

## UKRAINE 2015 HUMAN RIGHTS REPORT

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

### EXECUTIVE SUMMARY

Ukraine is a republic with a semi-presidential political system composed of three branches of government: a unicameral legislature (the Verkhovna Rada), an executive led by a directly elected president and a prime minister chosen through a legislative majority, and a judiciary. The country last held presidential and legislative elections in May 2014 and October 2014, respectively; international and domestic observers considered both free and fair. Civilian authorities generally maintained effective control over security forces. Authorities did not have control over security forces in the eastern part of the country controlled by Russian-backed separatists and in Russian-occupied Crimea.

The most significant human rights developments in the country during the year were:

First, separatists, supported by Russian military and civil officials, continued to control parts of Donetsk and Luhansk regions by force of arms, as self-proclaimed “people’s republics.” The United Nations reported that, as of November 15, more than 9,000 persons had died and approximately 18,000 had been wounded as a result of Russian aggression in these regions, 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. Separatists systematically engaged in abductions, torture, and unlawful detention. To a lesser extent, there were also reports of these practices by government forces. Separatists also employed child soldiers and restricted humanitarian aid. Additionally, the government imposed restrictions on freedom of movement. Internally displaced persons (IDPs) faced difficulties obtaining legal documents, education, pensions, and access to financial institutions and health care.

Second, in Crimea, Russian occupation authorities committed numerous human rights abuses, targeting ethnic and religious communities, particularly Crimean Tatars, as well as independent journalists and anyone perceived as opposing the

Russian occupation regime. Russia's occupation of Crimea displaced more than 20,000 Crimeans.

Third, the country suffered from corruption and deficiencies in the administration of justice. Human rights groups and the UN noted there were few investigations into human rights abuses committed by security forces. In particular, the Security Service of Ukraine (SBU) and Ministry of Internal Affairs operated with impunity. Corruption in the Prosecutor General's Office and the judiciary was of particular concern.

Other problems reported during the year included abuse of persons in custody, in particular beatings and alleged torture of detainees and prisoners; harsh conditions in prisons and detention facilities; societal violence against women and abuse of children; societal discrimination against and harassment of ethnic and religious minorities; trafficking in persons; discrimination and harassment against lesbian, gay, bisexual, transsexual, and intersex (LGBTI) persons; and discrimination against persons with HIV/AIDS. There also were limitations on workers' right to strike; forced labor; and failure to enforce effectively labor laws and occupational safety and health standards for the workplace.

The government generally failed to take adequate steps to prosecute or punish most officials who committed abuses, resulting in a climate of impunity. Investigations into the 2014 Euromaidan shootings in Kyiv and riots in Odesa remained incomplete more than a year later. Investigations into human rights abuses related to the Russian occupation of Crimea and the conflict in the Donbas region were also incomplete. Although the country is not a signatory to the Rome Statute, in September the government granted jurisdiction to the International Criminal Court (ICC) under Article 12(3), which allows nonmembers states to grant authority to the ICC to investigate crimes against humanity committed on their territory.

Neither Russia nor Russian-backed separatists conducted investigations of the above-mentioned human rights abuses in Crimea or separatist-controlled areas.

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

### **a. Arbitrary or Unlawful Deprivation of Life**

There were several reports that the government or its agents committed arbitrary or unlawful killings. In the Donbas region, there were numerous reports of killings in

parts of Luhansk and Donetsk oblasts in territory controlled by Russia-backed separatists related to Russian aggression (see section 1.g.).

According to media reports and local authorities, on May 8, three military personnel summarily executed a civilian with pro-Russian political views in the village of Talakivka, near Mariupol, after holding an impromptu, unlawful “court” proceeding. Authorities arrested the men, and they faced trial, but the status of the case was unknown at year’s end.

According to the UN Human Rights Monitoring Mission in Ukraine (HRMMU), on January 28, Ministry of Internal Affairs troops allegedly abducted Volodymyr Kulmatytskiy, the former deputy mayor of Slovyansk, and his driver. Authorities found them shot and killed on January 31. Security forces killed one alleged perpetrator while being apprehended. Authorities convicted three others on weapons charges and released them.

There were several reports during the year of politically motivated killings by nongovernment actors.

On February 22, a bomb killed four persons and wounded 10 at a march in Kharkiv promoting national unity. Authorities arrested four individuals who they claimed were armed and trained in Russia. The investigation continued through year’s end.

On August 31, demonstrators protesting outside the Verkhovna Rada against passage of a constitutional amendment on decentralization beat law enforcement officers and sprayed tear gas. One protester threw a grenade at National Guard forces, killing four persons and wounding 141. Law enforcement authorities detained 30 persons, including the suspected attacker. An investigation into the incident continued through year’s end.

Human rights organizations and media reported deaths in prisons or detention centers due to torture or negligence by police or prison officers (see Prison and Detention Center Conditions).

Law enforcement agencies continued their investigation of crimes committed during the Euromaidan protests in Kyiv from November 2013 to February 2014. On February 24, authorities arrested Oleksandr Marynchenko and Serhiy Tamtura, two former Berkut riot police officers, and accused them of involvement in the death of 39 Euromaidan activists. Additionally, authorities arrested Oleksandr Shcheholev, the former head of the Kyiv branch of the SBU. On December 2,

authorities found Ramil Islamli and Aziz Tahirov guilty and sentenced them to four years of imprisonment for kidnapping and assaulting Euromaidan activists. As of year's end, authorities had charged nine individuals with crimes related to the Euromaidan protests. Human rights groups remained critical of the perceived slow pace of the investigations.

Law enforcement agencies also continued their investigation into the events in May 2014 in Odesa in which 48 persons died, including six supporters of the Ukrainian government and 42 persons who supported more autonomy for regions. Those who supported autonomy died in a fire at the Trade Union Building; authorities largely failed to investigate these deaths, focusing on alleged crimes committed by individuals seeking more autonomy. A Council of Europe (COE) report from November 4 found that the government's investigation lacked independence and that the Prosecutor General's Office and the Ministry of Internal Affairs failed to conduct a thorough, coordinated investigation. The COE also expressed concern that authorities released some suspects.

### **b. Disappearance**

There were multiple reports of politically motivated disappearances. In the Donbas region, there were numerous reports of disappearances and abductions related to the conflict between the Ukrainian government and Russian-backed separatists (see section 1.g.).

Media and human rights experts from both domestic and international organizations recorded cases of progovernment paramilitary or volunteer military units kidnapping individuals on government-controlled territory. For example, on June 17, authorities arrested a commander and seven members of the Tornado volunteer battalion, charging them with the kidnapping, unlawful detention, rape, and torture of local residents of government-controlled territory in the Luhansk Oblast. An investigation into the case continued at year's end.

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

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

persons in custody to obtain confessions. Amnesty International (AI) and other human rights organizations reported violation of rights of detained persons.

In the Donbas region, there were reports that government forces and progovernment battalions engaged in military operations at times committed human rights abuses, including torture. Separatist forces in the self-proclaimed “people’s republics” of Donetsk and Luhansk systematically committed numerous abuses, allegedly including torture, to maintain control. According to international organizations and nongovernmental organizations (NGOs), abuses included beatings, forced labor, psychological and physical torture, public humiliation, and sexual violence (see section 1.g.).

According to the HRMMU, in March a resident of Slovyansk, Donetsk Oblast turned to the Office of the Ombudsperson in connection with the abduction of her husband in February and filed a complaint with police. On March 26, she received a response from the SBU that her husband had been detained by the Dnipropetrovsk SBU office. The detainee informed the Ombudsperson’s Office that after his abduction, authorities took him to a bomb shelter for 26 days, where he was held incommunicado and systematically tortured to confess to illegal activities in support of separatists in Donetsk Oblast. The man remained in pretrial detention at year’s end.

Abuse of prisoners and detainees by police and prison authorities remained a widespread problem. For example, according to media and NGO reports, in late October, authorities beat Andriy Danylyuk to death in a Khmelnytsky pretrial detention center. Although authorities initially informed his wife that he died of a heart attack, observers later established that authorities had handcuffed Danylyuk and beaten him to death with a hammer--as evidenced by severe trauma to his body and head. Danylyuk’s wife alleged he was killed because of his intention to expose the involvement of prison leadership in drug trafficking and corruption. The Khmelnytsky prosecutor’s office launched criminal proceedings against two officers of the penitentiary service. The investigation continued at year’s end.

On April 10, the Kharkiv military prosecutor informed the HRMMU of allegations that a secret detention facility existed on the premises of the Kharkiv SBU. According to the HRMMU, a number of persons claimed to have been held and abused in this facility, and described how, prior to the visit of the military prosecutor, they had been removed by SBU officers from their cells and placed in the basement or other places within the building. In November the HRMMU

received reports that authorities detained 27 persons at the facility, where authorities allegedly subjected them to torture and mistreatment.

There were also multiple reports by the HRMMU, the Organization for Security and Co-operation in Europe (OSCE), and human rights groups of a detention facility at the Mariupol Airport operated by the SBU, where security officials allegedly hold prisoners incommunicado and subjected them to abuse without accountability. Authorities denied the UN special rapporteur on summary executions access to the airport in September.

During the first eight months of the year, the Prosecutor General's Office opened criminal investigations into alleged torture or degrading treatment by police. Of that number authorities forwarded cases 24 cases specifically alleging torture or degrading treatment involving law enforcement officers.

According to the Ministry of Internal Affairs, during the first nine months of the year, authorities launched 153 criminal cases against police officers for crimes including torture, illegal arrests and searches, and illegal confiscation of property. Of these instances of abuse, seven cases were for alleged torture. Authorities imposed disciplinary actions against an additional 84 officers and fired 26 from the law enforcing bodies.

### **Prison and Detention Center Conditions**

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

The Ukrainian Helsinki Human Rights Union (UHHRU) reported correctional officers conducted a mass beating of convicts who arrived at Penal Colony 77 in Berdyansk, Zaporizhzhia Oblast, on February 27. A UHHRU investigation determined that a mass beating occurred, and authorities subjected inmates to inhuman treatment, failed to provide sufficient medical care, and attempted to conceal their actions.

Physical Conditions: Authorities generally held men, women, and juveniles in separate facilities, although there were reports that in some pretrial detention facilities, there was no separation of juveniles and adults.

Conditions in police temporary detention facilities and State Penitentiary Service pretrial detention facilities were harsher than in low- and medium-security prisons. Overcrowding decreased, as there was a reduction in the number of inmates, however, overcrowding remained a problem in pretrial detention facilities. Temporary detention facilities often lacked adequate sanitation and medical facilities.

As of October 1, 375 individuals had reportedly died in the facilities of the State Penitentiary Service. Of this number 35 committed suicide and 321 died of diseases. On January 25, a 21-year-old convict died in Lukyanivska remand facility in Kyiv. Prison authorities stated he died of an electrical injury. Inmates claimed authorities ignored requests for medical help and refused to enter the prisoner's cell. The penitentiary service conducted an investigation of the incident.

On April 29, the Council of Europe's Committee for the Prevention of Torture (CPT) released a report based on visits to penal colonies 25 and 100 in Kharkiv Oblast in September 2014. The committee found an "atmosphere of fear" in the penal colonies and noted the reluctance of prisoners to talk to the committee. The committee heard allegations that authorities used severe physical mistreatment or torture to maintain internal order, including by senior prison staff members, and that prisoners who cooperated with the committee could expect to be punished.

According to the Association of Independent Monitors and the Ombudsman's Office, authorities failed to protect adequately the lives and human rights of prisoners in areas close to the zone of operation against separatists in eastern Ukraine and also failed to evacuate staff and inmates in a timely fashion. According to the OSCE, approximately 340 prisoners escaped Penal Colony 23 in Chornukhyne on or about February 10 to flee heavy fighting at Debaltseve. According to the OSCE, only 30 inmates remained in the facility, while 83 returned in the following days; another 23 turned themselves in to Ukrainian military units. The whereabouts of the remainder was unknown.

The condition of prison facilities in separatist held areas was poor, and there were reports of lack of food, water, heat, sanitation, and proper medical care.

Administration: Authorities kept records of prisoners in detention, but they were occasionally incomplete. Authorities lacked central record keeping, leading to difficulties for prisoners held in separatist areas. Human rights groups reported instances in which authorities confiscated prisoners' passports and failed to return them upon their release. Prisoners released by separatists often had no

identification or passports. Alternative sentencing, such as fines or community service, was available for some nonviolent offenders. There was no prison ombudsman. Prisoners could file complaints with the Office of the Parliamentary Ombudsman for Human Rights, which conducted prison monitoring. As of December 1, the ombudsman's office received 1,695 complaints from prisoners.

The most common complaints regarded cruel, inhuman, and degrading treatment; public humiliation; limited communication with family members and relatives; denial of the right to legal consultation; and denial of the right to submit a complaint on actions of the administration. Prisoners also complained about inadequate medical treatment and precautions. For example, authorities did not isolate prisoners with contagious tuberculosis from other patients. Prisoners also complained about the lack of appropriate living space and poor sanitary conditions.

Although prisoners and detainees may file complaints about conditions in custody with the parliamentary ombudsman for human rights, human rights organizations noted prison officials continued to censor or discourage complaints and penalized and abused inmates who filed them. Rights groups reported legal norms did not always provide for confidentiality of complaints.

Officials generally allowed prisoners to receive visitors, with the exception of those in disciplinary cells. Prisoner rights groups noted some families had to pay bribes to obtain permission for prison visits to which they are entitled by law.

Independent Monitoring: The government generally permitted independent monitoring of prisons and detention centers by international and local human rights groups, including the CPT. During the year the ombudsperson's office together with representative of civil society made monitoring visits to 17 penitentiary facilities located in nine oblasts.

Improvements: The government responded to concerns raised by the CPT in letters dated February 11 and 23. Authorities reported that the government had dismissed the directors of Colonies 25 and 100, initiated criminal proceedings regarding allegations at Colony 100, and the minister of justice had issued detailed instructions to all prison directors to prevent mistreatment of prisoners.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, but serious problems remained.



The HRMMU and other international groups reported numerous unauthorized detentions in areas of the Donbas controlled by separatists (see section 1.g.).

### **Role of the Police and Security Apparatus**

The Ministry of Internal Affairs is responsible for maintaining internal security and order. The ministry oversees police and other law enforcement personnel. The SBU 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 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.

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 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, 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 (see section 6, National/Ethnic/Racial Minorities).

### **Arrest Procedures and Treatment of Detainees**

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

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

In April and May, the HRMMU interviewed detainees in an Odesa pretrial facility arrested on suspicion of terrorism. According to the HRMMU police carried out searches without warrants and used excessive force; authorities did not inform detainees of their rights; and officials delayed access to legal aid. Detainees claimed authorities subjected them to mistreatment and torture, including beatings, administration of electric shocks, and deprivation of food and water.

