIA World Factbook stated:

'Ukraine's oligarch-dominated economy grew slowly from 2010-2014. After former President YANUKOVYCH fled the country during the Revolution of Dignity, the international community began efforts to stabilize the Ukrainian economy, including a March 2014 IMF assistance package of $14-18 billion. Ukraine has made significant progress on reforms designed to make the country a prosperous, democratic, and transparent country.

'Russia's occupation of Crimea in March 2014 and on-going aggression in eastern Ukraine have hurt economic growth. With the loss of a major portion of Ukraine's heavy industry in Donbas and on-going violence, Ukraine's economy contracted by 6.8% in 2014 and by an estimated 10.5% in 2015. Ukraine and Russia have engaged in a trade war with sharply reduced trade between the countries by the end of 2015. The EU-Ukraine Deep and Comprehensive Free Trade Area finally started up on January 1, 2016, and is expected to help Ukraine integrate its economy with Europe by opening up markets and harmonizing regulations.

'Unemployment rate: 9.5% (2015 est.)
'Population below poverty line: 24.1% (2010 est.)'[18]

6.1.3 The BBC reported as follows in February 2016:

'Russia has filed a lawsuit against Ukraine at London's High Court over a $3bn (£2.1bn) debt. The action was taken following unsuccessful attempts to agree on a debt restructuring, Russian Finance Minister Anton Siluanov has said. Ukraine announced in December that it would not make the repayment, claiming that Russia had refused to accept terms offered to other creditors…

'The $3bn eurobond had a maturity date of 20 December of last year [2015]. It was issued in late 2013, shortly before pro-Russian President Viktor Yanukovych was removed from power following massive protests. But just days before its due date, Ukraine's Prime Minister, Arseny Yatsenyuk, said that the country had imposed a moratorium on the repayment. At the time, Mr Yatsenyuk said the moratorium would be in place until the acceptance of Ukraine's restructuring proposals or the adoption of the relevant court decision.

'Mr Siluanov said he hoped the legal case will be "open and transparent" at the "independent, authoritative court". "The lawsuit was filed after repeated unsuccessful attempts to engage Ukraine in a constructive dialogue on debt restructuring," he said…

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[17] The Economist Intelligence Unit. Ukraine, undated. http://country.eiu.com/Ukraine Date accessed: 10 June 2016

[18] US Central Intelligence Agency. The World Factbook; Europe; Ukraine; Economy - overview, last updated 11 July 2016. https://www.cia.gov/library/publications/the-world-factbook/geos/up.html Date accessed: 10 June 2016.

'The two countries have been embroiled in disputes over gas supplies and commerce following Ukraine's decision to join an EU free trade agreement.'[19]

6.1.4 The Australian DFAT provided an overview of the economy here.[20] Focus Economics provided comprehensive information about the economy here.[21] The US CIA World Factbook provided further information here.[22]

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# 7. Political system

7.1.1 The US CIA World Factbook provided information about the President, Prime Minister and Cabinet (the Executive Branch):

'**chief of state:** President Petro POROSHENKO (since 7 June 2014)

**'head of government:** Prime Minister Volodymyr HROISMAN (since 14 April 2016); Deputy Prime Minister Vyacheslav KYRYLENKO (since 2 December 2014)

**'cabinet:** Cabinet of Ministers nominated by the prime minister, approved by the Verkhovna Rada

**'elections/appointments:** president directly elected by absolute majority popular vote in 2 rounds if needed for a 5-year term (eligible for a second term); election last held on 25 May 2014 (next to be held in 2019); prime minister nominated by the president, confirmed by the Verkhovna Rada.'[23]

7.1.2 Britannica.com stated, 'The highest legislative unit of the Ukrainian government is the unicameral Verkhovna Rada (Supreme Council of Ukraine)…

'The president, elected by direct popular vote for a five-year term, is the head of state. The president acts as the commander in chief of the armed forces, oversees executive ministries, and has the power to initiate and to veto legislation, though vetoes may be overturned. The president also chairs the National Security and Defense Council and determines its composition…

'The head of government is the prime minister, who is appointed by the president with the consent of the legislature. The president, with the consent of the prime minister, also appoints the members of the cabinet. The cabinet, headed by the prime minister, coordinates the day-to-day administration of

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[19] BBC. 'Russia files lawsuit against Ukraine over $3 debt,' dated 18 February 2016. http://www.bbc.co.uk/news/world-europe-35598446 Date accessed: 18 March 2016.
[20] Australian Department of Foreign Affairs and Trade. Ukraine Country Brief, updated May 2016. http://dfat.gov.au/geo/ukraine/Pages/ukraine-country-brief.aspx Date accessed: 10 June 2016.
[21] Focus Economics. Ukraine Economic Outlook, dated 7 June 2016. http://www.focus-economics.com/countries/ukraine Date accessed: 10 June 2016.
[22] US Central Intelligence Agency. The World Factbook; Europe; Ukraine; Economy, last updated 11 July 2016. https://www.cia.gov/library/publications/the-world-factbook/geos/up.html Date accessed: 10 June 2016.
[23] US Central Intelligence Agency. The World Factbook; Europe; Ukraine; Government, last updated 11 July 2016. https://www.cia.gov/library/publications/the-world-factbook/geos/up.html Date accessed: 10 June 2016.

the government and may introduce legislation to the Supreme Council. The president has the power to dismiss the prime minister and the cabinet.

'Ukraine is a unitary republic, not a federal state. The country is divided administratively into a number of provinces called oblasti; two cities - Kiev and Sevastopol - carry the same status as an oblast. Crimea is an autonomous republic within Ukraine.'[24]

7.1.3 For further information about the political system in Ukraine, see the Political overview provided by the Australian DFAT.[25]

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# 8. Current crisis

8.1.1 Britannica.com stated:

'The government of Ukraine underwent rapid change in the early 1990s. Before its declaration of independence in 1991, Ukraine was officially called the Ukrainian Soviet Socialist Republic (S.S.R.) and was part of the Soviet Union. According to the 1937 Soviet constitution as amended in 1944, Ukraine had the right to "enter into direct relations with foreign states, to conclude agreements, and to exchange diplomatic and consular representatives with them" and to maintain its own military forces. The only real expression of these constitutional prerogatives in international affairs, however, was Ukraine's charter membership in the United Nations (UN) and consequently in some 70 other international organizations. (The Ukrainian S.S.R. and the Belorussian S.S.R. [now Belarus] were the only two UN members that were not fully sovereign countries.) The revised Soviet constitution of 1977 further limited the prerogatives of the Ukrainian S.S.R. Within days of the failed coup against Soviet leader Mikhail Gorbachev, Ukraine proclaimed its independence on August 24, 1991, and won overwhelming popular approval for this act in a referendum on December 1, 1991. Ukraine was subsequently recognized by other governments, and many international agreements were signed, notably with neighbouring countries. In addition, Ukraine, Belarus, and Russia formed the Commonwealth of Independent States, which was then joined by eight other former republics of the defunct Soviet Union.'[26]

8.1.2 The US CIA World Factbook stated:

'Although Ukraine achieved final independence in 1991 with the dissolution of the USSR, democracy and prosperity remained elusive as the legacy of

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[24] Britannica.com. Ukraine; Constitutional framework, last updated 22 April 2016 https://www.britannica.com/place/Ukraine/Resources-and-power Date accessed: 10 June 2016.
[25] Australian Government. Department of Foreign Affairs and Trade. 'Ukraine Country Brief,' updated May 2016. http://dfat.gov.au/geo/ukraine/Pages/ukraine-country-brief.aspx Date accessed: 10 June 2016.
[26] Britannica.com. Ukraine; Government and society, last updated 22 April 2016 http://www.britannica.com/place/Ukraine/Resources-and-power#toc30110 Date accessed: 10 June 2016.

state control and endemic corruption stalled efforts at economic reform, privatization, and civil liberties.

‘A peaceful mass protest referred to as the "Orange Revolution" in the closing months of 2004 forced the authorities to overturn a rigged presidential election and to allow a new internationally monitored vote that swept into power a reformist slate under Viktor YUSHCHENKO. Subsequent internal squabbles in the YUSHCHENKO camp allowed his rival Viktor YANUKOVYCH to stage a comeback in parliamentary (Rada) elections, become prime minister in August 2006, and be elected president in February 2010. In October 2012, Ukraine held Rada elections, widely criticized by Western observers as flawed due to use of government resources to favor ruling party candidates, interference with media access, and harassment of opposition candidates.

‘President YANUKOVYCH's backtracking on a trade and cooperation agreement with the EU in November 2013 - in favor of closer economic ties with Russia - and subsequent use of force against civil society activists in favor of the agreement led to a three-month protest occupation of Kyiv's central square. The government's use of violence to break up the protest camp in February 2014 led to all out pitched battles, scores of deaths, international condemnation, and the president's abrupt departure to Russia. New elections in the spring allowed pro-West president Petro POROSHENKO to assume office on 7 June 2014.

‘Shortly after YANUKOVYCH's departure in late February 2014, Russian President PUTIN ordered the invasion of Ukraine's Crimean Peninsula claiming the action was to protect ethnic Russians living there. Two weeks later, a "referendum" was held regarding the integration of Crimea into the Russian Federation. The "referendum" was condemned as illegitimate by the Ukrainian Government, the EU, the US, and the UN General Assembly (UNGA). Although Russia illegally annexed Crimea after the "referendum," the Ukrainian Government, backed by UNGA resolution 68/262, asserts that Crimea remains part of Ukraine and fully under Ukrainian sovereignty.

‘Russia also continues to supply separatists in two of Ukraine's eastern provinces with manpower, funding, and materiel resulting in an armed conflict with the Ukrainian Government. Representatives from Ukraine, Russia, and the unrecognized separatist republics signed a ceasefire agreement in September 2014. However, this ceasefire failed to stop the fighting. In a renewed attempt to alleviate ongoing clashes, leaders of Ukraine, Russia, France, and Germany negotiated a follow-on peace deal in February 2015 known as the Minsk Agreements. Representatives from Ukraine, Russia, and the Organization for Security and Cooperation in Europe also meet regularly to facilitate implementation of the peace deal. Scattered fighting between Ukrainian and Russian-backed separatist forces is still ongoing in eastern Ukraine.’[27]

[27] US Central Intelligence Agency. The World Factbook; Europe; Ukraine; Introduction, last updated 11 July 2016. https://www.cia.gov/library/publications/the-world-factbook/geos/up.html Date accessed:

8.1.3 The 'Freedom in the World 2016' report stated 'By the end of 2015, at least 9,000 people had been killed and more than 20,000 injured in the conflict in eastern Ukraine. The fighting also displaced more than two million people, and the government has struggled to meet the humanitarian needs of those displaced within Ukraine.'[28]

8.1.4 BBC News provided a timeline[29] of key events in Ukraine since 1917.

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# 9. Police

## 9.1 Territory controlled by Government of Ukraine

9.1.1 The US Department of State provided the following information, which covered the year 2015 and was published in April 2016:

'The Ministry of Internal Affairs is responsible for maintaining internal security and order. The ministry oversees police and other law enforcement personnel. The SBU [Security Service of Ukraine] is responsible for all state security, nonmilitary intelligence, and counterintelligence. The Ministry of Internal Affairs reports to the Cabinet of Ministers, and the SBU reports directly to the president. The State Fiscal Service exercises law enforcement powers through the tax police and reports to the Cabinet of Ministers. The State Migration Service implements state policy regarding border security, migration, citizenship, refugee registration and other registering other migrants; the Ministry of Internal Affairs oversees it.