Under the law the government must provide attorneys for indigent defendants. Compliance was inconsistent because of a shortage of defense attorneys or because attorneys, citing low government compensation, refused to defend indigent clients. According to the Ministry of Justice, free legal aid centers throughout the country assigned 65,983 retainers to lawyers to provide free legal aid during the first 10 months of the year. There are 100 local centers to provide free legal aid in all the regions of the country, except for Russian-occupied Crimea and the territories controlled by Russia-backed separatists. The ombudsman's office estimated that 70 percent of the population did not understand their right to free legal aid.

The law provides for bail, but many defendants could not pay the required amounts. Courts sometimes imposed travel restrictions as an alternative to pretrial confinement. Under the criminal procedure code, prosecutors need a court order to impose travel restrictions on persons awaiting trial. Prosecutors must prove the restrictions are the minimum possible to ensure suspects will appear at hearings and will not interfere with criminal proceedings.

Arbitrary Arrest: A September HRMMU report stated that there was a “persistent pattern” of arbitrary detention by authorities, in particular by the SBU.

The HRMMU reported that there was a persistent pattern of arbitrary detention by authorities, in particular by the SBU. In its 10th report the HRMMU discussed a case where a woman reported her husband missing in Slovyansk on February 28. On March 26, the SBU informed her that authorities held her husband in Dnipropetrovsk where they allegedly tortured him.

Additionally, human rights groups reported that members of the Ukrainian armed forces arbitrarily detained and held incommunicado individuals. A report by the International Partnership for Human Rights in conjunction with Ukrainian human rights groups reported instances of arbitrary detention, including a case where authorities seized an individual on a bus and held him incommunicado for a month. A separate report by the International Federation for Human Rights, in conjunction with the Center for Civil Liberties, discussed an instance where troops from the

Ministry of the Interior arbitrarily detained a man in Dzerzhynsk on May 6 and held him incommunicado for five days.

There were reports from human rights NGOs that authorities subjected Romani individuals to arbitrary arrest. For example, on October 29, police officers raided a Romani settlement in Zolotonosha, Cherkasy Oblast. According to human rights groups, police entered homes and arrested Roma without just cause, beating and humiliating them in the process. An OSCE ODIHR mission visited the settlement in November, and the case remained under investigation by authorities at the end of the year.

In an October 22 monitoring report on the effects of the civil blockade of Crimea, the Crimean Human Rights Group (CHRG) noted that progovernment battalion members had arbitrarily arrested Crimean residents with Russian passports attempting to cross the administrative boundary from mainland Ukraine to Crimea. For example, on October 5, Azov Battalion members reportedly arrested and beat Rostislav Stetsenko, a Crimean resident with a Russian passport, and posted a recording of the incident on social media. Stetsenko reported to the CHRG that battalion members had beaten him and threatened sexual violence during the arrest.

Pretrial Detention: As of September law enforcement bodies registered 515,648 charges against suspected criminals. According to the Ministry of Internal Affairs, approximately 12,000 were in pretrial detention facilities, compared with 10,000 in 2014 and 18,000 in 2013.

Protracted Detention of Rejected Asylum Seekers or Stateless Persons: Authorities frequently detained asylum seekers for extended periods without court approval. They also regularly detained asylum seekers prior to their deportation (see section 2.d.).

#### **e. Denial of Fair Public Trial**

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, 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.

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

### **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.

### **Political Prisoners and Detainees**

Human rights groups called arrested blogger Ruslan Kotsaba a political prisoner. On February 7, authorities charged Kotsaba, a blogger from Ivano-Frankivsk, with state treason and obstructing the lawful activities of the armed forces and other military formations, based on a video in which he opposed military mobilization in the country. The investigation continued at year's end. AI called him the first Ukrainian "prisoner of conscience" in five years. Authorities gave him the same protections as other prisoners, and they permitted him access to human rights organizations.

### **Civil Judicial Procedures and Remedies**

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

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

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

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

### **g. Use of Excessive Force and Other Abuses in Internal Conflicts**

Combined Russian-separatist forces, armed, trained, and supplied by the Russian Federation, continued a violent, armed conflict against the Ukrainian government, despite two ceasefires signed in Minsk by Russian and Ukrainian officials in September 2014 and on February 12. Military activity was the most intense in the first two months of the year, as combined Russian-separatist forces launched offensives near Mariupol, the Donetsk Airport, and Debaltseve. Combined Russian-separatist forces continued attacks on Ukrainian positions using heavy weaponry throughout the year despite the declaration of two subsequent ceasefires.

International organizations and NGOs, including AI, Human Rights Watch (HRW), and the UN high commissioner for human rights issued periodic reports of human rights abuses committed in the Donbas region by separatist and government forces. As of November 1, the OSCE fielded 937 persons supporting a special monitoring mission, which issued daily reports on the situation and conditions in most major cities.

According to the UN's HRRMU, fighting and violence in the Donbas region deprived more than five million residents of the ability to access education, health care, and housing, and the opportunity to earn a living. As of November 15, the HRMMU reported that fighting had killed at least 9,078 persons, including civilians, Ukrainian armed forces, and armed groups. This figure included the 298 passengers and crew on board Malaysian Airlines flight MH17, shot down in July 2014 over Donbas. Additionally, more than 2.5 million residents left separatist-controlled areas of Donetsk and Luhansk Oblasts since the start of the conflict. As of November 15, the Ukrainian Ministry of Social Policy had registered 1,578,925 IDPs, although civil society groups believed the actual number of IDPs was much higher. According to UNHCR there were approximately 1.1 million Ukrainian refugees in other countries, including approximately 912,000 in the Russian Federation.

Media and human rights groups continued to report widespread human rights abuses in separatist held area. In a report issued in May, the HRMMU stated there was a “collapse of law and order” in separatist-held areas and that “serious human rights abuses” occurred, including killings, torture, looting, and extortion.

Killings: International monitors and the media reported arbitrary and unlawful killings in the Donbas region. International and human rights organizations noted

the government took steps to investigate abuses by its forces but claimed it was hampered by a lack of resources and access to crime sites.

The HRMMU, OSCE Special Monitoring Mission (SMM), and human rights groups did not cite any instances of extrajudicial killings committed by Ukrainian or progovernment forces during the year in connection with the conflict in the Donbas region. Several cases from 2014 remained under investigation, however, including the discovery of the bodies of two separatists that had been bound and shot in the head in autumn 2014.

During the first two months of the year, combined Russian-separatist forces launched sustained attacks against Ukrainian positions, in particular at the Donetsk Airport, in the area near Mariupol, and at Debaltseve. As a result both sides shelled civilian areas. On February 10, a rocket attack launched from separatist held areas near Kramatorsk killed seven civilians and injured at least 16 in government-controlled Kramatorsk. Following the withdrawal of Ukrainian forces at Debaltseve on February 20, shelling subsided somewhat. Civilians continued to be killed and injured by mines and unexploded ordinance.

Separatists and Ukrainian authorities accused each other of indiscriminate shelling of civilians, in particular killing 13 civilians and injuring 12 in a mortar attack on a bus stop in the southwestern part of the city of Donetsk on January 22. An artillery attack killed eight civilians and injured 19 in Horlivka on January 29. Combined Russian-separatist forces targeted civilian populations while launching artillery attacks from civilian areas. For example, on January 13, combined Russian-separatist forces launched a rocket attack on a Ukrainian checkpoint at Volnovakha, hitting a bus, killing 13 civilians and injuring 18.

Between January 16 and February 20, separatists launched a protracted assault on the city of Debaltseve during which separatists and elements of the Russian military continuously and indiscriminately shelled the city. According to the UN, the shelling killed more than 500 civilians. Of a preconflict population of approximately 25,000, only 7,000 persons remained in the city after the assault. On January 24, combined Russian-separatist forces attacked residential neighborhoods in Mariupol using Grad and Urgan rockets, killing 30 civilians and injuring 108. The high representative of the EU for foreign affairs and security policy, Federica Mogherini, condemned the attack.

In a May report, AI documented summary executions of captured Ukrainian soldiers by separatists. For example, according to AI, separatist commander



Arseny Pavlov, also known as “Motorola,” executed Ukrainian soldier Ihor Branovytsky after a battle at the Donetsk Airport on January 21. Witnesses reported Branovytsky was alive after the battle and heard Pavlov admit to shooting Branovytsky. A Ukrainian death certificate stated that Branovytsky died of two gunshot wounds to the head. In an April interview with the *Kyiv Post*, Pavlov bragged that he had executed 15 Ukrainian soldiers.

There were no reports by the HRMMU or human rights organizations of extrajudicial killings of civilians by separatists during the year. Observers, however, identified previously unreported cases of extrajudicial killings from 2014 that authorities have not yet investigated. For example, the HRMMU reported that in August 2014, separatists in Peremozhne, Luhansk Oblast, kidnapped and executed a man and woman accused of aiding Ukrainian soldiers. Authorities discovered their bodies in January and performed an autopsy in June. Combatants reportedly summarily executed an additional four persons in the same town also in August 2014. Russian-backed separatists have not conducted investigations into any of these killings.

According to a September report by the Justice for Peace in Donbas Coalition of Human Rights, a coalition of human rights NGOs, 33 percent of military personnel and 16 percent of civilians interviewed told human rights monitors they had witnessed extrajudicial killings and deaths resulting from torture at the hands of separatists.

Abductions: Separatists, government forces, and criminal elements engaged in abductions. Human rights groups reported that separatists routinely kidnapped persons to settle vendettas or for ransom.

The HRMMU noted a persistent pattern of arbitrary and incommunicado detention by Ukrainian law enforcement (mainly by the SBU) and by military and paramilitary units (first and foremost by the former volunteer battalions now formally incorporated into the security services). A May report by AI documented several abductions of civilians by progovernment battalions that took place in 2014, including a case in which three building contractors were detained by militia members and transferred to an SBU detention facility, where they were allegedly beaten, suffocated, and subjected to mock burial and other abuses.

A September HRMMU report cited an interview with a woman abducted twice by separatist groups, once from July to October 2014 and again from February to July.

During her periods of captivity, she reported severe beatings, threats against her relatives, and an attempted gang rape.

Separatists also abducted journalists attempting to cover the conflict. On January 9, separatists detained Maria Varfolomeyeva, a pro-Ukrainian journalist from Luhansk. According to Reporters without Borders, her captors subjected her to series of carefully staged and videoed confessions.

On January 5, separatists released journalist Serhiy Sakadinsky, seized in August 2014. Sakadinsky was the editor of *Politika 2.0*. His wife reported that his captors beat him and broke his hand during his captivity.

The politically motivated trial of military pilot and member of the Verkhovna Rada Nadezda Savchenko, abducted from eastern Ukraine in 2014, continued in Russia as of year's end (see section 1.e., Political Prisoners and Detainees, of the *Country Reports on Human Rights* for Russia).

Physical Abuse, Punishment, and Torture: Government and separatist forces reportedly abused and tortured civilians and soldiers in detention facilities. Reported abuses included beatings, physical and psychological torture, mock executions, sexual violence, deprivation of food and water, refusal of medical care, and forced labor.

The HRMMU reported a “persistent pattern” of physical abuse and torture by government forces. Throughout the year the HRMMU and AI interviewed individuals who claimed to have been tortured, beaten, and subjected to mock executions during the course of the “antiterrorist operation.” A December HRMMU report documented “recurrent allegations” of mistreatment during arrest and interrogations by the SBU, including interviews with several individuals detained on suspicion of taking part in terrorist acts. SBU authorities beat them heavily, restrained them in painful poses for long periods, and subjected them to suffocation while in custody.

According to data presented in a September report by Justice for Peace in Donbas, a coalition of human rights NGOs, captors abused 86 percent of military men and 50 percent of civilians captured by the separatists, while captors subjected 50 percent of women, including pregnant and elderly, detained by pro-Russian rebels to physical abuse or torture. Their report stated that detainees lacked any safeguards against abuse and detention centers lacked clean water, adequate sanitation, heat, and bomb shelters to protect from an attack.

Separatists repeatedly beat Lieutenant-Colonel Serhiy Kuzminykh and eight Ukrainian soldiers captured on January 20 following fighting at the Donetsk Airport. One video from January 21 showed Ukrainian soldiers being thrown from a tank and beaten by Mikhail Tolstykh, also known as “Givi.” In the video Tolstykh forced the soldiers to eat the epaulettes he cut from their uniforms.

The Russian-backed separatists particularly targeted certain religious groups for abuse. According to the HRMMU, in February a Ukrainian Orthodox priest who was delivering food to soldiers and civilians in the government-controlled town of Artemivsk (Donetsk region), mistakenly drove to a checkpoint controlled by separatists. The separatists forced him to lie on the ground, and several fighters started jumping on his body. They also shot at the asphalt near his head. They then transferred him to a nearby village for interrogation, which lasted several hours and during which his captors beat him. Separatists detained him for 50 days in various places, along with approximately 70 other detainees.

On May 17, separatists reportedly detained four members of Jehovah’s Witnesses, blindfolded them, and took them at gunpoint to the local military headquarters, where separatists severely beat them and subjected them to mock executions. They demanded that the youngest member join combined Russian-separatist forces and that all of the members confess the Orthodox faith as the only true religion. The separatists released the four detainees the following day.

Women reported attempted rape and sexual abuse at the hands of separatists. Women IDPs who left separatist control reported they fled principally because they feared they or their children would be sexually abused.

Both sides employed land mines without measures to prevent civilian casualties. The UNHRMM report from December 10 noted an increased numbers of deaths from exploding ordinance, including land mines. More than half of the civilian deaths recorded between August 16 and November 15 were due to mines. Due to an order by separatist forces for humanitarian aid groups to cease social programing, mine education programs have been sharply limited there.

Child Soldiers: There were no media reports of child soldiers serving with Ukrainian forces, and the UN Children’s Fund (UNICEF) could not confirm the presence of child soldiers in the country. There were, however, media reports that children as young as 12 served as soldiers with separatists. On May 28, OSCE SMM observers noted a child between the ages of 12 and 14 wearing camouflage

and holding a rifle at a separatist checkpoint at Makiivka, Donetsk Oblast. On June 17, a spokesman for the OSCE SMM stated that monitors had seen child soldiers in separatist-controlled areas near Shyrokyne. There were multiple instances where child soldiers in separatist-controlled territory posted pictures online of themselves on patrol or supporting combat operations, as well as reports in separatist-controlled and Russian media outlets documenting use of child soldier. On November 10, the German television station ZDF broadcast interviews of two 16-year-olds who had fought on the side of separatists.

Other Conflict Related Abuses: On October 13, the Dutch Safety Board concluded its investigation into the crash of Malaysia Airlines Flight MH17 from Amsterdam to Kuala Lumpur in July 2014 in separatist-controlled Donetsk Oblast. All 298 passengers and crew died. According to the report, a Russian-built 9M38-series surface-to-air missile with a 9N314M warhead shot down the plane. According to the report, the missile was fired from a 125-square-mile area within separatist-controlled territory. At the time of the crash, separatists and Russian media reported that it had shot down a Ukrainian AN-26 but quickly retracted and deleted these reports once it became clear that a civilian airliner had been shot down. Russian authorities and separatists continued to deny that a missile launched from inside separatist territory with a Russian missile system had shot down the plane.