'Civilian authorities generally had control over law enforcement agencies but rarely took action to investigate and punish abuses committed by security forces.

'Impunity for abuses by law enforcement remained a significant problem. During a September [2015] visit to the country, the UN special rapporteur on extrajudicial, summary or arbitrary executions recommended that the government establish a system of independent overview of the conduct of law enforcement, with a particular focus on allegations of mistreatment by the SBU.

'Human rights groups expressed concern that authorities have not properly investigated crimes committed by Ukrainian forces and have not punished them. In particular human rights groups noted that alleged crimes committed by the Aidar Battalion remained unsolved, including the killing of two persons in Shchastya in February [2015].

'While authorities sometimes brought charges against members of the security services, cases often remained under investigation without being brought to trial, while authorities allowed alleged perpetrators to continue

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9 June 2016.

[28] Freedom House. 'Freedom in the World 2016;' Ukraine, published 7 March 2016. https://www.freedomhouse.org/report/freedom-world/2016/ukraine Date accessed: 15 July 2016.

[29] BBC News. 'Ukraine profile – Timeline,' dated 27 October 2015. http://www.bbc.co.uk/news/world-europe-18010123 Date accessed: 21 March 2016.

their work. The HRMMU noted the case of Oleksandr Agafonov, allegedly beaten to death by SBU officers after officers stopped him at a government checkpoint in Kharkiv in November 2014. It took investigators more than a year to identify the alleged perpetrators; authorities released both on bail.

'Additionally, human rights groups criticized the lack of progress in investigations of alleged separatist crimes in areas retaken by Ukrainian forces. In particular investigations of alleged crimes committed by separatists in Slovyansk and Kramatorstk in 2014 appeared stalled. Human rights groups believed that many of the local law enforcement personnel in both cities collaborated with separatists when they controlled these cities.

'Under the law members of Verkhovna Rada have authority to conduct investigations and public hearings into law enforcement problems. The parliamentary ombudsman for human rights may also initiate investigations into abuses by security forces.

'Security forces generally prevented or responded to societal violence. At times, however, they used excessive force to disperse protests and, in some cases, failed to protect victims from harassment or violence. For example, on June 11 [2015], approximately 30 persons attacked a group of international students in Kharkiv. Human rights groups claimed that police failed to protect the students; the attackers wounded nine, and six were hospitalized.'[30]

9.1.2 Freedom House published the following in April 2016:

'The investigation of crimes committed by law enforcement agencies during the revolution is moving very slowly. In February [2015], Prosecutor General Vitaliy Yarema was dismissed from his post amid frustration over the lack of results. His replacement, Viktor Shokin, soon faced criticism as well, though the Prosecutor General's Office reported that it was making progress in the Maidan investigation. Independent experts have described Shokin's work as "window dressing." Another expert and member of parliament criticized him for his "total loyalty" to Poroshenko.'[31]

9.1.3 The report by Freedom House, 'Nations in Transit 2016,' dated April 2016, further stated:

'The law on national police was finally adopted in July [2015], and results were immediately visible, making it the benchmark for reforms in Ukraine in 2015. The new force of street-level "patrol police" is currently in full operation in four cities: Kyiv, Lviv, Odesa, and Kharkiv. The selection and training process is ongoing in more than 10 cities. On September 26 [2015], recruitment was launched in Slovyansk and Kramatorsk, the largest cities

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[30] US Department of State. 'Country Reports on Human Rights Practices for 2015;' Ukraine; Section 1.d. Role of the Police and security apparatus, published 13 April 2016. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252911 Date accessed: 10 June 2016.

[31] Freedom House. 'Nations in Transit 2016;' Ukraine; Judicial Framework and Independence, dated 12 April 2016. https://freedomhouse.org/report/nations-transit/2016/ukraine Date accessed: 14 April 2016

that were recaptured from Russian-backed forces in Donetsk the previous year. By the end of 2015 there were about 10,000 new patrol police officers in Ukraine. A poll conducted in Kyiv after the first three months with the new force indicated 80 percent satisfaction with the reforms.'[32]

9.1.4 The website Foreignpolicy.com commented on newly-recruited police officers in an article dated December 2015:

'Over the past year [2015], thousands of newly recruited police officers have taken to the streets of Kiev, Odessa, Lviv, and other cities across Ukraine. In contrast to their predecessors in the old, post-Soviet militsia, these newcomers are polite, well-trained, and physically fit. Perhaps most importantly, they refuse to take bribes. Many of the new recruits sympathized with the 2013-2014 Euromaidan demonstrations that overthrew the corrupt political order of former President Yanukovych, and they are genuinely interested in building a new, more democratic Ukraine. Over a quarter of the new police force consists of women — one of the highest rates in the world. The new units enjoy high approval ratings in Kiev and are regarded as a symbol of a "civil" state.

'International experts are thrilled, too. They tout the new patrol police as one of the brightest rays of hope in post-Euromaidan Ukraine…

'To date, Ukraine's new police have been focused on a myriad of petty matters: smoking in public places, homeless people sleeping in tourist areas, and cars parking around bus stops. But the new policing model in Ukrainian cities does not explain how bigger and more violent crimes are prevented through policing small things. Meanwhile, top-level police offers, accustomed to deploying excessive force against peaceful demonstrations or operating criminal syndicates, remain unchallenged and unreformed. And while a shiny new police force might challenge small-scale corruption, there has still been no serious anti-corruption drive from the top.'[33]

9.1.5 Euromaidan Press published the following explanation of the Ukrainian police in June 2015:

'Ukraine's police reform … is one of Ukraine's most ostensible reforms. … For some Ukrainians, this reform is short-of-a-miracle proof that Ukraine is changing; for others, it is merely window dressing that hide the absence of more pressing issues like judicial reform. Today we provide a bit of background information on Ukraine's many faces of police.

'I've seen too many Western observers use the word "police" to describe militsiya, even if technically it is wrong. Militsiya is not the police; it's the militsiya, same as "militia" and initially meaning an "armed citizens' force". … Police reform in Ukraine was an on-and-off subject for some years before

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[32] Freedom House. 'Nations in Transit 2016;' Ukraine; Judicial Framework and Independence, dated 12 April 2016. https://freedomhouse.org/report/nations-transit/2016/ukraine Date accessed: 14 April 2016

[33] Foreignpolicy.com. 'The problem with Ukrainian police reform,' dated 29 December 2015. http://foreignpolicy.com/2015/12/29/the-problem-with-ukrainian-police-reform-ukraine/ Date accessed: 2 August 2016.

becoming reality just now, and about time. This will be hard, though; practically nobody in Ukraine likes militsiya, and new Ukrainian cops will first have to prove they're different…

'Unlike Western police services, militsiya […] has a different internal structure, with following services:

– the **Patrol Service** (Patrulno-postova sluzhba, or PPS), basically your average beat cops who are also used as brute force to reinforce riot police; the saying is that "two troopmen from PPS fill in for a squad of SS". PPS is to be replaced by the new Police Patrol Service;

– the **State Traffic Inspection** (Derzhavna avtoinspektsiya, or DAI), basically the highly-corrupt traffic police who will relentlessly pump you for bribes until you pay them. Most Ukrainians choose to pay and then b[****] about how the DAI is corrupt. To be replaced by the new Police Patrol Service;

– the **State Security Service** (Derzhavna sluzhba okhorony, or DSO), who have nothing to do with state security; they are protection police who guard certain places and respond to emergency calls from the citizens (most businesses in Ukraine have the "guarded by DSO" sticker somewhere, which means that if you break the law in there, the militsiya will come and get you're a[**]). Perhaps the most famous place they guard is the Chornobyl Zone of Alienation, where their job mostly consists of telling stalkers to get out of here. To be reorganized into the new Protection Police with the same functions[…];

– the **Criminal Investigations department** (karny rozshuk, same as Russian ugolovnyi rozysk), the plainclothes police detectives who actually maybe possibly investigate and solve crimes. In fact, they are not called "detectives", but rather "operative personnel" (the rather long word operupolnomochennyi) or simply "oper". To be replaced by the new Criminal Police service […];…

– the **Investigations department** (slidche upravlinnya), the people who are actually in charge of criminal investigations; 'opers' do all the legwork and "sledaks" compile it into a single "delo" which is then handed over to the prosecution. The opers and sledaks exist in a peculiar sort of rivalry, exacerbated by the fact that investigators aren't really militsiya officers, but rather justice officers, much like prosecutors. Not sure if this will be replaced;

– **riot police**. Previously this was the infamous Berkut unit, supplemented by Internal Troops servicemen and PPS beat cops as needed; today Berkut is disbanded (and is legally part of the PPS), National Guard usually has other duties, and the riot control tasks often fall on regular PPS or the volunteer militsiya battalions… To be replaced by Special Police;…

– **police special forces**, what was once HUBOZ (Main Directorate of Combating Organized Crime); this is disbanded now, but militsiya spetsnaz remains. Of particular note is the Sokil unit, which is basically the Ukrainian equivalent of SWAT. Actually, this is wrong: Ukrainian SWAT will be called KORD (Korpus operatyvno-raptovoi diyi, i.e. Rapid Reaction Corps) and will subsume most existing militsiya spetsnaz units now in existence, including

Sokil. There are also the Tytan ("Titan") and Gryfon ("Grifon") units, the first under the DSO and the second charged with protecting court officials; and there are also National Guard spetsnaz units who defend important military-industrial objects and nuclear power plants, but, again, they're National Guard, not militsiya.

'Actually, National Guard are often confused with militsiya; this is because Interior Troops servicemen usually wore militsiya uniforms (and, in fact, many officers still do), so you couldn't tell one from the other. Most of the time you see militsiya on the streets, they're PPS beat cops or DAI inspectors trolling for bribes; most of the time you see National Guardsmen, they wear their new Cadian Shock Troops-style khaki uniforms and hang around foreign embassies, which they guard. However, there is still some stigma of being "ments" and "musors" attached to the National Guard for some reason, "musor" (literally "trash") being the highly-offensive word for a militsiya officer.

'There is also one peculiar brand of militsiya officer in existence in former USSR, one that is called "uchastkovyi" or "district cop"; basically, they are community police officers in charge of most low-level policing and keeping tabs on troublesome elements and former criminals in their area of responsibility (uchastok). In the cities the uchastkovyi's powers are limited by the immediate presence of other militsiya officers, while in the countryside the uchastkovyi is actually quite similar to the American sheriff, sometimes being the only law enforcement officer for kilometers around. The system is so grounded that I'm not sure uchastkovy is are going to be abolished by the police reform; this will probably also depend on the larger decentralization and administrative reform in Ukraine.

'Speaking of bribes. Ukrainian militsiya is more or less universally hated by the population because, yes, it is extremely corrupt. Militsiya officers take bribes, and in fact people like DAI inspectors live entirely off these bribes; militsiya routinely abuses their powers; and, moreover, militsiya is insufficiently motivated, or not motivated at all. The fact they were a tool of oppression under Yanukovych's Ancient Regime (or under Kuchma's even more Ancient Regime) doesn't help, either; …

'A Ukrainian militsiya officer is thus in an unenviable position. He gets abused by his superiors who get much better salaries and benefits that he does (high-ranking militsiya officers can be downright well-off), he is hated by the people he ostensibly protects, he is saddled by an outdated "stick system" of measuring militsiya effectiveness (the opers and sledaks are the most saddled by it, basically meaning they have to solve a set number of cases a month to fulfill the plan, with no incentive to tackle crimes actually reported by the populace), high-ranking lawbreakers like deputies, judges, prosecutors and people with connections (usually all having Donetsk or Luhansk registrations and license plates) laugh in his face, and whenever he does something he is supposed to do, it is usually underappreciated or not appreciated at all. There is no difference, no motivation, and thus most

militsiya officers turn to bribes and power abuse just because they have no other option. To give you a measure, DAI inspectors often have to use their bribe money to pay for gas; this is how "well-funded" the militsiya is…'[34]

9.1.6 The US Department of State provided further information which included subjects such as arrest procedures and treatment of detainees, torture, arbitrary interference with privacy, family, home, or correspondence and use of excessive force and other abuses in internal conflicts, available here. [35]

## 9.2 Donbas

9.2.1 Freedom House stated in its 2016 'Freedom in the World' report that 'The separatist-controlled territories are largely lawless, with armed groups controlling public buildings and looting local businesses for supplies. Numerous reports indicate that separatist commanders force local residents to perform menial tasks.'[36]

9.2.2 The Office of the UN High Commissioner for Human Rights [OHCHR] reported on the period February to May 2016 that:

'The self-proclaimed "Donetsk people's republic" and self-proclaimed "Luhansk people's republic" have undermined the human rights of the estimated 2.7 million people residing under their control. They have imposed an arbitrary system of rules, established a network of places of deprivation of liberty where detainees are tortured and ill-treated, and cracked down on dissent. The "ministry of state security" of the "Donetsk people's republic" has emerged as the main entity responsible for carrying out repressive house searches, arrests, and detentions. In a worrying pattern of behaviour, the "Donetsk people's republic" and "Luhansk people's republic" continued to deny international organizations and external observers unfettered access to places of deprivation of liberty. Subjected to unaccountable rule and excluded from the legal system applying to the rest of Ukraine, the population living in the territories controlled by the armed groups has been effectively denied basic protection and deprived of basic human rights and freedoms.

'Two years since the beginning of the security operation on 14 April 2014 in Donetsk and Luhansk regions, there remains a lack of accountability for human rights abuses and violations committed in the course of the conflict.

'Impunity of law enforcement and security elements for human rights violations remains widespread, and is often justified by the challenges posed by the ongoing armed conflict. In territories controlled by the armed groups,

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[34] Euromaidan Press. 'Spell our name with a "mi:" Ukrainian law enforcement and the new patrol police,' dated 24 June 2015. http://euromaidanpress.com/2015/06/24/spell-our-name-with-a-mi-ukrainian-law-enforcement/#arvlbdata Date accessed: 2 August 2016.

[35] US Department of State. 'Country Reports on Human Rights Practices for 2015;' Ukraine; Section 1.d. Role of the Police and security apparatus, published 13 April 2016. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252911 Date accessed: 10 June 2016.

[36] Freedom House. 'Freedom in the World 2016;' Ukraine, published 7 March 2016. https://www.freedomhouse.org/report/freedom-world/2016/ukraine Date accessed: 15 July 2016.

law and order has collapsed and illegal parallel structures have developed. These structures are wielded as tools to intimidate and control the population under armed group control, and to perpetrate further human rights abuses. OHCHR is cognizant of the constraints faced by Ukrainian authorities, particularly due to their lack of access to territories controlled by the armed groups and resulting inability to establish direct perpetrators'[37]

9.2.3 For further information about human rights abuses in the areas of conflict, see the CIG on Crimea, Donetsk and Luhansk.

## 9.3 Crimea

9.3.1 The Office of the UN High Commissioner for Human Rights [OHCHR] reported on the period February to May 2016 that:

'In the two years after the Russian Federation extended its jurisdiction over Crimea, the human rights situation in the peninsula has sharply deteriorated…Fundamental freedoms of assembly, speech, association, conscience and religion have been significantly curtailed. Anti-extremism and antiterrorism laws have been used to criminalize non-violent behaviour and stifle dissenting opinion, while the judicial and law enforcement systems have been instrumentalized to clamp down on opposition voices. The majority of victims have been Crimean Tatars and Ukrainians who publicly opposed Crimea's unrecognized accession to the Russian Federation. On the other hand, human rights abuses committed by paramilitary groups, such as the Crimean self-defense, remain unpunished.

'OHCHR is increasingly worried about the growing number of largescale "police" actions conducted with the apparent intention to harass and intimidate Crimean Tatars and other Muslim believers.'[38]

9.3.2 The 2015 U.S Department of State Country Report on Crimea, which covered 2015 and was published in April 2016, similarly reported that:

'Russian security services engaged in an extensive campaign of intimidation to suppress dissent and opposition to the occupation that employed kidnappings, disappearances, physical abuse, and deportations. Russian security forces routinely detained individuals without cause and harassed and intimidated neighbors and family of those who opposed the occupation.

'The Russian-installed authorities took few steps to investigate or prosecute officials or individuals who committed human rights abuses, creating an atmosphere of impunity and lawlessness. Occupation and local "self-

[37] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine (16 February 2016 to 15 May 2016),' paragraphs 5, 53 and 54, published 15 May 2016. http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf Date accessed: 9 June 2016.

[38] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine (16 February 2016 to 15 May 2016),' paragraphs 8 and 183, published 15 May 2016. http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf Date accessed: 9 June 2016.

defense" forces often did not wear insignia and committed abuses with impunity.'[39]

9.3.3 For further information about human rights abuses in the areas of conflict and the situation for particular ethnic groups, see the CIG on Crimea, Donetsk and Luhansk.

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# 10. Judiciary

## 10.1 Territory controlled by Government of Ukraine

10.1.1 The US CIA World Factbook provided the following summary:

'**highest court(s):** Supreme Court of Ukraine or SCU (consists of 95 judges organized into civil, criminal, commercial, and administrative chambers, and a military panel); Constitutional Court (consists of 18 justices)

**'judge selection and term of office:** Supreme Court judges proposed by the Supreme Council of Justice or SCJ (a 20-member independent body of judicial officials and other appointees) and appointed by presidential decree; judges initially appointed for 5 years and, if approved by the SCJ, serve until mandatory retirement at age 65; Constitutional Court justices appointed - 6 each by the president, by the SCU, and by the Verkhovna Rada; justices appointed for 9-year non-renewable terms

**'subordinate courts:** specialized high courts; Courts of Cassation; Courts of Appeal; regional, district, city, and town courts.'[40]

10.1.2 The US Department of State commented as below in the Country Report which covered 2015 and was published in April 2016: 'While the constitution provides for an independent judiciary, courts remained vulnerable to political pressure and corruption and were inefficient. Confidence in the judiciary remained low.

'On February 12 [2015], the Verkhovna Rada adopted the Law on Ensuring the Right to Fair Trial, which provides for a competitive selection in hiring judges, review of rulings, and background checks of all judges. Under the new law, any person can videotape courts hearings without special permission, and all court rulings are to be made public in a unified state register. The law came into effect on March 28 [2015].

'The law also provides for an interim commission to investigate complaints about judges. As of December the Prosecutor General's Office was

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[39] US Department of State. 'Country Reports on Human Rights Practices for 2015;' Ukraine (Crimea); Executive Summary, published 13 April 2016. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252913 Date accessed: 19 July 2016.

[40] US Central Intelligence Agency. The World Factbook; Europe; Ukraine; Government, last updated 11 July 2016. https://www.cia.gov/library/publications/the-world-factbook/geos/up.html Date accessed: 10 June 2016.

conducting investigations of 20 criminal proceedings against 19 judges, and 16 criminal cases with indictment against judges had been brought to court.

'Judges continued to complain about deterioration of the separation of powers between the executive and judicial branches of government. Some judges claimed high-ranking politicians pressured them to decide cases in their favor, regardless of the merits. Other factors also impeded the right to a fair trial, such as lengthy court proceedings, particularly in administrative courts, inadequate funding, and the inability of courts to enforce rulings. According to the human rights ombudsman, authorities fully executed only 40 percent of court rulings.'[41]

10.1.3 The US Department of State's Country Report, which covered 2015 and was published in April 2016, also described trial procedures:

'There is no jury system. A single judge decides most cases, although two judges and three public assessors who have some legal training hear trials on charges carrying a 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 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, with interpretation as needed of charges against them, the right to a public trial without undue delay, to communicate privately with an attorney of their choice (or one provided at public expense), and to have adequate time and facilities to prepare a defense. The law also allows defendants also access to government-held evidence, to confront witnesses against them, present witnesses and evidence, and the right to appeal. Defendants have the right not to be compelled to testify or confess guilt. Appeals courts cannot dismiss convictions or order new trials based on missing documents, nor may they coerce defendants to sign copies of missing documents. The law applies to the rights of all defendants regardless of ethnicity, gender, or age.

'Trials are open to the public, but some judges prohibited the media from observing proceedings. While trials must start no later than three weeks after filing of charges, prosecutors seldom met this legal requirement. Human rights groups reported that officials occasionally monitored meetings between attorneys and their clients.'[42]

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[41] US Department of State. 'Country Reports on Human Rights Practices for 2015;' Ukraine; Section 1.e. Denial of fair public trial, published 13 April 2016. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252911 Date accessed: 10 June 2016.

[42] US Department of State. 'Country Reports on Human Rights Practices for 2015;' Ukraine; Section 1.e. Trial procedures, published 13 April 2016. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252911 Date accessed: 10 June 2016.

10.1.4 The Office of the UN High Commissioner for Human Rights [OHCHR] reported on the period February to May 2016 that:

'Individuals detained by Ukrainian authorities in connection with the armed conflict have been tortured and ill-treated, and continue to face systematic violations of their due process and fair trial rights. In many cases, criminal proceedings against individuals charged with terrorism offenses have brought the lack of independence and impartiality of the judiciary and legal profession into harsh relief.