In June, Ukrainian authorities began expediting the delivery of humanitarian aid to separatist held areas through so-called “green corridors.” Beginning on June 29, however, separatists in the Donetsk Oblast ordered humanitarian organizations, including the UN and the International Committee of the Red Cross (ICRC), to “register” with “authorities.” Starting on July 21, separatists in Donetsk Oblast began restricting the delivery of humanitarian aid to areas they controlled. On September 25, separatists in Luhansk Oblast ordered all humanitarian aid organizations except for the ICRC to cease operations. Separatists displayed increasing hostility towards humanitarian aid groups. According to the UN Office for the Coordination of Humanitarian Affairs, due to the disruption of humanitarian aid, approximately 150,000 persons were not receiving food aid and 1.3 million lacked access to clean water.

On March 4, a shell struck a hospital in the city of Donetsk, killing four persons and injuring 25. During the year the UNHRMM reported that fighters had attacked hospitals in Adiiivka, Luhansk, Donetsk, and Horlivka and that it was concerned medical facilities were hit by shelling. On September 25 and October 12, separatists prohibited the international medical aid group Doctors without Borders from operating in the separatist-controlled areas of Luhansk and Donetsk Oblasts.

This prohibition led to a sharp restriction in medical assistance to persons suffering from diabetes, kidney failure, and tuberculosis. In a report released on December 10, the UNHRMM noted that separatists intimidated and harassed employees of hospitals and medical facilities.

Separatists continued to allow convoys of Russian “humanitarian aid,” which Ukrainian government officials believed contained weapons and supplies for separatists. In September the government opened “service centers” close to separatist-held territory where civilians could access banking services and purchase food and medicine.

Residents of Luhansk and Donetsk Oblasts under separatist control were unable participate in the October 25 local elections held country-wide, since elections could not be held under Ukrainian law and in accordance with international standards.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution and law provides for freedom of speech and press, but authorities did not always respect these protections. Although the government took some positive steps to improve freedom of expression, it also introduced measures that banned or blocked information, media outlets, or individual journalists deemed a threat to national security or who expressed positions that authorities believed undermined the country’s sovereignty and territorial integrity. Other problematic practices continued to effect media freedom, including self-censorship, so-called “jeansa” payments to journalists for favorable news reports disguised as objective journalism, and slanted news coverage by media whose owners had close ties to the government or who supported opposition political parties.

In the Donbas region, separatists suppressed freedom of speech and the press through harassment, intimidation, abductions, and assaults on journalists and media outlets. Separatists prevented the transmission of Ukrainian and independent television and radio programming in areas under their control. Domestic human rights NGOs and media watchdogs, such as Telekritika and the Institute of Mass Information, documented cases of abuses against journalists and media outlets in separatist-controlled areas of Luhansk and Donetsk (see section 1.g., Abductions).

Freedom of Speech and Expression: With some exceptions, individuals in areas not under Russian occupation or Russian-backed separatist control could generally criticize the government publicly and privately and discuss matters of public interest without fear of reprisal.

On May 15, the country adopted a law prohibiting the display of communist and National Socialist (Nazi) symbols. The law prohibits an exhaustive list of communist and Nazi symbols and criminalizes their use and dissemination when used to justify or deny the “criminal nature” of the Soviet and Nazi regimes, with penalties running to five to 10 years in prison. Human rights defenders, historians, and the wider expert community criticized the law for legal and factual shortcomings as well as the lack of a genuine public discussion before its passage. There have been no prosecutions under the statute; however, on December 16, a Kyiv court banned the Communist Party for continuing to display such symbols.

Press and Media Freedoms: Independent media and internet news sites were active and expressed a wide range of views. Privately owned media, the most successful of which wealthy and influential “oligarchs” generally owned, often presented viewers a “biased pluralism,” representing the views of their owners. Both independent and state-owned media periodically engaged in self-censorship when reporting stories that might expose political allies to criticism. According to the NGO Freedom House, the press in the country was “partly free.”

On April 2, the Verkhovna Rada passed a law prohibiting the broadcasting of content produced in an “aggressor state” after January 2014 as well as any content produced between August 1991 and January 2014 that promotes state agencies of an “aggressor state” or that promote aggression against the country. As of November authorities declared only Russia an “aggressor state” for purposes of implementing the law. While authorities adopted the law to combat Russian propaganda, human rights groups criticized it as overly broad because of its blanket restrictions regardless of the nature of the content.

The government continued the practice of banning specific works by pro-Russian actors, film directors, and singers. On August 8, authorities banned the works of 13 actors and singers from television and radio broadcasts, including the films of French actor and Russian citizen Gerard Depardieu. On August 11, the government announced that, in the previous year, it had banned 376 films and television episodes for an array of national security-related reasons.

On September 16, President Poroshenko signed a decree sanctioning 388 individuals and 105 organizations deemed to be a threat to national security. The list included 41 foreign journalists, banned from travelling to the country for a year. The OSCE representative on freedom of the media, Dunja Mijatovic, protested the decision, stating that, “introducing overly broad restrictions that curb free movement of journalists is not the way to ensure security.” Authorities removed six journalists, including three journalists working for the BBC, from the list the day after it was announced.

The government continued to block 14 Russian television channels from broadcasting in the country, citing the perceived dangerous effects of Russian propaganda. On March 3, a court in Melitopol fined a local television provider 2,000 hryvnias (\$83) for broadcasting Russian channels.

Authorities took steps to search and prosecute several local media outlets suspected of supporting separatism. For example, on May 14 in Odesa, authorities searched the homes of journalists and administrators of the newspaper “*Timer*” related to charges of “undermining the country’s territorial integrity.” According to the editor in chief, the investigation continued at the end of the year, although there had been no further contact with authorities.

The practice of jeansa continued, especially during local elections in October. According to the Institute for Mass Information, the October elections produced “the largest pre-election jeansa campaign” it had witnessed. Freedom House reported the problems were worst in Dnipropetrovsk, Zaporizhzhia, and Mykolaev oblasts.

According to the Institute for Mass Information, authorities investigated and brought charges in only 4 percent of recorded infringements of the rights of journalists during the year, a number that, nonetheless, represented a significant increase over the 2014 figure of 1 percent.

Violence and Harassment: On May 14, the Verkhovna Rada passed a law strengthening criminal penalties against individuals who threaten or use violence against journalists. Authorities have not prosecuted any cases under the new law, and government officials occasionally harassed journalists.

There were reports that separatists abducted journalists in separatist-controlled areas of eastern Ukraine (see section 1.g., Abductions).

According to the Institute of Mass Information, during the year there were 58 assaults on journalists and two killings. This represented a significant decrease in attacks from previous years (286 attacks in 2014 and 97 in 2013) and, unlike in prior years, private citizens, not law enforcement and officials, committed the majority of the attacks on journalists.

On April 16, assailants shot and killed journalist Oles Buzina in Kyiv. Buzina had espoused pro-Russian views in the press. Authorities detained two suspects; in December authorities released Denys Polishchuk from pretrial detention under house arrest. Authorities ordered Andriy Medvedko to remain in custody until January 31, 2016. Both were allegedly members of right-wing political groups. The investigation into the case continued at year's end.

There were multiple reported attacks on journalists investigating corruption. For example, on April 29, in the village of Lesniki in Kyiv Oblast, unknown men attacked a crew from ZIK TV who were filming an expose about lavish property allegedly owned by Deputy Minister of Internal Affairs Serhiy Chebotar. The attackers beat the men and damaged their equipment. The prosecutor's office investigation of the incident continued at year's end.

Censorship or Content Restrictions: Authorities took measures to regulate and occasionally censored information deemed a national security threat. The Institute for Mass Information recorded 12 incidents of censorship, down from 138 incidents in 2014.

On January 17, authorities detained blogger Ruslan Kotsaba after he published a video opposing mobilization (see section 1.e., Political Prisoners and Detainees).

Privately held media sometimes practiced self-censorship. Notably, an episode of the television program "Shuster Live" was removed from Channel 1+1 shortly before its scheduled broadcast. Journalist Savik Shuster and others alleged that the government removed the show because the government opposed certain guests appearing on the episode. According to the station, it canceled the show because of the "intense" and "politicized" nature of the evening's guests.

In May the Committee to Protect Journalists (CPJ) released a statement expressing concern that the signal for the television channel Inter had been intermittently jammed nationwide since August 2014, specifically during news broadcasts and political shows. According to the CPJ, despite the channel making multiple requests for an investigation, law enforcement authorities claimed they had not



identified the source of the jamming. In March, Vitaliy Naida, head of the security service's cybercrime department, told reporters that the department was investigating, but it was hard to identify the source because "the [jamming] equipment is mobile and not set in a single spot." Inter's content included programming that was critical of the government. The investigation continued at the end of the year.

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

National Security: Authorities took measures to regulate and occasionally censored information deemed a national security threat. On February 26, authorities arrested two Russian journalists, Elena Makarova from Channel One and Andrei Grigoriev from NTV, in Kyiv, deported them, and banned both from the country for five years. A spokesperson for the SBU stated that the deportation and ban was in response to "the anti-Ukrainian propaganda" carried out by journalists.

Nongovernmental Impact: Separatists in eastern Ukraine harassed, arbitrarily detained, and in some cases continued to hold journalists (see section 1.g., Abductions).

In Crimea the Russian occupation authorities significantly restricted freedom of speech and press (see the section on occupied Crimea at the end of this report).

Actions to Expand Press Freedom: The government took several steps to increase press freedom. On March 19, President Poroshenko signed a law creating an independent, national public television network. The measure combines 32 state-owned broadcasters into a single institution that offers viewers an alternative to commercial television, which often reflected the viewpoint of the station's owners. OSCE representative on freedom of the media Dunja Mijatovic described the measure as an "assertive and important step made by the authorities," adding that "independent public broadcasting has great potential to deter hostile propaganda by setting the standards of truth, pluralism, and openness."

On May 15, President Poroshenko signed a law opening pre-1991 state archives to the public, including those of the SBU. The law makes KGB files in the country available to journalists and researchers.

On October 1, President Poroshenko signed a law to provide for transparency of media ownership that requires outlets to file detailed information about ownership structure with authorities.

### **Internet Freedom**

Authorities did not restrict or disrupt access to the internet or censor online content. Law enforcement bodies monitored the internet, at times without appropriate legal authority. Authorities did not restrict content or censor websites or other communications and internet services.

Human rights groups that were critical of Russian involvement in the Donbas and Crimea reported that opponents subjected their websites to cyberattacks, such as coordinated denial-of-service incidents and unauthorized attempts to obtain information from computers.

Users of social media, particularly Facebook and VKontakte, sometimes had their access temporarily blocked for innocuous or straightforwardly political posts that other users (assumed by many internet users in the country to be agents of the Russian government) mischaracterized as “hate speech” and flagged as terms of service violations. In one case a post in support of a blocked user that simply read, “we’re with you,” led to a block of that Facebook user. Popular outrage at what many internet users perceived as a bias toward Russia among Russian-language Facebook administrators led some users to call for Facebook to open a branch office in the country. Some Facebook users whose primary online language was Russian began writing their posts in Ukrainian to avoid being blocked.

### **Academic Freedom and Cultural Events**

There were several reports of government restrictions on academic freedom or cultural events. For example, in August an Odesa nightclub cancelled a concert by Russian rap artist Timati, after Odesa Governor Mikheil Saakashvili called on the border police to prohibit his entry into the country because of disparaging remarks he had made about Ukraine.

### **b. Freedom of Peaceful Assembly and Association**

## **Freedom of Assembly**

The constitution provides citizens with the right to freedom of assembly, and the government generally respected this right. There are no laws, however, regulating the process of organizing and conducting events to provide for freedom of peaceful assembly. Authorities have wide discretion under a Soviet-era directive to grant or refuse permission for assemblies on grounds of protecting public order and safety. Organizers are required to inform authorities in advance of plans for protests or demonstrations.

During the year citizens generally exercised the right to peaceful assembly without restriction in areas of the country under government control. Most of the assemblies that took place were peaceful and at times accompanied by a very large police presence to maintain order.

In some instances peaceful rallies ended in violence. For example, on August 31, a member of the right-wing Freedom party threw a grenade at police during a protest outside the Verkhovna Rada. The attack killed four police officers and injured several others. An investigation of the incident continued at year's end.

Despite protection by security services, right-wing activists violently disrupted peaceful events supporting LGBTI rights. On June 6, persons claiming to belong to Right Sector attacked an LGBTI equality march in Kyiv, injuring nine police officers (one seriously) and 10 marchers. Authorities charged the alleged attackers with hooliganism, placed five attackers under house arrest, and released two on bail. The investigation continued at the end of the year.

On August 13, an Odesa court prohibited an LGBTI march at the request of the city council, citing a potential for "real danger and threat to public order in the city, as well as to the health and lives of participants and other citizens." On August 15, in Odesa persons claiming to belong to the Freedom Party attacked the LGBTI meeting held in lieu of the march with firecrackers. Authorities charged the attackers with hooliganism.

## **Freedom of Association**

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

### c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide citizens with freedom of internal movement, foreign travel, emigration, and repatriation. The government, however, restricted these rights, particularly in the eastern part of the country. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. International and domestic organizations reported the system for protecting asylum seekers, stateless persons, and other persons of concern did not operate effectively.

In-country Movement: The government strictly controlled the freedom of movement between government- and separatist-controlled territories in the Donbas. On January 11, the SBU introduced a temporary order controlling movement, which went into effect on January 21. The order imposed significant hardships on persons crossing into government-controlled territory, in particular those who sought to receive pensions and government benefits, which had ceased in separatist territory in November 2014. Those who wished to enter needed to apply in person at a checkpoint, and then return several days later to obtain a pass. By April individuals needed to wait up to a month to obtain a pass. Those who lacked a pass reportedly paid bribes of up to 1,000 hryvnias (\$42) to cross.

On June 16, the government amended its procedures, introducing electronic passes that applicants could apply for online. Authorities first offered the passes on July 7. The amended procedures simplified crossing for those who had lost documents or were fleeing an emergency and allowed children to cross into government-controlled territory with notarized statements from parents. These actions reduced the time to obtain a pass and opportunities for corruption, but the government prohibited commercial bus service to separatist-controlled areas, requiring persons to pay for a taxi ride or walk several miles. Additionally, OSCE monitors reported waits at checkpoints of up to 24 hours, potentially exposing civilians to shelling. To avoid lines persons attempted to cross via unauthorized (and sometimes mined)

routes. On March 25, four persons died after a mine blew up a bus trying to circumvent a checkpoint near Artemivsk.