'In some cases, attempts by victims of torture to complain to judges in the course of a hearing have been met with inaction and callousness, with judges frequently ignoring or dismissing complaints, revealing the judiciary's lack of impartiality'.[43]

10.1.5 Amnesty International reported in a February 2016 report that 'Amnesty International has documented numerous cases of the unlawful use of force by law enforcement officers during the demonstrations, including killings and torture and other illtreatment. The organization has repeatedly highlighted the shortcomings of the post EuroMaydan investigations which, in turn, expose the long-standing structural problems that persist in the Ukrainian criminal justice system. The authorities have consistently failed to carry out prompt, effective and impartial investigations into abuses committed by law enforcement officers during the EuroMaydan protests, or for ordinary crimes, or for abuses committed by government forces in the context of the conflict in eastern Ukraine.'[44]

10.1.6 The 'Freedom in the World 2016' report stated 'Another key problem is pervasive corruption among Ukraine's prosecutors and judges. Poroshenko resisted numerous calls to replace Prosecutor General Viktor Shokin during 2015, and reformers such as Deputy Prosecutor General David Sakvarelidze complained that many prosecutors block efforts to fight corruption. Although the parliament adopted a lustration law in 2014, it has not been used against prosecutors and judges.'[45]

10.1.7 Freedom House reported in its 2016 Nations in Transit report: 'As stated in an open letter to the Council of Judges published by Dzerkalo Tizhnya in February, the Ukrainian judiciary is commonly accused of political bias, corruption, resistance to change, incompetence, dishonesty, and unjust decisions. Judicial reform began as part of the constitutional reform of 2015, but it would be premature to count it as a success.

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[43] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine (16 February 2016 to 15 May 2016),'paragraphs 4 and 60, published 15 May 2016. http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf Date accessed: 9 June 2016.

[44] Amnesty International. 'Ukraine: Two years after EuroMaydan: The prospect for justice is threatened,' dated 26 February 2016 https://www.amnesty.org/en/documents/eur50/3516/2016/en/ Date accessed: 19 July 2016

[45] Freedom House. 'Freedom in the World 2016;' Ukraine, published 7 March 2016. https://www.freedomhouse.org/report/freedom-world/2016/ukraine Date accessed: 15 July 2016.

'Several important pieces of legislation concerning the judiciary were adopted or under consideration by the Verkhovna Rada in 2015. A law designed to ensure the right to a fair trial was adopted by the parliament in February, introducing mechanisms for assessment of the professional qualifications of judges and verification of their integrity, and providing an option to apply directly to the Supreme Court for a review of lower court decisions. Also in February, the Verkhovna Rada adopted a law allowing the merger of existing special units of the Ministry of Internal Affairs into a single universal special police unit.

'There are still major shortcomings regarding accountability for past abuses by the judiciary. Not a single judge has been removed from office under the the law On Cleansing the Government. According to the head of the Lustration Department of the Ministry of Justice, this is because in Ukraine a judge can be dismissed only by the body that appointed him, the Verkhovna Rada, and only the High Council of Justice—which was disbanded in April 2014 and has not yet been reelected—can submit the necessary documents.'[46]

## 10.2 Donbas

10.2.1 According to a report published in December 2015 by the Organisation for Security and Co-operation in Europe (OSCE), 'Access to justice for people living in "DPR"[ Donetsk People's Republic]- and "LPR" [Luhansk People's Republic] -controlled areas remains severely limited. Courts, prosecution offices and notary services were completely removed by the Government from areas not under its control in response to the conflict and to the seizure of documents and premises by separatists. Following the withdrawal of government services, the "DPR" and "LPR" established parallel "justice systems" which operate outside of the Ukrainian legal system. These "systems" serve as the only "justice" provider in nongovernment-controlled areas, but face significant challenges including: reliance on an uncertain, ad hoc and non-transparent legal framework which is subject to constant change; shortages of professional staff; and, in certain instances, "courts" which have no operational capacity. The result of the removal of government services combined with the deficiencies in the parallel "systems" directly impacts people throughout "DPR"- and "LPR"-controlled areas.

'In addition to an absence of legitimate and effective justice services in "DPR"- and "LPR"-controlled areas, people throughout Donetsk and Luhansk regions face considerable challenges in accessing courts and prosecution offices relocated to government-controlled areas. These challenges include the loss, destruction and confiscation of case files prior to and during the relocation process including the intentional destruction of case files by "DPR" and "LPR". This loss of files has led to the suspension or complete termination of many pending legal proceedings. People in non-government-

[46] Freedom House. 'Nations in Transit 2016;' Ukraine; Judicial Framework and Independence, dated 12 April 2016 https://freedomhouse.org/report/nations-transit/2016/ukraine Date accessed: 14 April 2016

controlled territory attempting to submit claims or attend court hearings in government-controlled territory are also often forced to travel long distances through conflict-affected areas'.[47]

10.2.2 The Office of the UN High Commissioner for Human Rights [OHCHR] reported on the period February to May 2016 that:

'OHCHR continued to monitor the development of parallel "administration of justice" structures in the "Donetsk people's republic" and "Luhansk people's republic". These structures have been established to impose the authority of the armed groups over the population residing on the territories under their control and to legitimize human rights abuses by the armed groups. Such structures contravene the spirit of the Minsk Agreements.

'OHCHR has not been able to verify that the "judicial system" of "Donetsk people's republic" and "Luhansk people's republic" meets the key due process and fair trial standards in particular in relation to the non-derogable writ of habeas corpus to provide a person deprived of liberty with an opportunity to challenge the lawfulness of detention. OHCHR is concerned that the development of parallel structures of "administration of justice" leads to systematic abuses of the rights of persons deprived of their liberty by the armed groups and issuance of decisions which contravene human rights norms.'[48]

10.2.3 For further information about human rights abuses in the areas of conflict, see the CIG on Crimea, Donetsk and Luhansk.

## 10.3 Crimea

10.3.1 Freedom House reported in a March 2016 report that 'Russia is imposing its legislation and legal system on the peninsula on all fronts. … Human rights abuses, violations of fair trial guarantees, and the obliteration of the rule of law have been evident since the beginning of the occupation by the Russia. The judicial system now in place in Crimea suffers from the same lack of independence and dominance by the executive authorities as the judicial system in Russia.'[49]

10.3.2 The 2015 U.S Department of State Country Report on Crimea which covered 2015 and was published in April 2016 similarly reported that:

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[47] Organisation for Security and Co-operation in Europe (OSCE). Special Monitoring Mission to Ukraine. 'Access to Justice and the Conflict in Ukraine,' dated December 2015 (1. Summary) http://www.osce.org/ukraine-smm/212311?download=true Date accessed 19 July 2016

[48] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine (16 February 2016 to 15 May 2016),' paragraphs 65 to 66, published 15 May 2016. http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf Date accessed: 9 June 2016.

[49] Freedom House. 'Putting a Stop to Impunity; Human Rights Violations in Crimea,' dated March 2016. Available at ecoi.net: http://www.ecoi.net/file_upload/1226_1458296798_hq-final-putting-a-stop-to-impunity-for-human-rights-violations-in-crimea-march-2016-policy-brief.pdf Date accessed: 13 April 2016.

'Under the Russian occupation regime, the "judiciary" was neither independent nor impartial and remained susceptible to political interference.'[50]

10.3.3 For further information about human rights abuses in the areas of conflict, see the CIG on Crimea, Donetsk and Luhansk.

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# 11. Corruption

11.1.1 According to Transparency International's 2015 Corruption Perceptions Index (CPI), Ukraine scored 27 out of 100 possible, which is 1 point higher than it was in the 2014 CPI. Ukraine is ranked 130 out of 168 positions. In 2014 it was 142 out of 175 positions. Such a result was achieved due to public judgment of corrupt officials, establishment of anti-corruption bodies and emergence of the whistleblowers' movement. The delay with real punishment of bribe takers, and establishing corrupt relations between business and the Government prevent Ukraine from taking a decisive step forward, according to the CPI.[51]

11.1.2 Freedom House gave Ukraine a corruption rating of 6 for the year 2015 and 2016; ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest.[52]

11.1.3 A report by Freedom House, 'Nations in Transit 2016,' dated April 2016, stated.

'In 2015, Ukraine adopted new anticorruption legislation, created new institutions to implement anticorruption policies, and took steps toward transparency in political party financing and public procurement. At the same time, there has been limited progress to date on removing factors that contribute to corruption, such as overregulation of the economy and the power of oligarchs.

'A new law creating a National Anticorruption Bureau of Ukraine (NABU) came into force in January, and the institution was formally established in April. As of October 1, the bureau's first 70 investigators had been selected and started their work. The head of the NABU and an anticorruption prosecutor were appointed in a transparent and accountable manner, and the bureau has launched its first investigations.

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[50] US Department of State. 'Country Reports on Human Rights Practices for 2015;' Ukraine (Crimea); Section 1. e. Denial of Fair Public Trial, published 13 April 2016. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252913 Date accessed: 19 July 2016.

[51] Transparency International Ukraine. 'Ukraine Has Climbed Up For Only 1 Point in the World Ranking of Corruption Perception,' dated 27 January 2016. http://ti-ukraine.org/en/news/oficial/5741.html Date accessed: 6 April 2016

[52] Freedom House. 'Nations in Transit 2016;' Ukraine, published 12 April 2016 https://freedomhouse.org/report/nations-transit/2016/ukraine Date accessed: 14 April 2016

'A new law on corruption prevention entered into force on April 26 [2015], requiring the creation of a National Agency for Corruption Prevention (NACP). The NACP's functions include approving the rules of ethical behavior for public officials and monitoring and verifying officials' declarations of assets and income. At year's end, the NACP was still being established and its performance could not be assessed.

'On April 29 [2015], the cabinet of ministers approved a state program for the implementation of its 2015–17 anticorruption strategy.

'The parliament adopted a law on political party financing in October [2015], allowing the financing of parties from the state budget and introducing mandatory reporting on all parties' incomes and expenditures. Legislation amending the law on access to information was also adopted to make this information open to the public.

'Progress on public procurement reforms continued. A new law on public procurement adopted in September [2015] requires the disclosure of information on public tenders, including bids, the final beneficiaries of participating companies, and the evaluation protocol.

'Despite these reforms, ordinary citizens, businesses, and international observers remain skeptical about progress against corruption in Ukraine. Businesspeople see corruption as the main problem that the government has failed to solve, as confirmed by an Ernst & Young survey in May [2015]. The Ukrainian public shares this unflattering assessment, with respondents to another survey placing government corruption (29 percent) and the behavior of oligarchs (29 percent) ahead of Russia's actions (25 percent) as the main factors that could divide Ukraine.

'Accusations of corruption in the highest ranks of the Ukrainian leadership persist. A key ally of the prime minister, parliament member Mykola Martynenko, is under investigation in Switzerland for suspected money laundering and bribery; Poroshenko ally Ihor Kononenko has been accused by the former head of the SBU of money laundering and corruption.'[53]

11.1.4 A further report by Freedom House, 'Freedom in the World 2016,' published in March 2016, noted:

'Aside from the conflict in the east, the main obstacle to effective governance in Ukraine is corruption, and the vast majority of citizens were deeply disappointed with the government's slow progress in combating it during 2015.

'In April [2015], the government sharply reduced energy subsidies, aiming to remove distortions in the market that had drained state coffers and fostered corruption. Among other measures during the year, new traffic police forces were introduced in Kyiv, Lviv, Odesa, and other cities – a popular change that in many places reportedly ended the scourge of street-level officers

[53] Freedom House. 'Nations in Transit 2016;' Ukraine; Corruption, dated 12 April 2016. https://freedomhouse.org/report/nations-transit/2016/ukraine Date accessed: 14 April 2016

seeking bribes, though the new officers represented only a small fraction of the country's overall police force.

'Much remains to be done. No major figures have been arrested, and the government has recovered almost none of the billions of dollars in assets that were allegedly looted under previous administrations. Critics – including former Georgian president Mikheil Saakashvili, who was appointed governor of Odesa in May [2015] – claim that there is a "shadow government" that allows powerful insiders to take advantage of the system for personal gain. Oligarchs continue to exert considerable influence over Ukrainian life through their control of some 70 percent of the economy, much of the media, and the financing of political parties. In March 2015, after attempting to assert control over the country's main oil company, Kolomoysky was dismissed from the governorship of Dnipropetrovsk by Poroshenko. However, the tycoon continued to influence politics through his support for election financing, his personal television network, armed battalions that are nominally loyal to the state, and other means. Political parties use their positions in the parliament to control lucrative state companies.'[54]

11.1.5 The 'Freedom in the World 2016' report further stated:

'A package of anticorruption legislation adopted in 2014 is being implemented slowly. The reforms set up a National Anticorruption Bureau (NABU) to investigate corrupt officials, called for a National Agency for Corruption Prevention (NACP), and sought to establish a separate anticorruption section within the prosecutor general's office. Artem Sytnyk was appointed to lead the NABU in April 2015, and Shokin appointed Nazar Kholodnytsky as the new anticorruption prosecutor in November [2015], though it remained to be seen how effective either official would be, particularly without reforms in the prosecutor's office and judiciary. Nongovernmental organizations (NGOs) focused on combating corruption complained in June [2015] that they were not properly included in the process of choosing the new leaders of the NACP as required by law. In December [2015], Poroshenko signed a law creating an additional agency to deal with the assets of corrupt officials, potentially exacerbating the problem of overlapping authorities in the fight against graft.'[55]

11.1.6 In its December 2015 report the European Commission stated:

'The progress noted in the fifth report on anti-corruption policies, particularly the legislative and institutional progress, has continued. The adoption by the Parliament, on 8 October 2015 of legislative packages covering aspects of the report's recommendations, is an important step forward. Civil society continued to play a key role in moving the anti-corruption agenda forward.

'The National Anti-Corruption Bureau (NABU) was created, its head was appointed on 16 April 2015 following an open and competitive selection

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[54] Freedom House. 'Freedom in the World 2016;' Ukraine, published 7 March 2016. https://www.freedomhouse.org/report/freedom-world/2016/ukraine Date accessed: 15 July 2016.
[55] Freedom House. 'Freedom in the World 2016;' Ukraine, published 7 March 2016. https://www.freedomhouse.org/report/freedom-world/2016/ukraine Date accessed: 15 July 2016.

process, and around 100 investigators have been recruited and trained. The establishment of the NABU is therefore well on track. However, the NABU cannot be fully operational without a specialised anti-corruption prosecution office.

‘While the setting-up of this new specialised anti-corruption prosecution office has begun, it nevertheless remains to be ensured that its independence and integrity are recognised beyond doubt. Shortcomings in the selection process for the leadership of the anti-corruption prosecution office such as the lack of objective track-record criteria for the nomination of the members of the selection committee and the candidates, highlighted the need for the relevant legal and institutional framework to be further improved in order to fully ensure the office's independence and integrity. To this end, the selection, appointment and dismissal procedures for the office’s leadership and staff must follow stricter independence and integrity safeguards. The specialised anti-corruption prosecution office should become operational as a matter of top priority; it is an indispensable component of an effective and independent institutional framework for combating high-level corruption. On 30 November [2015], the General Prosecutor appointed the head of the specialised anti-corruption prosecution.

‘There has been progress in setting-up of the National Agency for the Prevention of Corruption (NAPC), especially since the new election of the Agency's board which took place on 28 August 2015. The Government is expected to approve the five-member board in December 2015. The law on prevention of corruption, adopted in October 2014 entered into force on 26 April 2015. It provides for mechanisms to check asset declarations. These tasks will be performed by the NAPC. The NAPC will also administer the web-portal of asset declarations, which is currently being developed. A law on political parties financing was adopted in 8 October 2015. A draft law on the National Asset Recovery Office (ARO) and the Asset Management Office (AMO) passed first reading in Parliament on 8 October 2015.

‘On 10 November [2015], Parliament adopted in second reading a set of laws aimed at improving asset recovery procedures. Specifically, the draft laws: on ARO and AMO, on asset seizure and on special third-party confiscation. In the form proposed by the Government, the draft laws envisaged the establishment of an Asset Recovery Office which also comprised management functions concerning frozen and confiscated assets, as well as provisions on the freezing and confiscation process. A number of amendments to the text in Parliament have limited the Agency's functions of active management of the seized assets, as well as the provisions on seizure and confiscation.

‘Progress made on legislative and institutional aspects can only bring significant end results if fully implemented.

'Based on these commitments, the anti-corruption benchmark is deemed to have been achieved.'[56]

# 12. Freedom of religion

## 12.1 Territory controlled by Government of Ukraine

12.1.1 The Office of the UN High Commissioner for Human Rights [OHCHR] reported on the period February to May 2016:

'Overall, during the reporting period, the majority of religious communities in Ukraine could exercise their freedom of religion or belief. However, law enforcement failed to ensure effective investigations into the few incidents concerning violations of the right to freedom of religion or belief were documented.

'According to a Muslim religious leader, on 5 February 2016, in Vinnytsia city, worshippers leaving the Islamic cultural centre (which also serves as a mosque) following Friday prayers, were confronted by 10 officials from SBU and the Migration and State Border Services. They were requested to present their identification documents and allowed to leave but the officials then inspected the premises of the centre without providing grounds for such action. The Muslim community has been uniquely targeted for such ID-checks and inspections of places of worship.

'On 24 March 2016, in Cherkasy city, at the beginning of the Jewish holiday of Purim, graffiti were found on a building in the city centre (calling for "Death to the Jews" and alleging that "the Jews have occupied Ukraine"). The same night, a wreath that had been laid by the Israeli Minister of Justice at the Holocaust memorial in Kyiv was burnt down. A representative of the Jewish community also reported that in Kyiv, graffiti of swastikas were often painted on Jewish kindergartens and schools. The community is not aware of investigations into these incidents, despite security camera footage of the incidents being available.'[57]

## 12.2 Donbas

12.2.1 The US Commission on International Religious Freedom described the situation in Eastern Ukraine as follows in the Annual Report 2016:

'In those Donbas regions of eastern Ukraine controlled by Russian-backed separatists espousing MPROC supremacy, Protestants and Kievan

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[56] European Commission. 'Sixth Progress Report on the Implementation by Ukraine of the Action Plan on Visa Liberalisation,' dated 18 December 2015. 2.3.1.3. Preventing and fighting corruption. https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-905-EN-F1-1.PDF Date accessed: 5 April 2016

[57] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine (16 February 2016 to 15 May 2016)' paragraphs 91 to 93, published 15 May 2016. http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf Date accessed: 9 June 2016.

Patriarchate Ukrainian Orthodox Church parishes have been targets of arrests, violence, church damage, property confiscation, and discrimination. According to a March 2015 report by the civic movement "All Together," Donbas separatists in 2014 murdered seven clergymen, questioned and beat in detention more than 40 church ministers, and seized buildings and premises of 12 Christian communities, a church orphanage, a Christian university, and three medical rehabilitation centers. According to the All-Union Council of Evangelical Christians-Baptists, seven of their churches were seized and three more were destroyed. In February 2015, the Archbishop of the Donetsk Diocese of the Kievan Patriarchate Ukrainian Orthodox Church said that 30 out of its 40 parishes in the occupied territory had ceased activity due to separatists' pressure.

'Separatist "police" in Slovyansk, Donetsk and Horlivka have arrested many civilians; Russian Cossacks also have wreaked havoc in various regions. In Slovyansk, separatists abducted and killed four Protestants in June 2014. In July 2014, a Greek Catholic priest endured three mock executions during 12 days of detention. Two Roman Catholic priests also were briefly detained in the summer of 2014. As of March 2015, reportedly 40 of Donetsk's 58 varied religious communities have to gather in homes or stop worshiping. Father Nikon, a MPROC priest, was held by Ukrainian authorities in Donbas from August until December 2015 on suspicion that he was working for the separatist forces. In January 2016, security officials of the self-proclaimed Donetsk People's Republic detained 50 people allegedly linked to an attempt to blow up a Lenin statue, including a Donetsk University Professor for History and Religious Studies; reportedly police were suspicious of his contacts with religious faiths, including Muslims.

'The United Nations reported that, as of November 2015, more than 9,000 persons had died and some 18,000 had been wounded due to Russian aggression in the Donbas, including civilians, members of the Ukrainian armed forces, and Russian-backed separatists, since fighting began in 2014. More than two million persons have fled the region, including thousands of Jews, Muslims, Protestants and other religious minorities who faced pressure and discrimination.'[58]

12.2.2 The Office of the United Nations High Commissioner for Human Rights issued a report on the human rights situation in Ukraine, covering the period 16 February 2016 to 15 May 2016, which stated:

'The situation of minority Christian communities in armed group-controlled territories remained precarious. Three members of the Jehovah Witnesses community were captured in Horlivka, on 17 January, by the "ministry of state security" of the "Donetsk people's republic," and released on 16 February. While in captivity, the victims were interrogated and accused of

[58] United States Commission on International Religious Freedom. 'Annual Report 2016;' Russia, published 2 May 2016. http://www.uscirf.gov/reports-briefs/annual-report/2016-annual-report Date accessed: 10 June 2016.

being members of a “prohibited” “sect”. Although the Jehovah Witnesses in Horlivka continue holding meetings, the number of parishioners regularly attending the church has decreased.

‘During the reporting period, OHCHR was informed that the majority of one of the Christian Charismatic communities had to leave Luhansk in 2014 because they were persecuted by the armed groups.