Authorities subjected individuals crossing from Russian-occupied Crimea to the mainland to strict passport controls at the administrative border between the Kherson oblast and Crimea. Authorities prohibited rail and commercial bus service across the administrative boundary, requiring persons either to cross on foot or by private vehicle. On June 4, the Cabinet of Ministers adopted a resolution regulating entry and exit from Crimea, imposing travel restrictions on individuals crossing between the Kherson Oblast and Crimea. Children under the age of 16 required the permission of both parents to cross. Authorities did not announce the decision in advance, and children on summer holidays in Russian-occupied Crimea, whose parents were in government-controlled territory, were unable to return as scheduled. The government did not permit foreigners to cross the administrative boundary without permission. After complaints from civil society, authorities amended these rules in September.

On September 29, Crimean Tatar activists along with volunteers from paramilitary groups began a blockade of commercial goods entering Crimea from government-controlled territory at the administrative border between Kherson oblast and the Autonomous Republic of Crimea. Human rights groups and the UNHRMM reported instances of members of paramilitary groups illegally detaining individuals, performing illegal searches, and destroying and confiscating property.

### **Internally Displaced Persons**

According to the Ministry of Social Policy, as of August 15, there were more than 1.4 million internally displaced persons (IDPs) due to the conflict in the Donbas and occupation of Crimea. NGOs believed the actual number may exceed two million, as many IDPs have not registered. The largest number resided in areas immediately surrounding the conflict zones, in government-controlled areas of Donetsk and Luhansk Oblasts, as well as in the Kharkiv, Dnipropetrovsk, and Zaporizhzhia Oblasts. Many resided in areas close to separatist control in hope that they would be able to return home.

By law IDPs are provided 880 hryvnias (\$37) per month for children and persons with disabilities and 440 hryvnias (\$18) per month for those able to work. Families may receive no more than 2,400 hryvnias (\$100) per month. According to the law, the government should provide IDPs with housing, but the government has not taken effective steps to do so. During the year the country improved the

IDP registration process and distribution of assistance. Humanitarian aid groups have good access to areas under government control.

Local civil society organizations and international humanitarian organizations provided the bulk of assistance for IDPs on a temporary basis. NGOs reported that their ability to support IDPs was limited and nearing exhaustion. UN agencies reported that the influx of IDPs led to tension in the form of competition for resources. Critics accused internally displaced men who moved to western Ukraine of evading military service, while competition rose for housing, employment, and educational opportunities in Kyiv and Lviv.

NGOs reported employment discrimination against IDPs. Some IDPs, particularly those in government-controlled Donetsk and Luhansk Oblasts, lacked sufficient sanitation, shelter, and access to potable water. IDPs continued to have difficulty obtaining education, medical care, and necessary documents. Romani activists expressed concern that some Roma in eastern Ukraine could not afford to flee the conflict areas, while others had no choice but to leave their homes.

On September 1, the Kyiv Administrative Court of Appeal overturned a National Bank decision that Crimean IDPs were nonresidents. The bank decision had restricted access to banking and financial services by Crimeans who had fled the Russian occupation. Nonetheless, media reports indicated that banks continued to restrict banking services for Crimean IDPs even after the court decision.

### **Protection of Refugees**

The country is a transit and destination country for refugees, principally from Afghanistan, Somalia, and Syria. Refugees were especially vulnerable due to the ongoing conflict in the Donbas. In September, UNHCR advised concern regarding returning asylum seekers to Ukraine due to the security situation.

Access to Asylum: The law provides for asylum or refugee status, and the government has established a legal system to protect refugees. Protection for refugees and asylum seekers was insufficient, due to gaps in the law and the system of implementation.

Human rights groups noted that the refugee law falls short of international standards due to its restrictive definition of who is a refugee. The law permits authorities to reject many asylum applications without a thorough case assessment. In other instances government officials declined to accept initial asylum

applications without a legal basis, leaving asylum seekers without documentation and vulnerable to frequent police stops, fines, detention, and exploitation. Asylum seekers in detention centers were sometimes unable to apply for refugee status within the prescribed time limits and had limited access to legal and other assistance. Asylum seekers have five days to appeal an order of detention or deportation.

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

During the first nine months of the year, the State Migration Service reported a slight increase in applications for asylum compared with the same period in 2014. A total of 1,115 persons applied for asylum during the first nine months of the year. Of these authorities rejected 462 applicants and granted refugee status to 24. They granted complementary protection to 84. The International Organization for Migration noted a steady although not critical increase in transit migration flow through Ukraine during the year.

Refoulement: The government did not provide for protection against the expulsion or return of asylum seekers to a country where there was reason to believe their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. UNHCR described refoulement at the border as a “largely hidden phenomenon,” as persons seeking asylum may not receive legal aid or interpretation at border crossing points or temporary holding facilities and were therefore unable to apply for asylum before being deported.

Human rights groups noted the law offers legal protection against forcible return.

Refugee Abuse: Authorities frequently detained asylum seekers for extended periods without court approval.

Employment: Authorities did not provide employment assistance, and most asylum seekers were unable to obtain a work permit as required by law. Authorities only provided language instruction for asylum seekers in Kyiv, Kharkiv, and Odesa. During a six-month period, only three asylum seekers obtained official status as an unemployed person and only one secured

employment. Some attempted to work illegally, increasing their risk of exploitation.

Access to Basic Services: Although during the year the government adopted a national plan on the integration of refugees, it did not allocate resources for its implementation. Human rights groups reported that authorities did not provide social and economic support to asylum seekers or assist them. Authorities did not provide language courses or social assistance. A UNHCR report indicated all newly recognized refugees received a one-time grant of approximately 30 hryvnias (less than two dollars).

Two temporary accommodation centers had a reception capacity of 320 persons and could accommodate approximately 20 percent of asylum applicants. Asylum seekers living outside a center often experienced difficulties obtaining residence registration, and authorities regularly fined them more than 500 hryvnias (\$21) because they lacked this registration. According to the State Migration Service, refugees and those seeking complementary protection could receive residence registration at homeless shelters for a period of up to six months.

UNHCR noted an improvement in the quantity and quality of food provided in the migrant custody centers as well as a lack of educational programs and vocational activities for those in detention for extended periods. According to UNHCR gaps in housing and social support for unaccompanied children left many without access to state-run accommodation centers or children's shelters. As of September 1, there were 221 unaccompanied migrant children. Authorities registered 53 during the year, of whom 12 expressed a desire to apply for refugee status. Many children had to rely on informal networks for food, shelter, and other needs and remained vulnerable to abuse, trafficking, and other forms of exploitation.

### **Stateless Persons**

According to law a person may acquire citizenship by birth, territorial origin, naturalization, restored citizenship, and adoption.

According to the State Migration Service, at the end of the year there were 69,890 foreigners and stateless persons residing in the country. During the first nine months of the year, the government naturalized 9,308 stateless persons, 61 of them through a simplified process.



The law requires establishing identity through a court procedure, which demanded more time and money than some applicants had. UNHCR reported Roma were at particular risk for statelessness, since many did not have birth certificates or any other types of documentation to verify their identity.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability. During the year local elections were held on October 25.

#### **Elections and Political Participation**

Recent Elections: In May 2014 citizens elected Petro Poroshenko president in an election considered free and fair by international and domestic observers. In October 2014 the country held early legislative elections that observers also considered free and fair.

Observers largely considered the first round of local elections held on October 25 in areas of the country under government control free and fair, although authorities delayed voting until November 29 in Mariupol and Krasnoarmeysk due to a dispute about alleged irregularities. Authorities held the second round of elections on November 15. According to the OSCE observer mission, the elections were well organized and democratic, but influenced by economic interests. According to OPORA, a human rights NGO that monitors elections in the country, some parties started campaigning prematurely, leading to unfair advantages for certain candidates and parties. OPORA recorded numerous technical errors by candidates and local election boards, leading to registration delays. Observers from the OPORA network and the Committee of Voters of Ukraine repeatedly recorded conflicts between candidates and local election commissions over registration. In most cases the courts ruled in favor of candidates, and election commissions registered them. In several instances the Central Election Commission dismissed local election commissions that refused to comply with these obligations.

Authorities delayed elections in Mariupol and Krasnoarmeysk due to concerns that ballots were printed improperly. The Verkhovna Rada set November 29 as an alternate date for elections. According to the OPORA, the elections were free and fair with only minor electoral irregularities.

At year's end the mayoral election in Kriviy Rih remained disputed as Opposition Bloc candidate Yuriy Vilkul won by several hundred votes in the second round of a closely contested race. Samopomich candidate Yuriy Myloboh claimed Vilkul's election was fraudulent and appealed to the Central Election Commission, which found in Vilkul's favor. The Verkhovna Rada passed legislation to hold an additional by-election in March 2016.

IDPs were unable to vote in the local elections.

Political Parties and Political Participation: On July 24, the Ministry of Justice blocked three communist parties from running in the October local elections: the Communist Party of Ukraine, the Communist Party of Ukraine's Workers and Peasants, and the Reformed Communist Party of Ukraine. On December 16, authorities banned the Communist Party of Ukraine for continuing to employ symbols of the Soviet Union and communism in violation of the law.

Several parties, most notably Opposition Bloc, encountered difficulties registering in Kharkiv Oblast, allegedly due to deficiencies in paperwork and because registration was late, although some observers suspected political motives for the refusal. This delay interfered with Opposition Bloc's ability to wage an effective election campaign. On August 3, approximately 50 persons throwing stones, smashing windows, and damaging a bus attacked offices of the Opposition Bloc in Kharkiv

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption, although authorities did not effectively implement the law, and some officials engaged in corrupt practices with impunity. While the number of reports of government corruption was low, it remained pervasive at all levels in the executive, legislative, and judicial branches of government and in society. During the year the country made some progress on establishing anticorruption institutions mandated in 2014 legislation and appointed a special anticorruption prosecutor, but these newly established institutions had yet to become fully functioning by year's end, sparking widespread public criticism.

Corruption: While the government publicized several attempts to combat corruption, it remained a serious problem for citizens and businesses alike. While authorities tried a large number of corruption cases, they were almost exclusively minor violations. Despite reports of cases initiated against high-level officials, authorities did not bring any such cases to trial or formally lay charges. For

example, on January 29, the State Financial Monitoring Service blocked \$1.5 billion (36 billion hryvnias) in accounts linked to officials in former president Yanukovich's regime; however, prosecutions of these officials remained delayed. The government has received significant criticism for its lack of progress in bringing these cases to court, or in some cases allowing the alleged perpetrators to travel to Russia.

Members of the Verkhovna Rada are immune from prosecution. Judges may not be arrested or detained before courts convict them, unless the Verkhovna Rada rescinds their immunity.

On January 25, a 2014 anticorruption law took effect that provides for the formation of two new governmental bodies, the National Agency for Prevention of Corruption and the National Anticorruption Bureau. The National Agency for Prevention of Corruption (the National Agency) is responsible for implementing the development of national anticorruption policies, monitoring national compliance with anticorruption legislation, and verification of asset declarations of high officials. The 2016 budget, however, contained provisions that delayed the requirement for public officials to declare assets until the start of 2017.

The selection process for the National Agency or the Prevention of Corruption continued at the end of the year. The law designates the National Anticorruption Bureau as the lead investigator of allegations of corruption by senior government officials at all levels, including the president, members of the Cabinet of Ministers, members of the Verkhovna Rada, and local governors. Many observers criticized the government for the lengthy process of constituting the bureau. On December 1, authorities appointed Nazar Kolodnitskiy as lead anticorruption prosecutor, which observers called a step towards establishing the bureau's capacity to prosecute high-level corruption.

On December 9, the president signed the law on National Agency of Ukraine for Detection and Management of Assets Obtained through Corruption and Other Crimes, regulating asset confiscation and recovery procedures. The law intends to create a single-source for the detection, investigation, and management of assets derived from corruption and other crimes. The government tasked the agency to search for illegally gained assets and to manage the assets after their seizure. The law envisions the agency maintaining its operations from the proceeds of asset management. The public council and the commission for external control would supervise the agency in a manner similar to the National Anticorruption Bureau of

Ukraine. The law requires these entities to publish an annual report on the work of the agency's work.

On April 26, a law came into effect requiring companies to have internal compliance programs. The law applies to almost all companies that participate in public tenders and to state-owned enterprises that are above a specified size. The law requires companies to appoint a compliance officer who reports to shareholders and also has responsibility for implementing company compliance programs. The law also encourages companies to: define the responsibilities of shareholders and employees with respect to anticorruption compliance, establish procedures for reporting misconduct and protecting whistleblowers, develop programs to raise employee awareness of anticorruption efforts, establish mechanisms for holding employees liable for violations, and include compliance provisions in contracts with third parties.

Implementation of a 2014 law on lustration resulted in dismissal of large numbers of state officials in some institutions during the year, in particular 42 percent of the employees of the State Fiscal Service (SFS) central office and 15 percent of regional SFS offices in October.

Financial Disclosure: The law mandates the filing of income and expenditure declarations by public officials and a special review process, allows for public access to declarations, and sets penalties for either not filing or for filing a false declaration. Previously, regulations required public servants to file income declarations, but there was no mechanism for review or penalties for filing false declarations.

By law the National Agency on Corruption Prevention is responsible for reviewing financial declarations and monitoring the income and expenditures of high-level officials, but the process of declaration verification has not started and will only begin after the National Agency of Corruption Prevention is operational.

The country made several steps to enable asset declaration verification by the public. In particular, during the year the government opened the Real Estate Registry, the Land Cadaster, and the Registry of Vehicle owners for public access, enabling public verification of property declarations of government officials.

Public Access to Information: The constitution and law require authorities to provide government information upon request, unless it pertains to national security. By law officials must respond to regular requests within five days and

within 20 days to requests for large amounts of data. Requesters can appeal denials within agencies and ultimately to the court system. Instructions for filing information requests are now a common and conspicuous component of government websites. The implementation and training of officials on the regulations on public access to information requirements remained inadequate.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The government invited human rights groups to participate in monitoring, drafting legislation, and adopting administrative rules. The government cooperated with international organizations such as the OSCE, the COE, and the HRMMU as well as the investigation into the downing of flight MH 17.

International and domestic human rights groups collaborated with the government to draft the National Human Rights Strategy, which came into force with a presidential proclamation on August 25. More than 250 organizations participated in drafting the plan, including the UN Development Program, the UN Office of the High Commissioner for Human Rights, and the Ukrainian Helsinki Human Rights Union. Some human rights groups expressed concerns about a lack of transparency, that the text of the document was unknown, and there was no information about next steps.

The United Nations or Other International Bodies: On September 8, the country accepted the jurisdiction of the International Criminal Court over crimes against humanity and war crimes committed on its territory since February 2014.