‘On 18 March 2016, the “Donetsk people’s republic” “national council” passed a “draft law” on “freedom of consciousness and religious unions,” which is not publicly available. A representative of the “Donetsk people’s republic” stated that “1400 religious organizations were registered in Donbas [before 2014], the majority of which were imposed from abroad”, adding they were “mainly sects, which aim to brainwash people”. Religious communities that continue to operate in the territory controlled by armed groups fear that the “law” may announce a new wave of persecution against them, as was observed after the adoption of the “constitution” in May 2014. Since the beginning of the conflict, the Muslim, Jewish, Greek-Catholic and other religious minorities in areas controlled by the armed groups has significantly decreased. OHCHR recalls that religious minorities should be respected in their freedom of religion or belief without any administrative registration procedures.

‘The Ukrainian Orthodox Church – Kyiv Patriarchate continued facing intimidation in the “Luhansk people’s republic.” In February 2016, two representatives of the “ministry of state security” of the “Luhansk people’s republic” demanded that a local priest in the “Luhansk people’s republic” sign a “cooperation agreement.” A priest stated that parishioners did not feel safe at their place of worship and were sometimes the targets of insults from local residents and the armed groups.’[59]

## 12.3 Crimea

12.3.1 The US Commission on International Religious Freedom stated the following in the Annual Report 2016, published in May 2016:

‘Russia required all religious groups in Crimea to re-register under Russia’s more stringent requirements by January 1, 2016; of the over 1,100 religious communities that had legal status under Ukrainian law, only about 400 were re-registered. Re-registered groups include Moscow Patriarchate Russian Orthodox Churches (MPROC), Muslims including the Crimean Muftiate, various Protestant churches, Roman Catholics, various Jewish affiliations, Karaites, Jehovah’s Witnesses, and Hare Krishnas. The Greek Catholic Church was not registered, nor were any Armenian Apostolic

[59] Office of the United Nations High Commissioner for Human Rights. ‘Report on the human rights situation in Ukraine (16 February 2016 to 15 May 2016),’ paragraphs 94 to 96, published 15 May 2016. http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf Date accessed: 9 June 2016.

parishes. The Kiev Patriarchate Ukrainian Orthodox Church did not seek registration. Based on the Ministry of Justice Scientific Advisory Council recommendations, certain Crimean religious groups, such as the Crimean Muftiate, nine Catholic parishes, and Yalta's Augsburg Lutheran Church, had to change institutional affiliations or alter their charters so as to re-register. Some groups were denied re-registration, including St. Peter's Lutheran Church in Krasnoperekopsk, the Seventh-day Adventist Reformed Church in Yevpatoriya, and the Tavrida Muftiate, the smaller of the two Crimean Muftiates…

'In January 2015, the Russian-installed Crimean government issued a counter-terrorism plan that authorizes police and security officials "to identify and influence" individuals "to reject illegal and destructive activity, to repent and to participate in preventive measures," particularly of undefined "non-traditional" sects. The plan also seeks to bring religious education under state control. According to Forum 18, Russian-installed officials have raided many libraries, schools, Muslim homes, and mosques and issued fines for owning allegedly extremist Islamic and Jehovah's Witness texts. Among those fined was the mufti of the Tavrida Muftiate, Ruslan Saitvaliyev. In October 2015, three Council of Churches Baptists who refused to pay fines for a public religious meeting were each sentenced to 20 hours' community service and another Baptist was fined three weeks' average local wages.

'At least five of Crimea's madrassahs remain closed, as well as four of the five Crimean Muftiate madrassahs. Clergy without Russian citizenship were forced to leave Crimea, including Greek and Roman Catholics and almost all Turkish Muslim imams and religious teachers. The lack of legal status for the Greek Catholic Church creates major difficulties for their four priests, who are not Crimea natives; they can work for only three months before they must leave for a month and re-apply for permits. In 2014, five of 10 Kiev Patriarchate Ukrainian Orthodox Church priests were forced to leave Crimea; the churches of its Crimea diocese, with about 200,000 members, were targets of mob and arson attacks. The MPROC, that claims 35 million members in Ukraine, officially views the Kiev Patriarchate Ukrainian Orthodox Church as a "schismatic nationalist organization."'[60]

12.3.2 Forum 18 noted that '…after the deadline for all religious communities to re-register with the Russian Justice Ministry expired on 1 January 2016, only about 400 religious organisations have been re-registered. Over 1,100 religious communities which had legal status under Ukrainian law no longer have legal status under Russian law.'[61]

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[60] United States Commission on International Religious Freedom. 'Annual Report 2016;' Russia, published 2 May 2016. http://www.uscirf.gov/reports-briefs/annual-report/2016-annual-report Date accessed: 10 June 2016.

[61] Forum 18. 'CRIMEA: Paying fines 'would be to admit that they did something wrong,' dated 5 January 2016. http://forum18.org/archive.php?article_id=2137 Date accessed: 13 April 2016.

12.3.3 Forum 18 further noted the following in January 2016:

'Three of eight Baptists from Saki in western Crimea who refused to pay fines for holding a public religious meeting were sentenced to 20 hours' community service each in October 2015. Five fines were imposed by Judge Irina Shevchenko without a formal court hearing. A fine of about six weeks' average local wages has been ordered to be automatically deducted from the wages of another Baptist. Items from the homes of four others have been identified for possible seizure… However, Crimea's Supreme Court has overturned September 2015 fines imposed on two Jehovah's Witnesses distributing religious literature.'[62]

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# 13. Freedom of speech and expression

## 13.1 Territory controlled by Government of Ukraine

13.1.1 In May 2016, OHCHR noted that 'Journalists face restrictions when covering conflict-related issues on the territories under Government control including increased pressure on journalists by the owners of media outlets, as well as self-censorship of journalists working near the contact line.

'Journalists and civil society activists who criticise various state authorities may also be targeted for investigation. On 25 March 2016, the General Prosecutor's Office opened criminal proceedings against the NGO Anticorruption Centre. Pecherskyi District Court of Kyiv granted prosecutors the power to seize the documents in possession of the NGO and allowed them to inspect their financial records. On 11 May the General Prosecutor's Office reportedly addressed Pecherskyi District Court of Kyiv requesting permission to access further documents of the organization. The NGO is well known for its public statements on anti-corruption, and believes that they have been targeted in retaliation. Reportedly no illegalities have been confirmed at this stage. A well-known TV host whose political talk shows provided a platform for participants to express diverse opinion, including heavy criticism of authorities, had his work permit cancelled on 26 April and went on a two-day hunger strike after deeming this cancellation "politically motivated". Some media experts believe such behaviour by law enforcement and state bodies is meant to obstruct independent and critical journalism.'[63]

13.1.2 Further examples of restrictions to freedom of speech and expression in Government-controlled areas may be found here (paragraphs 114 to 120).

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[62] Forum 18. 'CRIMEA: Paying fines 'would be to admit that they did something wrong,' dated 5 January 2016. http://forum18.org/archive.php?article_id=2137 Date accessed: 13 April 2016.
[63] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine (16 February 2016 to 15 May 2016),' paragraphs 112 to 113, published 15 May 2016. http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf Date accessed: 9 June 2016.

## 13.2 Donbas

13.2.1 The Office of the UN High Commissioner for Human Rights noted in a report dated May 2016 that, 'In the territories controlled by the armed groups, freedom of expression, including the ability to openly express dissenting views, remained severely restricted. Persons living in the "Donetsk people's republic" and "Luhansk people's republic" know that expressing their opinion freely and publicly is not acceptable in armed group-controlled territory. When asked why no one would protest and publicly speak out against the "republics," residents inform OHCHR that such actions would be unimaginable.

'On 3 March 2016, the freelance journalist Maria Varfolomieieva – who was abducted by armed groups of the "Luhansk people's republic" on 9 January 2015 – was released following the exchange for a detained female member of the armed groups. To many journalists seeking to report from the "Donetsk people's republic" and "Luhansk people's republic," her prolonged deprivation of liberty was a signal of the intolerance and danger of free opinion and expression in areas under the control of the armed groups.

'On 8 March 2016 a group of five Russian journalists of "Russia Today," "Pervyi Canal," "Pyatyi Canal," "RIA Novosti" came under fire near Yasynuvata checkpoint of the "Donetsk people's republic" on the Yasynuvata-Horlivka highway. Reportedly, the journalists were not injured. The journalists were identifiable and reportedly had communicated their coordinates to the military forces present in the area. OHCHR recalls that journalists enjoy special protection during armed conflict under international humanitarian law…

'OHCHR has observed a further stifling of media providers who operate on the territories controlled by the armed groups. In addition to the 150 websites that were previously banned by the "ministry of justice" of the "Luhansk people's republic" on 22 March 2016, the "ministry of information, press and mass communications" registered an "order" prohibiting operators and providers of telecommunications services to disseminate information in violation of the "Luhansk people's republic" rules. According to the "ministry of justice," such restrictive measures had been taken to further protect the "national security of the republic."

'OHCHR received information that armed groups are directly influencing and shaping the content in local media when it comes to depicting the leaders of the armed groups as well as the conflict-related developments. According to local journalists only a very few Internet websites or online channels provide a platform where people and media professionals can freely express their views without censorship.'[64]

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[64] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine (16 February 2016 to 15 May 2016),' paragraph 121 onwards, published 15 May 2016. http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf Date accessed: 9 June 2016.

## 13.3 Crimea and Crimean Tatars

13.3.1 Freedom House published a report in March 2016 which stated:

'Dissenting voices in Crimea are "effectively silenced and denied any public space, especially as regards to those Crimean Tatars organizations which the de facto authorities consider non-loyal or claim to be extremist" according to the United Nations' Human Rights Monitoring Mission in Ukraine (HRMMU). The de facto authorities use intimidation and harassment to eliminate any public opposition to the occupation of Crimea and to the current government. Local independent media and journalists have nearly all been coopted, forced to flee, or run out of business. Local entrepreneurs, minority religious groups, and others perceived to oppose Russian rule are swiftly dealt with. Moreover, with the human rights crisis deepening, Russian-backed groups in Crimea have sought to prevent any independent reporting on human rights violations or anything else taking place in Crimea, exacerbating the fog of occupation. The Russian Federal Security Service (FSB), the local police, and "self-defense" units made up of pro-Russian residents enforce this order….

'Russian and de facto Crimean authorities quickly established control over what had been a pluralistic media, making the conditions for media and journalists worse than in Russia itself. Independent outlets were forcibly shut down, transmissions of Ukrainian stations were switched to broadcasts from Russia, the internet access to a number of local and Ukrainian media outlets was blocked on the territory of peninsula, and many journalists fled Crimea to escape harassment, violence, and arrests.

'The 2015 imposition of re-registration on media was an effective tool to block the operation and emergence of independent media in Crimea. Most of the independent outlets and channels, in particular those publishing in Crimean Tatar, have not been allowed to re-register. For example, as noted by the HRMMU "the TV channel mostly watched by the Crimean Tatar community (ATR) and the most widely read newspaper (Avdet) were denied licenses to continue their work."