Government Human Rights Bodies: The constitution provides for a human rights ombudsman, officially designated as the parliamentary commissioner on human rights. The ombudsman's office frequently collaborated with NGOs through civic advisory councils on various projects for monitoring human rights practices in prisons and other government institutions (see sections 1.c. and 1.d.).

Valeriya Lutkovska served as the parliamentary ombudsman for human rights during the year, and observers considered her office an effective promoter of human rights. The Ombudsman's Office was a partner with leading domestic human rights groups and an advocate on behalf of IDPs, Roma, persons with

disabilities, LGBTI, and prisoners. Her office was involved in the transfer of inmates in prisons in separatist-controlled territory with the help of the ICRC.

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

While the constitution and law prohibit discrimination based on race, sex, political opinion, national origin or citizenship, social origin, disability, sexual orientation or gender identity, age, language, HIV-positive status, or other communicable diseases, the government lacked effective legal instruments to enforce the prohibitions, and both governmental and societal discrimination persisted. The law covers discrimination, although experts raised concerns the definition of discrimination was too narrow and the law lacked meaningful enforcement mechanisms.

### **Women**

Rape and Domestic Violence: The law prohibits rape but does not explicitly address spousal rape. The courts may use a law against “forced sex with a materially dependent person” as grounds to prosecute spousal rape. Under the law authorities can detain a person for up to five days for offenses related to domestic violence and spousal abuse.

Sexual assault and rape continued to be significant problems. According to the Prosecutor General’s Office, through September there were 526 registered reports of rape or attempted rape of which authorities brought 113 to court.

Domestic violence against women remained a serious problem. Spousal abuse was common. Advocacy groups asserted the percentage of women subjected to physical violence or psychological abuse at home remained high. Human rights groups noted the ability of agencies to detect and report cases of domestic violence was limited, and preventive services remained underfunded and underdeveloped. Additionally, human rights groups stated that law enforcement authorities did not consider domestic violence to be a serious crime but rather a private matter to be settled between spouses.

According to the Kyiv-based international women’s rights center La Strada, Russian aggression in the Donbas led to a dramatic surge in violence against women across the country. Human rights groups attributed the increase in violence to post-traumatic stress experienced by IDPs fleeing the conflict and by soldiers returning from combat. IDPs reported instances of rape and sexual abuse; many

claimed to have fled because they feared sexual abuse. There were no special social services available to women IDPs. According to the Ministry for Social Policy, police issued almost 41,000 domestic violence warnings and protection orders during a six-month period. According to the ministry, approximately 68,000 persons were under police monitoring in connection with domestic violence. Punishment included fines, administrative arrest, and community service.

La Strada operated a national hotline for victims of violence and sexual harassment. Through September, 683 individuals called the hotline for assistance related to domestic or sexual violence, accounting for 42 percent of all calls. According to La Strada, 48 percent of calls related to psychological violence. The NGO reported that expanded public awareness campaigns increased the number of requests for assistance it received each year.

Although the law requires the government to operate a shelter in every major city, it did not do so, in part due to lack of municipal funding. During the year officials reported 18 centers for social and psychological help and nine centers for psychological and legal help for women who suffered from domestic violence. There were concerns that government austerity measures implemented during the year could lead to the elimination of some services provided by these centers.

According to the Ministry of Social Policy, as of July 1, government centers provided domestic violence-related services, in the form of social-psychological assistance, to 285 families with children and 3,868 individuals. Social services centers monitored 4,000 families in matters related to domestic violence and child abuse. NGOs operated additional centers for victims of domestic violence in several regions, but women's rights groups noted many nongovernment shelters closed due to lack of funding.

According to women's advocacy groups, municipal and privately funded shelters were not always accessible. Shelters were frequently full, and resources were limited. Some shelters did not function throughout the year, and administrative restrictions prevented women and families from accessing services. For example, some shelters would only accept children of certain ages, while others did not admit women not registered as local residents. Government centers offered only limited legal, psychological, and economic assistance to survivors of domestic violence. On average each center could accommodate approximately 30 women and children, which was often inadequate.

Sexual Harassment: The law puts sexual harassment in the same category as discrimination, but women's rights groups asserted there was no effective mechanism to protect against sexual harassment. They reported continuing and widespread sexual harassment, including coerced sex, in the workplace. Women rarely sought legal recourse because courts declined to hear their cases and rarely convicted perpetrators. Women's groups also cited a persistent culture of sexism and harassment.

While the law prohibits coercing a "materially dependent person" to have sexual intercourse, legal experts stated that safeguards against harassment were inadequate.

Reproductive Rights: The government recognized the right of couples and individuals to decide the number, spacing, and timing of their children, manage their reproductive health, and have the information and means to do so, free from discrimination, coercion, and violence.

Discrimination: Under the law women enjoy the same rights as men, including under family, labor, property, nationality, and inheritance laws, and entitled to receive equal pay for equal work. Women received lower salaries than men (see section 7.d.).

## **Children**

The Office of the Parliamentary Ombudsman for Human Rights includes a representative for children's rights, nondiscrimination, and gender equality. As of September 30, the office received 715 complaints regarding children's rights.

Birth Registration: Birthplace or parentage determines citizenship. A child born in the country to stateless parents residing permanently in the country is a citizen. The law requires that parents register a child within a month of birth.

Registration of children born in Crimea or born in areas under separatist control remained difficult. Authorities required hospital paperwork to register births. Russian or separatist "authorities" routinely keep such paperwork if parents registered children in territories under their control, making it difficult for the child to obtain a Ukrainian birth certificate. Additionally, authorities do not recognize documents issued by Russian-occupied Crimean or separatist entities and sometimes refuse to issue birth certificates to children born in those areas.



Child Abuse: As of September 30, the Ministry of Internal Affairs reported crimes victimizing 4,482 children. Human rights groups noted that authorities lacked the capability to detect violence against children and refer victims for assistance. Preventive services remained underfunded and underdeveloped. There were also instances of forced labor involving children (see section 7.c.).

Authorities did not take effective measures at the national level to protect children from abuse and violence and to prevent such problems. The Parliamentary Ombudsman for Human Rights noted the imperfection of mechanisms to protect children who survived violence or witnessed violence, in particular violence committed by their parents. According to the law, parents were legal representatives of children, even if they perpetrated violence against them. There is no procedure for appointing a temporary legal representative of a child during the investigation of a case of parental violence.

A major consequence of the violence in Donbas was its effect on children. In October the World Health Organization reported that fighting had killed at least 70 children and wounded 194 since the conflict started in March 2014. According to UNICEF the conflict has affected 1.7 million children. Children living in separatist-controlled territory did not receive nutritional and shelter assistance. Human rights groups reported that children who experienced the war or fled from separatist territory suffered psychological trauma.

Early and Forced Marriage: The minimum age for marriage is 18. If it finds marriage to be in the child's interest, a court may grant a child as young as 16 years old permission to marry. According to a report funded by UNICEF, in 2013 approximately 11 percent of women reported being married or in a union before they were 18 (10 percent of urban and 14.5 percent of rural residents). Romani rights groups reported early marriages involving girls under 18 were common in the Romani community.

Sexual Exploitation of Children: The minimum prison sentence for child rape is 10 years. Molesting children under the age of 16 is punishable by imprisonment for up to five years. The same offense committed against a child under 14 is punishable by imprisonment for five to eight years. The age of consent is 16.

The Ministry of Internal Affairs recorded 253 sexual crimes against children during the year. Sexual exploitation of children, however, remained significantly underreported. Commercial sexual exploitation of children remained a serious problem.

Domestic and foreign law enforcement officials reported a significant amount of child pornography on the internet continued to originate in the country. The International Organization for Migration reported that children from socially disadvantaged families and those in state custody continued to be at high risk of trafficking and exploitation for commercial sexual exploitation and the production of pornography. Courts may limit access to websites that disseminate child pornography and impose financial penalties and prison sentences on those operating the websites.

Child Soldiers: There were reports of child soldiers in the conflict in eastern Ukraine (see section 1.g.).

Displaced Children: According to the Ministry of Social Policy, authorities registered more than 190,000 children as IDPs. Human rights groups believed this number was low, as children who fled without their parents cannot register as IDPs unless another relative officially files for custody, which can be a lengthy process. The majority of IDP children were from Donetsk and Luhansk Oblasts.

Institutionalized Children: The child welfare system continued to rely on long-term residential care for children at social risk or without parental care. The number of such residential care institutions continued to drop. During the year some 7,500 orphans and other children deprived of parental care lived and studied in various types of boarding schools.

In recent years the government implemented policies to address the abandonment of children or their reintegration with their biological families. As a result the number of children deprived of parental care decreased. Human rights groups and the media reported that the deteriorated economic situation and government inaction created unsafe, inhuman, and sometimes life-threatening conditions in some institutions.

Authorities evacuated children's institutions in separatist-controlled territory in 2014, except for three boarding schools for children with significant disabilities in Rovenky and Krasnodon, Luhansk Oblast, and Shakhtarsk, Donetsk Oblast. According to the Ministry of Social Policy, 20 group homes with 187 adopted children remained in areas controlled by separatists. According to UNICEF these facilities relied on donations and volunteer assistance and did not receive necessary supplies. As of June the staff of the facility in Krasnodon had not been paid in months.

Observers noted the judicial system lacked the expertise to work effectively with minors, and the legal process for juveniles emphasized punishment over rehabilitation. Supportive social services were often lacking, and children in custody or under supervision faced bureaucratic and social barriers to reintegration. Authorities viewed imprisonment as a form of supervision and punishment rather than correction and education.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html) and country-specific information at [travel.state.gov/content/childabduction/en/ukraine.html](http://travel.state.gov/content/childabduction/en/ukraine.html).

### **Anti-Semitism**

According to census data and international Jewish groups, an estimated 103,600 Jews lived in the country, constituting approximately 0.2 percent of the population. According to the Association of Jewish Organizations and Communities (VAAD), there were approximately 300,000 persons of Jewish ancestry in the country, although the number may be higher. Before Russian aggression in eastern Ukraine and the attempted annexation of Crimea by Russia, approximately 30,000 Jewish persons lived in the Donbas and 10,000 lived in Crimea, according to VAAD.

Jewish community leaders reported that societal anti-Semitism was low, and authorities took steps to address problems of anti-Semitism when they arose. Institutional anti-Semitism was rare, and VAAD stated that attacks were isolated and individuals were responsible rather than organized groups. VAAD claimed that negative attitudes towards Jews and Judaism continued to be low, although some individuals continued to espouse anti-Semitic beliefs. VAAD believed that some attacks were provocations meant to discredit the government. In September the Jewish pilgrimage to the Uman burial site of Rabbi Nachman took place without significant incidents.

On March 27, attackers severely beat a Jewish physician in Kharkiv in what he said was an assault with anti-Semitic overtones. Oleksandr Dukhovskoi, a pediatric neurosurgeon, told the media that he believed competitors ordered the assault, but that the attack was anti-Semitic in nature, as the assailants shouted, "Jew face, get out of town and out of the country." The incident remained under investigation at the end of the year.

According to VAAD there were 16 incidents of anti-Semitic vandalism in the first nine months of the year, slightly more than at the same time in 2014. Graffiti swastikas continued to appear in Kyiv and other cities. For example, in February vandals in Kremenchuk spray-painted swastikas on the grave of Sarah, the daughter of Rabbi Nakhman of Breslov, and attempted to set it on fire. According to police between July 28 and August 1, vandals smashed 19 headstones at a Jewish cemetery in Uzhhorod. On August 28, vandals set fire to tires at a Holocaust memorial in Melitopol. Other Holocaust memorials, monuments, and museums desecrated included ones in Odesa, Nikopol, and Novomoskovsk.

During the year attackers vandalized the Babyn Yar monument in Kyiv six times, a substantial increase over 2014. On four occasions vandals spray-painted swastikas on the monument and on one occasion in August doused it with a foul-smelling liquid. On September 13, vandals set fire to tires at the monument. The government responded by increasing security and posting guards at the site.

Senior government officials and politicians from various political parties continued efforts to combat anti-Semitism by speaking out against extremism and social intolerance and criticizing anti-Semitic acts.

In eastern Ukraine pro-Russian separatist leaders made anti-Semitic remarks throughout the year. On February 2, the so-called leader of separatists in Donetsk Oblast, Oleksandr Zakharchenko, stated that “miserable Jews” ran the Ukrainian government. On June 22, Igor Plotnitsky, the so-called leader of separatists in Luhansk Oblast stated that Jews were responsible for the Euromaidan movement and running the Ukrainian government. Separatists also seized a Jewish school in Luhansk.

### **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other state services. The government did not effectively enforce these provisions.

The law requires the government to provide access to public venues, and involvement in public, educational, cultural, and sporting activities for persons with disabilities. The law also requires employers to take into account the individual needs of employees with disabilities. The government generally did not enforce these laws. According to the Ministry of Social Policy, approximately 25 percent of persons with disabilities were employed.

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

Inclusive education remained problematic. Authorities often did not integrate students with disabilities into the general student population. Only secondary schools offered classes for students with disabilities. State employment centers lacked resources to place students with disabilities in appropriate jobs.

NGOs noted the government was unable to provide outpatient care to persons with disabilities, thus putting the main burden on their families and forcing them to place children and sometimes adults with disabilities in state institutions.

Government policy favored institutionalization of children with disabilities over placement with their families. The state cared for more than 70,000 of the country's estimated 150,000 children with disabilities, but it lacked the legal framework and funds to deinstitutionalize them. Programs to provide for the basic needs of children with disabilities and inpatient and outpatient therapy programs were underfunded and understaffed. The inadequate number of educational and training programs for children with disabilities left many isolated and limited their professional opportunities in adulthood. Persons with disabilities in separatist controlled territory suffer from a lack of appropriate care.

Patients in mental health facilities remained at risk of abuse, and many psychiatric hospitals continued to use outdated methods and medicines. According to the Ukrainian Psychiatric Association, insufficient funding, patients' lack of access to legal counsel, and poor enforcement of legal protections deprived patients with disabilities of their right to adequate medical care.

According to a government report published in 2013, government monitors observed incidents of involuntary seclusion and application of physical restraints to

persons with mental disabilities at psychiatric and neuropsychiatric institutions of the Ministry of Social Policy. Health-care authorities placed patients in isolated and unequipped premises or even metal cages, where authorities held them for long periods without proper access to sanitation.

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

### **National/Racial/Ethnic Minorities**

Mistreatment of minority groups and harassment of foreigners of non-Slavic appearance remained problems. NGOs dedicated to combating racism and hate crimes observed that overall xenophobic incidents declined slightly during the year.

The law criminalizes deliberate actions to incite hatred or to discriminate based on nationality, race, or religion, including insulting the national honor or dignity of citizens in connection with their religious and political beliefs, race, or skin color. The law imposes increased penalties for hate crimes; premeditated killing on grounds of racial, ethnic, or religious hatred carries a 10- to 15-year prison sentence. Penalties for other hate crimes include fines of 3,400 to 8,500 hryvnias (\$142 to \$354) or imprisonment for up to five years.

Human rights organizations stated that the requirement to prove actual intent, including proof of premeditation, to secure a conviction made application of the law difficult. Through September authorities registered 540 cases of offenses against foreign citizens, 155 of which were resolved. Authorities did not prosecute any of the criminal proceedings under the laws on racial, national, or religious offences. Police and prosecutors continued to prosecute racially motivated crimes under laws against hooliganism or related offenses.

According to the Prosecutor General's Office, authorities registered 49 criminal cases involving racial, national, or religious hatred during the first nine months of the year. Of these authorities forwarded one case to court. Based on a Democracy Initiative monitoring report prepared by International Organization for Migration, as of October 31, there were 10 documented violent cases against racial or ethnic minorities, with 17 victims. Victims of the attacks were from Afghanistan, the Democratic Republic of the Congo, Ghana, Jordan, Nigeria, and Syria as well as Ukrainian citizens of Tajik, Jewish, and Muslim descent. Most of the incidents

occurred in Dnipropetrovsk, Kyiv, Kharkiv, and Odesa. There were 18 cases of vandalism, including arson, targeting Jewish and Romani property in the Dnipropetrovsk, Cherkassy, and Zakarpattya Oblasts and in Kyiv, Lviv, Odesa, and Mykolaev.

On June 11, a group of approximately 30 young men wearing balaclavas and armed with knives and sticks attacked foreign students in Kharkiv, including four from Jordan. The attackers wounded nine students, hospitalizing six. According to witnesses the assailants targeted the victims because they “looked like foreigners.” Law enforcement officers were present but did not attempt to stop the attackers. Later they detained five persons, charging them with hooliganism, attempted murder, and armed assault.

Roma continued to face governmental and societal discrimination, although authorities had become more responsive to Romani community concerns. Romani rights groups estimated the Romani population to be between 200,000 and 400,000. Official census data placed the number at 47,600. The discrepancy in population estimates was due in part to a lack of legal documentation for many Roma. According to experts there were more than 100 Romani NGOs but most lacked capacity to act as effective advocates or service providers for the Romani community. Romani settlements were mainly located in Zakarpattya, Poltava, Cherkasy, Volyn, Dnipropetrovsk, and Odesa. Roma experienced significant barriers accessing education, health care, social services, and employment due in part to discriminatory attitudes against them.

In 2013 the government adopted a seven-year action plan to implement a strategy for protecting and integrating the Roma into society. While observers saw the plan as a positive step, the European Roma Rights Center (ERRC) reported it had not led to significant improvements for Roma. The ERRC monitored the plan in collaboration with the International Renaissance Foundation.

According to the Parliamentary Ombudsman for Human Rights, 24 percent of Roma have never had any schooling, and only 1 percent of the Romani population had a university degree. Approximately 31 percent of Romani children did not attend school. According to the ERRC, more than 60 percent of Roma were unemployed, creating a vicious cycle leading to social exclusion and marginalization. According to the ombudsman, securing employment was the main problem for the Romani minority. Approximately 49 percent of Roma named it as their most significant challenge.

According to the Romani women's foundation Chiricli, local authorities erected a number of barriers to prevent issuing passports to Roma. Authorities hampered access to education not only by a lack of documents, but also due to segregation of Romani children into special schools or lesser-quality classrooms.

During the year many Roma fled settlements in areas controlled by separatists and moved elsewhere in the country. According to Chiricli approximately 10,000 Roma fled separatist-controlled territory and were among the most vulnerable members of the country's IDP community. Because many Roma lacked documents, obtaining IDP assistance, medical care, and education was especially difficult.

There were several reports during the year that police arbitrarily detained Romani individuals, at times beating or mistreating them (see section 1.c.).

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

During the year the country updated its labor code to prohibit workplace discrimination on the basis of sexual orientation and gender identity. No law, however, prohibits discrimination on this basis in other areas. LGBTI groups, along with international and domestic human rights organizations, criticized the lack of such language in the National Human Rights Strategy.

According to the LGBTI group Nash Mir (Our World), there were both positive and negative developments in the situation of the LGBTI community in the country. The group reported an improvement in social attitudes towards homosexuality and a decline in homophobic rhetoric from churches and leading political figures, and some members of the Verkhovna Rada voiced their support for LGBTI rights. The group reported, however, that the level of homophobic aggression from right-wing nationalist groups increased, and government agencies consistently avoided any discussion of problems facing the LGBTI community.

On June 6, several dozen men, including members of Right Sector, attacked the Equality March in Kyiv, beating protesters and police and throwing firecrackers laced with shrapnel. The attackers injured nine participants and 10 officers. While law enforcement authorities protected the march, the Kyiv City State Administration had initially discouraged march organizers from holding the event. Law enforcement authorities arrested more than a dozen persons on charges of



hooliganism. In July several men attacked two LGBTI activists holding hands in central Kyiv.

On August 13, the district administrative court in Odesa prohibited a march supporting LGBTI rights at the request of the Odesa City Council (see section 2.b.).

Our World stated that violence against LGBTI persons was underreported. During the year the group recorded 16 assaults and four killings related to the victims' sexual orientation. Our World indicated that victims and families were reluctant to pursue hate crime charges in these cases due to homophobia. They reported an additional 52 cases of discrimination and abuse, mostly in the cities of Kyiv, Dnipropetrovsk, Odesa, and Zhytomir.

According to the Ukrainian Gay Alliance, an assailant killed a man in Odesa on December 12 due to his sexual orientation. The accused killer reportedly confessed to police that he killed his acquaintance due to his hatred for persons of a "nontraditional sexual orientation."

LGBTI victims also suffered from discrimination in court proceedings. On November 11, a Kharkiv court handed down a sentence of only eight years to a man who murdered another person solely due to his homosexuality.

According to HRW transgender persons in the country faced discrimination. They must undergo mandatory psychiatric treatment and an examination before a state medical board prior to receiving treatment for sexual reassignment. Transgender persons found the process humiliating and claimed to have difficulty obtaining official documents reflecting their gender.

According to Our World, the situation of LGBTI persons continued to deteriorate in Russia-occupied Crimea and the parts of Donetsk and Luhansk Oblasts controlled by Russia-backed separatists (see section 1.g. and the Crimea section).

### **HIV and AIDS Social Stigma**

UNICEF reported that children with HIV/AIDS were at high risk of abandonment, social stigma, and discrimination. Authorities prevented many children infected with HIV/AIDS from attending kindergartens or schools, subjected to neglect, and kept isolated from other children. The most at-risk adolescents faced higher risk of contracting HIV/AIDs as well as additional barriers to accessing information and

services for its prevention and treatment. Persons with HIV/AIDS faced discrimination and, at times, lacked access to treatment.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of most workers to form and join independent unions, to bargain collectively, and to conduct legal strikes. There are no laws or legal mechanisms to prevent antiunion discrimination, although the labor code requires employers to provide justification for layoffs and firings, and union activity is not an acceptable justification. Legal recourse is available for reinstatement, back wages, and punitive damages, although observers described court enforcement as arbitrary and unpredictable.

The law contains several limits to labor rights. Labor laws and civil codes that apply to worker organizations are excessively complex and contradictory. Unions reported significant bureaucratic hurdles in the registration process, entailing the payment of multiple fees and requiring visits to as many as 10 different offices. Independent unions reported multiple incidents of harassment by local law enforcement officials while navigating the registration process, including nonstandard requests for documentation and membership information.

Restrictions on the right to strike include the requirement that a large percentage of a workforce (two-thirds of conference delegates or 50 percent of workers in an enterprise) must vote in favor of a strike before it may be called. Poorly defined legal grounds for striking allowed authorities to deny the right to strike due to national security or to protect the health or “rights and liberties” of citizens. The law also prohibits strikes by specific categories of workers, including personnel in the Prosecutor General’s Office, the judiciary, the armed forces, the security services, law enforcement agencies, transportation-sector workers, and employees in the public-service sector.

The law made it difficult for independent unions to take part in tripartite negotiations, participate in social insurance programs, or represent labor at the national and international levels, while further entrenching the Federation of Trade Unions (FPU) and hindering the ability of smaller independent unions to act as effective representatives of their members’ interests.

Authorities did not effectively or consistently enforce labor laws, particularly where inspections and worker safety were concerned. On the regulatory side, inspectors were limited in number and in funding and faced substantial bureaucratic barriers (also see section 7.e.).

The government generally respected freedom of association and the right to collective bargaining. Observers, however, disputed the independence of unions from government or employer control. Independent trade unions alleged that the country's largest trade union confederation, the FPU, enjoyed a cozy relationship with employers and members of some political parties. Authorities further denied unions not affiliated with the FPU a share of disputed trade union assets inherited by the FPU from Soviet-era unions.

Statutory worker-management commissions were not always effective. Management, or union representatives co-opted by management, at times dominated the commissions. There were cases of workers, who renounced membership in an FPU-affiliated union and joined a new union, facing loss of pay, undesirable work assignments, and dismissal.

In January, Natalia Skalska, the head of the primary trade union of All-Ukrainian Trade Unions Zakhyst Spravedlivosti, filed a complaint with the Confederation of Free Trade Unions of Ukraine alleging that her employer, the National Depository of Ukraine, discriminated against trade unionists and encroached upon the rights of trade union members. Skalska accused the company's chairman, Gennadiy Zhurov, of failing to recognize the union and neglecting the rights of its members. Employers subsequently fired Skalska and other trade union members from their positions. Skalska filed an appeal, which remained under consideration.

There were several cases of companies, private and state owned, not honoring collective bargaining agreements during bankruptcies. Wage arrears were common in the country and increased during the year (see section 7.e.).

Oleksandr Abramov, the head of a local branch of the National Independent Trade Union of Miners (NPGU) in Demitrov, Donetsk Oblast, complained in a letter to the NPGU office about alleged violations of the labor law. According to Abramov the administration of the "Krasnoarmiiskvugillia" company forced workers to conclude fixed-term employment contracts after tentatively dismissing them from their jobs. Employers required the workers who took such contracts to do the same amount of work, but without any of the social guarantees provided for by their

previous collective bargaining agreement. The NPGU requested the Ministry of Energy and Coal Industry to help resolve the situation.

In January, Olga Shkoropad, the head of the primary trade union of the Lviv Coal Mining Company, complained to the press about the company's wage arrears, which totaled 32 million hryvnias (\$1.3 million). On her behalf the NPGU wrote the Ministry of Energy and Coal Industry requesting assistance. To force the company to take action, workers staged protests and strikes while demanding payment of back wages. As of October 22, the Lviv Coal Mining Company ceased operations, further complicating the trade union's claims.

Labor NGOs operated in the country and focused on compliance with international labor standards and supporting the independent labor movement. The International Labor Organization (ILO) had an office in the Ministry of Social Policy, and the ministry routinely consulted it. An ILO representative served on various boards and committees. One NGO, the Solidarity Center, focused on fostering independent unions and provided economic and legal training for union leaders.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. Resources, inspections, and remediation were inadequate to ensure enforcement. Penalties for violations ranged from three to 15 years' imprisonment and were sufficiently stringent to deter violations. As of July 1, the International Organization for Migration assisted 292 victims of trafficking (160 women and 132 men), 91 percent of whom were victims of labor exploitation.

There were reports that criminals trafficked women, men, and children for labor. Traffickers subjected some foreign nationals to forced labor in construction, agriculture, manufacturing, domestic work, the lumber industry, nursing, and forced begging. Traffickers subjected some children to forced labor (see section 7.c.).

Also, see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

#### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets 16 as the minimum age for most employment. Children who are 15 years of age may perform "light work" with a parent's consent, but the law does

not clearly define the term. The law allows children to do some forms of work beginning at age 14 as part of an apprenticeship in the context of vocational training.

The government did not effectively enforce the law. Penalties for violations ranged from small fines for illegitimate employment or other labor law violations to prison sentences for sexual exploitation of a child or involvement in illicit activities or pornography, and were insufficient to deter violations. The penalty for forcing children to beg is imprisonment for up to three years.

The most frequent violations of labor law for minors related to their work in hazardous conditions, long workdays, failure to maintain work records, and delayed salary payments.

A 2012 Office of the Ombudsman for Children's Rights study on child labor trends found child labor in agriculture (30 percent of all total child labor), sales activities in kiosks and in the distribution of advertising leaflets (25 to 30 percent), construction (19 percent), and other unskilled positions. The survey was not nationally representative and did not include children in the informal sector. Children from socially disadvantaged families and those in state custody remained at high risk of being trafficked or exploited for begging. Commercial sexual exploitation occurred (see section 6, Children). Most child labor in the informal sector occurred in the agricultural and service sectors.

During the year enforcement of child labor laws deteriorated. Due to the reorganization of the inspection services, a complete ban on unplanned inspections (see section 7.e.), and a lack of funding for the State Labor Service, authorities did not conduct a single child labor inspection during the year. Law enforcement bodies in the Luhansk Oblast detected one case of child sexual exploitation, which was under investigation. According to the Ministry of Social Policy, during a three-year period from January 2012 to the end of the year, there were 17 cases of child trafficking, of which eight involved sexual exploitation, five involved labor exploitation, two involved children being sold, one involved both sexual and labor exploitation, and one case involved forced begging.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The Verkhovna Rada passed a sexual minorities' antidiscrimination amendment to the labor code laws on November 12 to meet the requirements of the EU for a visa-free regime. With the incorporation of changes in the amendment, the labor code now prohibits "any discrimination in the workplace, including violation of the principle of equal rights and opportunities; direct or indirect restriction of the rights of workers depending on race, color, political, religious and other beliefs, sex, gender identity, sexual orientation, ethnic, social and foreign origin, age, health, disability, suspicion or existence of HIV/AIDS, family and property status, family responsibilities, location, membership in trade union or other association of citizens participating in the strike, appeal or intent to apply to the courts or other bodies for protection of their rights, or providing support to other workers in defense of their rights, linguistic or other grounds not related to the nature of the work or the context of its implementation."

The government did not effectively enforce the law, and discrimination in employment and occupation reportedly occurred with respect to gender, disability, nationality, race, minority status, sexual orientation or gender identity, and HIV-positive status.

Industries dominated by women workers had the lowest relative wages. Women received lower salaries than men did due to limited opportunities for advancement and the types of industries that employed them. According to the Ombudsman's Office, men earned on average of 29.5 percent more than women earned. Domestic and international observers noted women held few elected or appointed offices at the national and regional levels.

#### **e. Acceptable Conditions of Work**

As of January 1, the national monthly minimum wage for all sectors was 1,218 hryvnias (\$50). The government based the minimum wage on a set monthly subsistence income level. Prior to local elections in October, the government stated it would raise the minimum wage by 13.1 percent, to 1,378 hryvnias (\$57). The subsequent budget law passed by the administration envisaged that such an increase would begin in December. There were cases of workers in the informal sector receiving wages below the established minimum.