'Russia's anti-extremism statutes are wielded against perceived political opponents in Crimea. For example, a Crimean prosecutor requested in February 2016 that the Mejlis, the representative body of the Crimean Tatar people, be declared an extremist organization and banned in the Russian Federation. If successful, such a move would threaten all Mejlis members with criminal prosecution under articles 280 (public calls for extremist activity), 282.1 (organization of an extremist group), 282.2 (organization of the activity of an extremist organization), and others. Conviction under these articles could bring imprisonment for up to 8 years.'[65]

[65] Freedom House. 'Putting a Stop to Impunity; Human Rights Violations in Crimea,' dated March 2016. Available at ecoi.net: http://www.ecoi.net/file_upload/1226_1458296798_hq-final-putting-a-stop-to-impunity-for-human-

13.3.2 Human Rights Watch published the following in March 2016:

'Under the pretext of combating extremism or terrorism, the authorities have harassed, intimidated, and taken arbitrary legal action against Crimean Tatars, an ethnic minority who openly opposed Russia's occupation. "For the last two years, many Crimean Tatars have consistently, openly, and peacefully opposed Russian actions in Crimea," Williamson said. "Russia has been making Crimean Tatars pay a high price for nothing more than their principled stance."

'Local authorities declared two Crimean Tatar leaders personae non gratae and prohibited them from entering Crimea; searched, threatened, or shut down Crimean Tatar media outlets and banned peaceful gatherings to commemorate historic events, such as the anniversary of the deportation of Crimean Tatars.

'The authorities also have harassed and intimidated Crimean Tatar activists; conducted intrusive and sometimes unwarranted searches at mosques, Islamic schools, and dozens of homes of Crimean Tatars under the pretext of searching for drugs, weapons, and prohibited literature; and initiated administrative and criminal proceedings against dozens of Crimean Tatars on trumped up charges, which included "rioting" and "terrorism." Crimean Tatars who consciously chose not to obtain Russian citizenship are regularly questioned, and police sometimes arbitrarily search their homes.'[66]

13.3.3 See also Citizenship for further information on this issue.

13.3.4 The OHCHR report of May 2016 stated:

'On 1 April 2016, a new television channel ("Millet") in the Crimean Tatar language started satellite broadcasts from Crimea. Ruslan Balbek, a "deputy prime minister" of the de facto government, declared that the aim of the channel was to counter "anti-Russian propaganda."

'On 1 April [2016], during a search at the Department of All-Ukrainian Shevchenko Society "Prosvita" ("Enlightenment") in Sevastopol, Russian Federal Security Service (FSB) officers seized over 250 books. FSB officials stated that 18 copies of 9 editions figured in the federal list of extremist material, claiming the confiscated literature was meant to propagate "Ukrainian nationalism and separatist ideas among the inhabitants of Russia."

'On 19 April [2016], Mykola Semena, a contributor to a news site about Crimea run by Radio Free Europe/Radio Liberty (RFE/RL) was arrested in Crimea by the "police" acting upon a request of the "prosecutor of Crimea." He was accused of issuing "calls for undermining the territorial integrity of the Russian Federation via mass media" and faces up to 5 years in prison.

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rights-violations-in-crimea-march-2016-policy-brief.pdf Date accessed: 13 April 2016.

[66] Human Rights Watch. 'Ukraine: Fear, repression in Crimea,' dated 18 March 2016. https://www.hrw.org/news/2016/03/18/ukraine-fear-repression-crimea Date accessed: 14 April 2016.

After being interrogated, Mr. Semena was released but ordered as a pre-trial measure of restraint not to leave the peninsula while investigations are underway. On the same day, the "police" also searched the homes of several local journalists and confiscated computers and data allegedly proving that materials of an extremist character had been under preparation.'[67]

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# 14. Civil society groups

## 14.1 Territory controlled by Government of Ukraine

14.1.1 Freedom House stated the following in the 'Nations In Transit 2016' report:

'Civil society remains the strongest element in Ukraine's democratic transition. Since the revolution, civil society has continued to play a crucial role as a driver of reforms aimed at building functional democracy and the rule of law. Nongovernmental organizations (NGOs) use a variety of practical frameworks for participation, including civic councils advising the government, expert groups, policy consultations, and direct advocacy campaigns…

'The legal framework for civil society is mostly open and supportive. Nonprofit status is easily obtainable for NGOs. The government does not erect barriers to legitimate NGO activities, although there continues to be a pattern of creating imitations of genuine civil society participation, especially at the local level.'[68]

14.1.2 The Office of the UN High Commissioner for Human Rights issued a report on the human rights situation in Ukraine which covered the period February to May 2016 and stated:

'In Kharkiv, OHCHR observed an increasing number of incidents involving political and activist groups. These groups appear to be employed by political and business actors to suppress political and social demands of the populace through intimidation and violence.

'In Dnipropetrovsk, the space to articulate alternative views, particularly support to communism, remained limited. OHCHR interviewed the leader of two organizations who stated that after March and April 2014, he and members of his organization were subjected to threats and attacks by right-wing activists. The State Registration Service within the Ministry of Justice submitted a claim to the Dnipropetrovsk circuit administrative court with a request to prohibit the activities of both organizations, accusing their representatives of publically campaigning against the territorial integrity of Ukraine during demonstrations in 2014. The head of the organization

[67] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine (16 February 2016 to 15 May 2016),' paragraphs 194 to 196, published 15 May 2016. http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf Date accessed: 9 June 2016.
[68] Freedom House. 'Nations in Transit 2016;' Ukraine; Civil Society, published 12 April 2016. https://freedomhouse.org/report/nations-transit/2016/ukraine Date accessed: 14 April 2016.

claimed that SBU had conducted approximately 60 searches in the apartments of members of the NGO but had not brought charges against them.'[69]

## 14.2 Donbas

14.2.1 In their report of May 2016, which covered the period February to May 2016, OHCHR stated:

'Civil society organizations, including human rights defenders, cannot operate freely or in the territory controlled by armed groups. Some Donetsk residents informed OHCHR that they were being prosecuted (or afraid of being prosecuted) by the "ministry of state security" for their pro-Ukrainian views or previous affiliation with Ukrainian NGOs.

'In the "Donetsk people's republic," there is allegedly a continuing process whereby "state employees," "officials," coal miners, doctors, and teachers are compelled to join the so-called "public movement" "Free Donbas" ("Svobodnyi Donbass"). The NGO's website is frequently updated, and members' names are put online, raising concerns about their security should they wish to cross the contact line. OHCHR received information from residents of the "Donetsk people's republic" that members of armed groups demand that employees of companies operating in armed group-controlled territory either join the above "NGO" or resign. Allegedly, members of armed groups, accompanied by representatives of the "Free Donbas," conduct visits to offices and businesses to strongly advertise employees join the "public movement." Most report joining so as to not lose their jobs. OHCHR is also aware that students of Donetsk State University of Management have been forced to join the "Young Republic" association.

'OHCHR continued to follow the deprivation of liberty by the armed groups of a citizen journalist from Kyiv, detained in early 2016, and a man with open pro-Ukrainian views who was captured in 2015. A religious scholar detained in January 2016 remains deprived of his liberty and continues to be denied access to legal counsel. Meanwhile, the co-founder of a humanitarian organization who was deprived of his liberty in the "Donetsk people's republic" was released.'[70]

## 14.3 Crimea

14.3.1 Freedom House stated the following in a report of March 2016:

'Since the beginning of the occupation, Russia has cracked down on civil society in Crimea through an oppressive legislative and regulatory framework, including, among other things, Russian laws regulating civil

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[69] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine (16 February 2016 to 15 May 2016),' paragraphs 106 to 108, published 15 May 2016. http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf Date accessed: 9 June 2016.

[70] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine (16 February 2016 to 15 May 2016),' paragraphs 109 to 111, published 15 May 2016. http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf Date accessed: 9 June 2016.

society organizations (CSOs), laws purportedly aimed at preventing extremism and terrorism, and media regulation and manipulation…

'Following the wave of intimidation against civil society activists documented by the HRMMU, the only independent civil society actors with regular access to Crimea able to monitor human rights on the ground are those working within the CHRFM [Crimean Human Rights Field Mission], while independent civil society groups and organizations are almost entirely unable to operate in Crimea.'[71]

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# 15. Freedom of movement

## 15.1 Movement between Government-controlled territories and the Donbas

15.1.1 The UN Office of the High Commissioner for Human Rights published the following, which covers the period February to May 2016:

'Civilians' freedom of movement remained restricted in the conflict-affected area, including due to the Temporary Order and further controls imposed by the armed groups. The period under review has been marked by two key developments: a significant increase in the number of people crossing the contact line, reaching an average of 30,000 people per day in mid-April 2016; and the temporary closure of checkpoints reportedly due to deteriorating security and the first instance in which civilians waiting to cross the contact line were killed by shelling.

'New Government regulations concerning payments of social entitlements have increased a sense of insecurity among people living in armed group-controlled territories. As they can only receive their social entitlements in the Government-controlled territories, this leads to more frequent travel across the contact line as many had to renew documentation to access entitlements, including pensions. Persons also continue to cross the contact line to access health services, reunite with family members, and for their livelihoods.

'OHCHR regularly crosses the contact line and observes queues of 150 to 500 cars. At the Maiorsk entry-exit checkpoint, people reported spending up to 30 hours in queues, often having to stay overnight in their cars between the checkpoints, without access to water, food or sanitation facilities in an area contaminated by UXOs and landmines. On 27 April [2016], four civilians (three men and a woman) were killed and at least eight (a woman, two men, 15-years-old boy, gender unknown for the other four) were injured by shelling while queuing overnight at the Mariupol-Donetsk transport corridor, near Olenivka, controlled by the "Donetsk people's republic." The mortar shells hit an area where approximately 50 vehicles were parked along the road. Following the incident the transport corridor was closed for

[71] Freedom House. 'Putting a Stop to Impunity; Human Rights Violations in Crimea,' dated March 2016. Available at ecoi.net: http://www.ecoi.net/file_upload/1226_1458296798_hq-final-putting-a-stop-to-impunity-for-human-rights-violations-in-crimea-march-2016-policy-brief.pdf Date accessed: 13 April 2016.

approximately one month, leaving only three operational corridors in Donetsk region, which became severely overcrowded.

'During the reporting period, OHCHR continued to document cases of people detained at checkpoints by armed groups on the basis of "wanted lists" or by Government forces based on the "Myrotvorets" ("Peace-maker") website database. OHCHR documented three new cases of civilians detained by armed groups of "Donetsk people's republic" based on such lists…

'OHCHR continued receiving complaints regarding corruption at the checkpoints, whereby bribes are demanded or goods confiscated to ease passage. In a few cases, when passengers say they will complain to the "Headquarters of the Anti-Terrorist Operation" hotline, they have been allowed to pass freely.

'The situation of civilians in Luhansk region is particularly severe as there are still no functioning official vehicle crossings between Government and armed group-controlled territories. On 8 April [2016], due to the deterioration of the security situation, the Government temporarily closed the Stanychno Luhanske entry-exit checkpoint, which was the only operational crossing in Luhansk - a pedestrian crossing over a collapsed bridge. On average, between 3,000 and 5,000 people use this crossing daily. Civilians started taking roundabout routes, with a high risk of exposure to ERW and UXO. On 30 April 2016, the "Headquarters of the Anti-Terrorist Operation" of Ukraine re-opened the crossing in Stanychno Luhanske.