The law provides for a maximum 40-hour workweek, a 24-hour period of rest per week, and at least 24 days of paid vacation per year. It provides for double pay for overtime work and regulates the number of overtime hours allowed. The law requires agreement between employers and the respective local trade union

organization on all overtime work and sets limits on the number of overtime hours allowed.

Wage arrears increased 34 percent from January through October 1. According to the State Statistics Committee, arrears stood at approximately two billion hryvnias (\$83 million) as of October. Most arrears accumulated in industry but also significantly affected companies in the construction, transportation, communications, real estate, and agricultural sectors.

The law requires employers to provide safe workplaces. While the law and associated regulations contain occupational safety and health standards, employers frequently ignored them because of the lack of enforcement mechanisms and the government's failure to hold employers accountable for unsafe conditions. The law provides workers the right to remove themselves from dangerous working conditions without jeopardizing their continued employment. According to one NGO that follows labor issues, employers in the metal and mining industries often violated the rule and retaliated against workers by pressuring them to quit.

The government did not effectively enforce minimum wage, hours of work, and occupational safety and health standards. Penalties for violations ranged from 510 to 1,700 hryvnias (\$21 to \$71), which were insufficient to deter violations. The State Labor Inspectorate was responsible for enforcing labor laws. Inspectors were limited in number and funding. By November 2014 the latest year for which such data were available, the number of inspectors had dropped to 457 from 616, in large part due to a 70 percent funding cut in 2014.

The government imposed a moratorium on surprise inspections from July 2014 through the end of the year, purportedly to cut the number of required inspections and certifications, deregulate the economy, and prevent corruption. The moratorium further constrained the government's ability to enforce labor laws effectively.

During this period authorities required the State Labor Service and its predecessor, the State Labor Inspectorate, to go through a lengthy interagency process to obtain permission from the Cabinet of Ministers to conduct an inspection. The labor inspections could also occur on the company's own request or on the formal request of the investigator in the framework of criminal proceedings against the company.

Lax safety standards and aging equipment caused many injuries on the job. The mining sector proved particularly problematic, with wage arrears, nonpayment of overtime, and operational safety and health complaints common.

Mineworkers, particularly in the illegal mining sector, faced very serious safety and health problems. Through September there were 13 mining fatalities, or approximately 86 percent fewer than in the same period in 2014. In the same period, authorities reported 489 coal miners injured, almost 73 percent fewer than in the same period in 2014. Observers attributed the sharp decrease in fatalities and injuries to the fact that many mines in the areas in eastern Ukraine affected by Russian aggression were closed, ruined, or had suspended operation, while others in areas not under government control did not provide statistics to authorities. In the first nine months of the year, there were 3,067 work-related injuries across all employment types, or 38 percent fewer than during the same period in 2014. There were 275 work-related fatalities during the period, a 37 percent decline from the same period in 2014. Workers faced unsafe situations in areas of conflict in Donetsk and Luhansk Oblasts.

Despite armed conflict taking place close to industrial areas in the Donbas region, enterprises largely continued to operate through September. Fighting resulted in physical damage to mines and plants by causing loss of power, destroyed transformers, physical damage from shelling, and reportedly intentional flooding of mines by separatists. Miners were especially vulnerable, as loss of electrical power could strand them underground. Additionally, loss of electrical power threatened the operability of mine safety equipment that prevented the buildup of explosive gases.

Raids by combined Russian-separatist forces made workplaces in Donbas unsafe. For example, in April armed pro-Russian militants took control of the Donetsk office of the mobile telephone operator KyivStar, stealing its equipment and occupying its offices. Many coalmines in conflict areas halted operations (see section 1.g.). According to the government, approximately 70 percent of the coalmines in the Donetsk Oblast were ruined, flooded, cut off from electricity, or had other dangerous conditions.

## CRIMEA

*In February 2014 Russian forces entered Ukraine's Crimean Peninsula and occupied it militarily. In March 2014 Russia announced the peninsula had become part of the Russian Federation following a sham referendum that violated*



*Ukraine's constitution. On March 27, 2014, the UN General Assembly adopted Resolution 68/262 on the "Territorial Integrity of Ukraine," which called on states and international organizations not to recognize any change in Crimea's status and affirmed the commitment of the UN to recognize Crimea as part of Ukraine. In April 2014 Ukraine's legislature (Verkhovna Rada) adopted a law attributing responsibility for human rights violations in Crimea to the Russian Federation as the occupying state. The United States does not recognize the attempted "annexation" of Crimea by the Russian Federation. Russian law has de facto applied in Ukraine's Crimea since the Russian occupation and purported "annexation" of the peninsula in March 2014. For detailed information on the laws and practices of the Russian Federation, see the Country Reports on Human Rights for Russia.*

## **EXECUTIVE SUMMARY**

A local authority installed by the Russian government and led by Sergey Aksyonov as "prime minister" of the "state council of the republic of Crimea" administered Occupied Crimea. The "state council" was responsible for day-to-day administration and other functions of governing. In September 2014 Russian occupation authorities held "parliamentary elections" in which only Russia-based political parties won seats. Authorities closed the election to independent observers; it was not free and fair and was held in contravention of the Ukrainian constitution. Russian authorities maintained control over Russian military and security forces deployed in Crimea.

During the year security services worked to consolidate control over Crimea and continued to restrict human rights by imposing repressive federal laws of the Russian Federation on the Ukrainian territory of Crimea.

The most significant human rights problems in Crimea during the year related directly to the Russian occupation:

First, 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.

Second, Occupation authorities deprived certain groups, in particular Ukrainians and Crimean Tatars, of fundamental freedoms, particularly regarding expressions

of nationality and ethnicity, and subjected them to systematic discrimination. Continuing their policy of imposing Russian citizenship on all residents of Crimea, occupation authorities subjected persons who refused Russian citizenship to discrimination in accessing education, health, and employment. These authorities interfered with the rights to expression and assembly, criminalizing the display of cultural and national symbols, preventing groups of private individuals from celebrating their national and cultural heritage, and restricting access to education in the Ukrainian and Crimean Tatar languages.

Third, Russian authorities engaged in a widespread campaign to suppress free speech and media in Crimea. They refused to register Crimean media and news organizations, preventing them from operating legally. In particular, Russian authorities denied ATR television and the QHA Crimean News Agency licenses, forcing them to close. Security services also detained and abused journalists and threatened them with prosecution for opposing the occupation.

Other problems included poor conditions in prisons and pretrial detention facilities; political interference in the judicial process; limitations of freedom of movement; the internal displacement of thousands of individuals to mainland Ukraine; failure to allow residents of Ukraine's region of Crimea to exercise the ability to vote in periodic and genuine elections to choose their leaders; official corruption; discrimination and abuse of ethnic and religious minority groups; discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; kidnapping and transport of orphans to Russia by occupation authorities; and employment discrimination against persons who did not hold a Russian passport.

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-defense" forces often did not wear insignia and committed abuses with impunity.

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

### **a. Arbitrary or Unlawful Deprivation of Life**

Russian occupation authorities did not adequately investigate cases of abductions and killings of Crimeans from 2014. For example, in January occupation authorities suspended their investigation of the March 2014 killing of Crimean Tatar activist, Reshat Ametov, who observers noted being forced into a car by members of "self-defense" paramilitaries. His body was later found with signs of

torture, including his eyes gouged out. Despite video footage of the abduction, police suspended their investigation due to “lack of evidence.”

Occupation authorities did not investigate other suspicious deaths and disappearances, occasionally marking them up as suicide. Human rights observers reported that families frequently did not challenge findings in such cases due to fear of retaliation.

### **b. Disappearance**

There were numerous reports of disappearances and abductions that domestic and international observers attributed to Russian occupation authorities. In many cases the whereabouts of individuals were unknown for extended periods of time. Human rights groups reported that police often refused to register reports of disappearances while intimidating and threatening with detention those who tried to report a disappearance.

In March, Fyodor Kostenko disappeared shortly after crossing from Kherson Oblast into Crimea. Kostenko is the father of Euromaidan activist Oleksandr Kostenko, who was convicted in Crimea in May for protesting against the Yanukovich government in Kyiv. The last report concerning Fyodor Kostenko was on March 4, shortly after he crossed into Crimea and after he appeared at a press conference in Kyiv, where he protested his son’s detention, which he characterized as illegal. Russian occupation authorities have not investigated his disappearance.

On August 27, men in police uniforms reportedly seized Mekhtar Aislanov, a Crimean Tatar, and threw him into a minivan; there has been no subsequent communication from him. On September 3, Russian authorities opened an investigation into his disappearance.

On December 24, Tatar leader Mustafa Jemilev noted that at least 20 Crimean Tatars have disappeared since the occupation of Crimea began. There was no information on at least eight individuals reported as abducted and missing in 2014. Russian occupation authorities did not adequately investigate the disappearances, and human rights groups believed Russian security forces kidnapped the individuals by for opposing Crimea’s occupation.

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

There were reports that Russian authorities in Crimea abused residents who opposed the Russian occupation.

Security services reportedly tortured Oleksandr Kostenko prior to his May 15 “conviction” for allegedly injuring a member of the Ukrainian antiriot Berkut force in Kyiv in February 2014. Kostenko accused his captors of beating him, subjecting him to a mock execution, and depriving him of food and water during his detention. A court sentenced Kostenko to four years and two months in prison. Observers noted the conviction was unique because the alleged crime took place outside of both Russia and Crimea and occurred before Russia’s occupation of Crimea.

Human rights monitors reported that Russian occupying forces subjected Crimean Tatars in particular to physical abuse and beatings but pressured them not to file complaints. For example, according to Tatar leaders, on December 16, Federal Security Service (FSB) officers detained and allegedly tortured Tatar Ehnver Krosh with electric shock, in an attempt to coerce his cooperation with an FSB operation. Authorities released him the next day, reportedly after having threatened his family.

Human rights monitors reported that occupation authorities also threatened individuals with violence or imprisonment if they did not testify in court against individuals the authorities considered to be in opposition to the occupation.

### **Prison and Detention Center Conditions**

Prison and detention center conditions reportedly remained harsh and overcrowded. According to a September report on Crimea by the OSCE/ODIHR and the OSCE high commissioner on national minorities, persons incarcerated during the Russian occupation did not have the opportunity to retain their Ukrainian citizenship. The report also noted that health care in prisons had deteriorated. Human rights groups reported that prisons suffered from overcrowding and poor conditions.

Independent Monitoring: Occupation authorities did not permit monitoring of prison or detention center conditions by independent nongovernmental observers or international organizations.

### **d. Arbitrary Arrest or Detention**

Authorities arbitrarily detained protesters, activists, and journalists for opposing the Russian occupation.

### **Role of the Police and Security Apparatus**

Russian occupation authorities applied and enforced Russian law in occupied Crimea. Russian government agencies, including the Ministry of Internal Affairs, the FSB, the Federal Investigative Committee, and the Office of the Prosecutor General, enforced the “law.” The FSB also conducted security, counterintelligence, and counterterrorism activities and combatted organized crime and corruption. A “national police force” operated under the aegis of the Russian Ministry of Internal Affairs.

In addition to abuses committed by Russian forces, “self-defense” forces, largely consisting of former Ukrainian Ministry of Interior officers allegedly linked to local organized crime, reportedly committed many abuses. These forces often acted with impunity in intimidating opponents of the occupation and were involved in beatings, kidnappings, detentions, and arbitrary confiscation of property. While the “law” places the “self-defense” forces under the authority of the “national police,” members of the forces continued to commit abuses while receiving state funding for their activities as well as other awards, such as beachfront property and service medals.

### **Arrest Procedures and Treatment of Detainees**

Arbitrary Arrest: There were reports Russian-imposed authorities made arbitrary arrests, in particular targeting Crimean Tatars.

Authorities arrested persons involved in competing protests by pro-Russian and pro-Ukrainian groups on February 26, 2014, in Simferopol, which resulted in the deaths of two individuals. The event occurred prior to Russia’s purported annexation of Crimea. Occupation authorities, nevertheless, subsequently prosecuted individuals alleged to have participated in the protest, although Russia did not exercise control over Crimea at the time. Human rights groups reported that authorities reviewed video of the incident and selectively brought charges against leading Crimean Tatar and Ukrainian individuals who subsequently opposed the occupation, in particular members of the Crimean Tatar Mejlis. The occupation authorities refused to investigate acts of violence committed by pro-

Russian “protesters,” some of whom observers believed to have been working for Russian security services.

On January 28, police arrested Akhtem Chiygoz, a Crimean Tatar leader and deputy head of the Mejlis, and charged him with participating in the February 26 Simferopol protests. During a hearing in May, authorities extended his detention by three months. While Chiygoz was in detention, occupation authorities held him in solitary confinement, only returning him to the normal prisoner population after he began a hunger strike. In July occupation authorities extended Chiygoz’s detention to November 19; authorities extended it again until January 29, 2016. On December 28, the Kharkiv Human Rights Protection Group cited complaints by Chiygoz’s lawyers that authorities deprived them of enough time and access to case materials to provide an adequate defense during the trial, set to start in early 2016.

Following Chiygoz’s arrest authorities arrested several other Crimean Tatars, accusing them of participating in the February 26, 2014 protests, including Asan Chebiyev (on February 4), Eskender Knemirov (on February 7), Eskender Emirvaliyev (on February 18), Talyat Yusonov (on March 11), Ali Asanov (on April 15), and Mustafa Degirmindzhy (on May 10). Human rights groups believed that occupation authorities made the arrests to pressure them to testify against Chiygoz.

On April 14, police detained Mustafa Asaba, head of the Belgorod regional Mejlis, and accused him of participating in the February 26 Simferopol protests. Human rights observers believed that Russian security services planted ammunition in his home during a search in September 2014.

Security services also arrested persons involved in a protest on May 3, 2014, when several thousand Crimean Tatars protested at the administrative boundary between Crimea and Kherson Oblast against the occupation authorities’ forced expulsion of Crimean Tatar leader Mustafa Jemilev. Following the protests authorities fined more than 200 individuals for conducting an “unauthorized meeting.” In 2014 occupation authorities indicted four individuals for rioting and violating a state border in connection with the May 3, 2014 events, targeting Crimean Tatar leaders Musa Apkerimov, Rustam Abdurakhmanov, Edem Ebulisov, and Tair Smedlyayev. On January 17, authorities arrested Edem Osmanov, son of Euromaidan activist Mustafa Osmanov, and accused him of using force against the Russian occupation in connection with the May 3, 2014 events. On May 28, Apkerimov received a suspended sentence of four years and four months. On August 4, authorities fined

Edem Ebulisov in exchange for a plea of guilty for assaulting a state official. The status of the other investigations and trials was unknown.

#### **e. Denial of Fair Public Trial**

Under the Russian occupation regime, the “judiciary” was neither independent nor impartial and remained susceptible to political interference.