'The Government's attempt to open an additional, vehicular transport corridor in Luhansk region with the entry-exit checkpoint in Zolote, on 31 March [2016], has been unsuccessful. The armed groups of the "Luhansk people's republic" let civilians onto their territory and proceeded to block their further movement, claiming they had agreed to the opening of a different corridor, which would also allow cargo. Consequently, 179 people were trapped for several hours between checkpoints controlled by the Government and the armed groups of the "Luhansk people's republic." Some civilians reported being verbally assaulted by members of the armed groups. Reportedly, the State Emergency Service of Ukraine and the Regional State Civil Military Administration organized buses to take people back and put them up in tents for the night. As of 15 May 2016, the corridor remained closed. OHCHR calls for additional checkpoints to be opened, for them to remain operational to the maximum extent possible, and for simplified procedures to be adopted to facilitate more efficient movement of civilians.'[72]

15.1.2 UNHCR reported in June 2016 that 'Freedom of movement of people across the line of contact is an ongoing problem. While fewer people are crossing than during the holiday period at the beginning of May [2016], long queues of

[72] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine (16 February 2016 to 15 May 2016),' paragraphs 84 to 90, published 15 May 2016. http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf Date accessed: 9 June 2016

300-500 cars are common, with some people forced to wait overnight at checkpoints. The SBGS reports that almost 3 million people have crossed the line of contact since the beginning of the year, averaging some 20,000 people per day. Specific problems include the inherent risk to personal safety of being on the line of contact, limited opening hours (usually 0600-2000 daily), technical problems with the State Border Guard Service (SBGS) database, the extortion of bribes, frequent changes to the rules and lack of shelter and sanitation facilities. Ukrainian authorities issue fines to people transiting from the non-government controlled area of Luhansk to the government controlled area via the Russian Federation, as they do not have the correct exit stamps in their passports. These difficulties push some people to take unofficial routes across the line of contact, enhancing their exposure to the risk of landmines and other explosive remnants of war (ERW).'[73]

15.1.3 See the section on Women for further information on freedom of movement for women.

## 15.2 Movement between Government-controlled areas and Crimea

15.2.1 The 2015 U.S Department of State Country Report on Crimea, which covered 2015 and was published in April 2016, reported that:

'There were reports that occupation authorities selectively detained and at times abused persons attempting to enter or leave Crimea. On January 17 [2015], Russian occupation authorities detained without cause Emine Avamileva, a member of the Crimean Tatar Mejlis and Kurultai, for more than two hours at the administrative boundary between Kherson and Crimea. On January 23 [2015], occupation authorities detained Eksender Bariyev and Abmedzhyt Suleymanov, members of the Crimean Tatar Rights Committee, as they traveled from Crimea to Kherson Oblast.'[74]

15.2.2 The Office of the UN High Commissioner for Human Rights issued a report covering the period February to May 2016 which stated:

'In addition to the absence of air, maritime or railway links between mainland Ukraine and Crimea, freedom of movement was further restricted by a decision taken on 1 April 2016 of the de facto authorities affecting the use of vehicles. All Crimean residents were required to re-register their vehicles by switching to Russian number plates by 1 April 2016, or face administrative sanctions, including the prohibition to use their vehicle for up to three months. OHCHR is aware of cases where people who temporarily left for mainland Ukraine before April 2016 without having changed their

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[73] UNHCR. 'UNHCR Operational Update; 14 May - 10 June 2016,' published 10 June 2016. Available at Reliefweb: http://reliefweb.int/report/ukraine/ukraine-situation-unhcr-operational-update-14-may-10-june-2016 Date accessed: 22 July 2016.

[74] US Department of State. 'Country Reports on Human Rights Practices for 2015;' Ukraine (Crimea); 2 d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons, published 13 April 2016. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252913 Date accessed: 19 July 2016.

number plates were prohibited from returning to the peninsula with their vehicles after 1 April 2016. Another worrisome aspect of this decision is that re-registration is conditioned upon the possession of a passport of the Russian Federation. Those who have refused Russian Federation citizenship (and passports) will thus be denied the possibility to use a vehicle.'[75]

15.2.3 Freedom House reported in a March 2016 report that:

'The civilian blockade of Crimea, which began in September 2015 on the initiative of several Crimean Tatar leaders and Members of Ukraine's parliament, including Mustafa Dzhemilev, Refat Chubarov, and Lenur Islyamov, has only complicated the human rights situation in Crimea and challenges faced by people traveling to and from the peninsula. Unlawful checkpoints were established, as well as unlawful searches of vehicles and identity documents, arrests, damage to property. The blockade organizers have also arrested and interrogated human rights defenders and journalists. This blockade was yet another development contributing to Crimea's isolation. Ukrainian law enforcement agencies have received 139 complaints of criminal offences in the four months of the Crimea blockade. The Ukrainian authorities have also complicated access to Crimea for foreign journalists, human rights monitors, and others.

'On 4 June 2015, the Cabinet of Ministers of Ukraine adopted decree No. 367, regulating the entry and exit from Crimea and containing the exhaustive list of the grounds on which foreign nationals may be issued a special entry permit to Crimea and requiring that foreigners enter Crimea only through Ukraine (as opposed to through Russia).'[76]

## 15.3 Women

15.3.1 The OECD Social Institutions and Gender Index 2014 noted:

'Women's free access to public space is protected by the Constitution and other legal codes, as are their right to freedom of movement within and outside Ukraine, and their right to choose freely their place of residence.

'Violence and intimidation at the hands of neo-Nazi groups also affects women's free access to public space for women belonging to some minority groups, including Roma, Crimean Tartars, and other ethnic minorities, and the LGBTI community.'[77]

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[75] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine (16 February 2016 to 15 May 2016),' paragraph 197, published 15 May 2016. http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf Date accessed: 9 June 2016.

[76] Freedom House. 'Putting a Stop to Impunity; Human Rights Violations in Crimea,' dated March 2016. Available at ecoi.net: http://www.ecoi.net/file_upload/1226_1458296798_hq-final-putting-a-stop-to-impunity-for-human-rights-violations-in-crimea-march-2016-policy-brief.pdf Date accessed: 13 April 2016.

[77] OECD Social Institutions and Gender Index 2014. Ukraine; Restricted civil liberties. http://www.genderindex.org/country/ukraine Date accessed: 18 March 2016.

15.3.2 Reporting on violations of freedom of movement the OHCHR report on the human rights situation in Ukraine 16 November 2015 to 15 February 2016 stated that 'Civilians frequently complain about the rude attitude and derogatory language used by personnel administering the checkpoints. Women in particular are often subjected to degrading and abusive behaviour when crossing. Existing mechanisms, such as hotlines, designed to address violations are ineffective and people are not aware of their existence or are afraid that complaints will be met with retaliation.'[78]

15.3.3 See the section above on Freedom of movement for further information about women and their ability to pass checkpoints. Information about women is also available in the country information and guidance on Ukraine: Women who fear gender based violence.

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# 16. Citizenship

## 16.1 Overview

16.1.1 The Ukraine Consulate-General in New York published the following information:

'**Grounds for acquisition of the citizenship of Ukraine**

'Citizenship of Ukraine shall be acquired:

by birth;

by origin;

by admission to the citizenship of Ukraine;

by restoration of the citizenship of Ukraine;

on other grounds foreseen under the present Law;

on grounds foreseen under the international agreements, the binding nature of which had been ratified by the Verkhovna Rada of Ukraine.

'**Citizenship of children whose parents are citizens of Ukraine**

'A child, whose parents held citizenship of Ukraine at the moment of his/her birth, shall be a citizen of Ukraine, regardless of whether he/she was born in the territory of Ukraine or beyond it.

'**Citizenship of children, one of whose parents is a citizen of Ukraine**

'In case of different citizenship of parents, one of whom held citizenship of Ukraine at the moment of child's birth, the child shall be a citizen of Ukraine:

if he/she was born in the territory of Ukraine;

[78] Office of the United Nations High Commissioner for Human Rights. 'Report on the human rights situation in Ukraine, 16 November 2015 to 15 February 2016,' paragraph 117, published 3 March 2016. http://www.ecoi.net/file_upload/1226_1457515112_ukraine-13th-hrmmu-report-3march2016.pdf Date accessed 19 July 2016

if he/she was born beyond the borders of the state, but his/her parents or one of them lived permanently on the territory of Ukraine at that time.

'In case of different citizenship of parents, one of whom held citizenship of Ukraine at the moment of the child's birth - if at that time both parents lived permanently beyond the borders of Ukraine - the citizenship of the child, born beyond the borders of Ukraine, shall be determined by written consent of the parents.

'A child - one of whose parents at the moment of his/her birth held citizenship of Ukraine, while another was a stateless person or unknown - shall be a citizen of Ukraine regardless of the place of his/her birth.

'In case of establishing paternity of a child whose mother is a stateless person while his/her father is recognized as a citizen of Ukraine, the child, who has not attained the age of 16, shall become a citizen of Ukraine regardless of the place of his/her birth.'[79]

16.1.2 Further information about acquiring, retaining and losing Ukrainian citizenship and other related issues is available on the website of the Ukrainian Consulate General in New York here.

## 16.2 Crimea

16.2.1 Human Rights Watch noted, 'Authorities have required Crimean residents either to become Russian citizens or, if they refuse, to be deemed foreigners in Crimea. Two years on, it is evident that residents who chose not to accept Russian citizenship face discrimination in getting jobs and social services.'[80]

16.2.2 Freedom House reported in a March 2016 report that 'As a part of this "Russianization" campaign, Russian and de facto Crimean authorities have coerced residents of Crimea into receiving Russian passports by making it significantly more difficult to formally maintain their Ukrainian citizenship than to change their citizenship to Russian. These circumstances in effect deprived many of their right to Ukrainian citizenship.'[81]

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[79] Consulate General of Ukraine. Consular information. Citizenship of Ukraine. http://ukrconsul.org/Citizenship_ukraine_EN.htm#7 Date accessed: 29 March 2016.
[80] Human Rights Watch. 'Ukraine: fear, repression in Crimea,' dated 18 March 2016. https://www.hrw.org/news/2016/03/18/ukraine-fear-repression-crimea Date accessed: 14 April 2016.
[81] Freedom House. 'Putting a Stop to Impunity; Human Rights Violations in Crimea,' dated March 2016. Available at ecoi.net: http://www.ecoi.net/file_upload/1226_1458296798_hq-final-putting-a-stop-to-impunity-for-human-rights-violations-in-crimea-march-2016-policy-brief.pdf Date accessed: 13 April 2016.

# Version Control and Contacts

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the Country Policy and Information Team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance, Rules and Forms Team.

## Clearance

Below is information on when this version of the guidance was cleared:

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