#### **Trial Procedures**

See the *Country Reports on Human Rights* for Russia for a description of the relevant Russian laws and procedures that the Russian government applied and enforced in occupied Crimea.

#### **Political Prisoners and Detainees**

Russian occupation authorities together with local “self-defense” forces detained and prosecuted individuals for political reasons (see section 1.d.). Occupation authorities also transferred Crimean cases to Russia’s legal system and changed the venue of prosecution for some detainees. On August 25, a Russian court sentenced film director Oleh Sentsov and activist Oleksander Kolchenko to 20 and 10 years in prison, respectively, on politically motivated charges. Occupation authorities had transferred them from Crimea to Russia for trial in 2014 (see *Country Reports on Human Rights* for Russia).

On June 2, a Russian court found Khaiser Jemilev, son of exiled Crimean Tatar leader Mustafa Jemilev, guilty of manslaughter, sentencing him to five years, later reduced to three and a half, in prison. Occupation authorities had transferred him from Crimea to Russia for trial in 2014. Human rights groups asserted that Russian authorities charged him with murder and later transported him to Astrakhan to put pressure on his father, Mustafa Jemilev, who opposed the occupation of Crimea (see *Country Reports on Human Rights* for Russia).

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

There were reports that occupation authorities and others engaged in electronic surveillance, entered residences and other premises without warrants, and harassed relatives and neighbors of perceived opposition figures.

Russian occupation forces regularly conducted paramilitary exercises with the aim of intimidating residents of Crimea, especially Crimean Tatars. On April 2, Internal Affairs Ministry soldiers entered the town of Zhuravli, searching homes for weapons and “banned materials.” Occupation authorities conducted similar searches in Lenino and Fontany. In both cases armed men in uniform without identification conducted extensive searches of houses without a warrant or pretext, accompanied by dogs and helicopters after setting up checkpoints with machine guns at the outskirts of the towns. There were reports that occupation authorities conducted similar searches in Simferopol.

Occupation authorities harassed family members of a number of political opponents. For example, they indicted Oleksandr Kostenko’s brother, Felix Kostenko, for “insulting a judge.” Occupation authorities also indicted Kostenko’s friend, Stabislav Kransov, for “inciting hatred or enmity through mass media” and fled Crimea; security services frequently visited Kostenko’s mother, who still resided in Crimea.

Following the sabotage of electrical lines from government-controlled territory to occupied Crimea, Russian officials cut power and natural gas to family members of members of the Crimean Tatar Mejlis in retaliation. Human rights monitors reported that occupation authorities harassed family and friends of Crimean Tatar leaders and placed them under surveillance.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

Occupation authorities significantly restricted freedom of speech and press. Occupation authorities refused to register independent print and broadcast media outlets, forcing them to cease operations. Threats and harassment against international and Ukrainian journalists were common.

Freedom of Speech and Expression: Individuals could not publicly criticize the Russian occupation without fear of reprisal. Human rights groups reported that the FSB engaged in widespread surveillance of social media, telephones, and electronic communication and routinely summoned individuals for “discussions” for voicing or posting opposition to Russian occupation.



On April 21, occupation authorities detained Emir-Usein Kuku, a member of the Contact Group on Human Rights, and seized his laptop and mobile phone, allegedly on suspicion that he was involved in inciting ethnic hatred.

Occupying authorities considered the Ukrainian flag and other Ukrainian symbols to be illegal and arrested and harassed anyone publicly displaying these symbols. On August 24, Ukrainian Independence Day, occupation authorities arrested three men in Kerch for flying a Ukrainian flag and wearing T-shirts with Ukrainian symbols on them. The court sentenced one of the men to 15 days in jail for “disrupting public order.” On the same day in Sevastopol, police arrested a small group of Ukrainian activists for laying flowers at a monument to Ukrainian writer Taras Shevchenko.

Press and Media Freedoms: Independent print and broadcast media could not operate freely. Occupation authorities refused to register most independent media outlets, forcing them to close during the year.

In 2014 occupation authorities required all Crimean media organizations to register with the Russian state media regulator Roskomnadzor by January 1. Occupation authorities extended that deadline to April 1. The authorities subsequently refused to issue licenses to independent news organizations or those that published articles opposing Russia’s occupation of Crimea.

In February, Roskomnadzor refused to issue a license to QHA Crimean News Agency, which ceased operations in Crimea on April 1 and moved to Kyiv. Roskomnadzor also refused to register the Tatar language outlets 15 Minut and Avdet.

On April 1, the Crimean Tatar television station ATR stopped transmitting after occupation authorities refused to issue it a license. ATR submitted four applications between October 2014 and April, but occupation authorities refused it each time due to “lack of documents,” despite the fact that an experienced Moscow law firm prepared its last two applications. The occupation “prime minister,” Sergei Aksyonov stated ATR was an “enemy element” that had no role to play in Russian-occupied Crimea. AI and other human rights groups condemned Russia’s decision to close ATR.

On April 29, the Committee to Protect Journalists (CPJ) appealed to Russian president Vladimir Putin to improve press freedom, criticizing raids, and detentions, while noting that, of the 3,121 press organizations registered in

Ukraine, only 232 had obtained registration from Roskomnadzor. In particular, the CPJ criticized occupation authorities for singling out Crimean Tatar publications for closure.

On March 2, Russian occupying authorities warned Nariman Dzhelyal, first deputy head of the Mejlis, not to organize any protest against ATR's closing. On March 31, occupation authorities detained eight students after creating a video supporting ATR. On April 15, occupation authorities fined two of them the equivalent of \$200 (14,800 rubles) for participating in an unsanctioned public event.

Occupation authorities took steps to replace independent, Tatar-language media with state-controlled alternatives. On September 22, the Millet television station began broadcasting in the Crimean Tatar language. The occupation authorities closely controlled its content. Millet received approximately 177 million rubles (\$2.4 million) in Russian government funding and does not report on issues such as disappearances of Crimean Tatars.

Violence and Harassment: There were numerous cases of Russian security forces or police harassing independent media and detaining journalists in connection with their professional activities. On January 26, armed members of the Russian security services raided the headquarters of ATR, and demanded that it surrender any footage it had of the February 2014 protests. During a seven-hour search, the security services seized hard drives, video footage, and data. The occupation authorities threatened to arrest and fine individuals who gathered to protest the search.

On March 13, police detained independent journalist Natalya Kokorina for six hours and searched the home of the mother of Anna Andrievska, who wrote an article about the Crimea Battalion in December 2014. Both were independent journalists affiliated with the Center for Investigative Journalism. In separate incidents police also detained independent journalist Anna Shaidurova and former ATR Television cameraman Eskender Nebiyev.

Censorship or Content Restrictions: Following Russia's occupation of Crimea, journalists resorted to self-censorship to continue reporting and broadcasting. Russian occupation authorities banned most Ukrainian and Crimean Tatar-language broadcast programming, replacing the content with Russian programming.

In September occupation authorities directed media outlets not to mention the word “Mejlis” in reporting and not make any mention of its leader Refat Chubarov or former leader Mustafa Jemilev. The Russian-installed “prosecutor general” of Crimea ordered media outlets “to stop using the name or parts of the name of nonexistent organizations in news, articles, and interviews.”

National Security: Occupation authorities used national security laws to restrict the work of journalists critical of the Russian occupation.

### **Internet Freedom**

Russian occupation authorities restricted free expression on the internet by imposing repressive laws of the Russian Federation on Crimea (see section 2.a. of the *Country Reports on Human Rights* for Russia). Security services routinely monitored and controlled internet activity to suppress contrary opinions. According to media accounts, Russian occupation forces interrogated residents of Crimea for posting pro-Ukrainian opinions on Facebook or on blogs. On April 11, occupation authorities detained former ATR cameraman Amet Umerov and searched his house for allegedly posting remarks critical of the Russian occupation leadership on a social network. The search came days after Roskomnadzor, Russia’s media regulator, was granted broad powers to search correspondence on social networking and e-mail systems.

On April 4, during a daylong raid and search of houses in Zhuravki for alleged extremist materials, occupation authorities reportedly cut the town off from internet, telephone, and electrical services.

### **Academic Freedom and Cultural Events**

Russian authorities in Crimea engaged in a widespread campaign to suppress the Crimean Tatar language. While Crimean Tatar is an official language, occupation authorities dramatically reduced instruction in schools, and the language was offered only as an optional language at the end of the school day. Occupation authorities closed the Crimean Tatar school in Bakhchysarai. Additionally, there were reports of authorities pressuring Crimean Tatars to use the Cyrillic, as opposed to the Latin, alphabet.

After the Russian occupation, authorities pressured teachers and parents to discourage Ukrainian language education. In 2014 authorities closed the Ukrainian Philology Department at the V.I. Vernadsky University, creating a shortage of

teachers and discouraging Ukrainian instruction. Prior to the occupation, 8.2 percent of Crimean children received instruction in Ukrainian in seven Ukrainian language schools and 165 bilingual Ukrainian and Russian schools. During the year only 1.2 percent of Crimean residents received Ukrainian language instruction and only two Ukrainian language schools remained open. In 2013 some 12,694 students received instruction in Ukrainian; during the year only 949 did. Occupation authorities expunged courses on the history and literature of Ukraine from educational materials in Crimea, and punished teachers found using Ukrainian materials and dismissed some.

Occupation authorities imposed Russian laws regarding “banned” books and materials and reportedly removed Ukrainian language material from libraries in Crimea. In January occupation authorities fined the director of the Feodosia library 2,000 rubles (approximately \$27) because the library contained 12 books about the Holodomor (a man-made famine that occurred in Ukraine in the 1930s), which were deemed to be “extremist materials” because of its supposedly anti-Russian content.

In September occupation authorities threatened Vladimir Kazarin, chair of the Russian and Foreign Literature Department at the Tauride Tauris Academy, with dismissal after he stated that “the arrival of Russia absolutely devastated the educational field of Crimea” at a conference in Prague.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

Organizations representing minority communities reported gross and widespread harassment and intimidation by Russian occupation authorities to suppress their ability to assemble peacefully. Abuses included arbitrary searches, interrogations, threats of deportation, and unsubstantiated accusations of possessing “extremist” literature.

On January 17, approximately 30 titushki, or hired thugs, attempted to break up a meeting of the Second All-Crimean Conference on Crimean Tatar Rights in Simferopol by assaulting and harassing participants. Police and security officers at the scene did nothing to prevent the disruption.

On May 18, Russian occupation authorities detained approximately 60 Crimean Tatars commemorating the 71st anniversary of the Soviet deportation of Crimean

Tatars, for displaying Ukrainian and Crimean Tatar flags. Prior to the march, authorities warned members of the Crimean Tatar Mejlis not to hold such a demonstration. Occupation authorities detained protesters for more than six hours without access to lawyers and released them without formal charges.

Occupation authorities criminalized the display of Ukrainian flags and symbols as extremist activity. On March 9, security services arrested Leonid Kuzmin, Alexander Kravchenko, and Vilidar Shukurdzhiyev in Simferopol after they displayed Ukrainian flags at a public celebration of the 201st birthday of Ukrainian poet Taras Shevchenko. On March 13, the court found all three guilty of holding an illegal rally and sentenced them to 40 hours of community service. Occupation authorities threatened Kuzmin with dismissal from his job as a teacher. On March 14, occupation authorities arrested Kuzmin at a memorial to Shevchenko wearing a blue and yellow ribbon--the Ukrainian national colors. Occupation authorities later issued Shukurdzhiyev an administrative warning for doing the same. On April 17, two unknown individuals assaulted Kuzmin, leaving him with a concussion.

Occupation authorities forbade any assembly marking Crimean Tatar Flag Day on June 26.

### **Freedom of Association**

Russian occupation authorities required all social, religious, and media groups to reregister by January 1, 2016. There was concern that occupation authorities would abuse this process to hinder freedom of association by preventing legitimate associations from reregistering, thereby making their actions illegal.

Security services repeatedly arrested, detained, and searched members of the Mejlis, the recognized, elected representative body of Crimean Tatars. On March 30, occupation authorities subjected Nariman Dzhelyal to a five-hour search of his home following his election to the Mejlis. In September occupation authorities threatened to prohibit the Crimean Tatar Mejlis within the Russian Federation.

The Russian Federation Council's July 8 proposed a "patriotic stop list" of 12 foreign NGOs operations it considered to be a potential threat to the internal political situation of Russia; the list included the Crimean Human Rights Field Mission (CHRFM), which conducts monitoring of human rights abuses committed in Crimea. The CHRFM reported that officials and individuals were afraid to discuss human rights with them after they were placed on the "patriotic stop list."

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

Russian occupation authorities did not respect rights related to freedom of movement and travel.

In-country Movement: There were reports that occupation authorities selectively detained and at times abused persons attempting to enter or leave Crimea. On January 17, 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, occupation authorities detained Eksender Bariyev and Abmedzhyt Suleymanov, members of the Crimean Tatar Rights Committee, as they traveled from Crimea to Kherson Oblast.

Foreign Travel: In July occupation authorities prohibited Nariman Dzhelyal and Ilmi Umerov from the Crimean Tatar Mejlis as well as Zair Smedlyaev, head of the Central Election Commission of the Kurultai, from traveling to Ankara, Turkey, to attend the Second World Congress of Crimean Tatars.

Exile: On January 23, occupation authorities expelled Sinaver Kadyrov, a Crimean Tatar activist, although he had not formally refused Russian citizenship and had been compelled to accept it.

Mustafa Jemilev and Refat Chubarov, members of the Verkhovna Rada and the former and current chairman of the Crimean Tatar Mejlis, respectively, and Ismet Yuksel, general director of the Crimean News Agency, remained banned from entering Crimea by Russian occupation authorities on the pretext that they would incite radicalism. Occupation authorities have banned them since 2014.

Citizenship: In 2014 Russian occupation authorities imposed a Russian citizenship requirement on all residents of Crimea. Those who refused Russian citizenship became subject to arbitrary expulsion. Authorities announced that it would issue only 5,000 Russian "permanent residence permits" to Crimean residents during the year. Additionally, authorities denied those who refused Russian citizenship

access to government employment, education, and health care, as well as the ability to open bank accounts and buy insurance, among other limitations. According to media sources, Russian authorities prosecuted private employers who continued to employ Ukrainians.

In some cases authorities compelled residents of Crimea to surrender their Ukrainian passports. Loss of their Ukrainian passports made it potentially difficult for Crimeans to travel internationally, since many countries did not recognize passports issued to them by Russian occupation authorities.

Occupation authorities announced that, as of January 1, 2016, all individuals who retained Ukrainian citizenship must register their passports or be subject to fines or imprisonment.

### **Internally Displaced Persons**

Approximately 30,000 residents of Crimea registered with Ukraine's State Emergency Service as IDPs on the mainland, according to the UN Office for the Coordination of Humanitarian Affairs. Local NGOs, such as KrymSOS and the Mejlis, believed the actual figure could be as high as 50,000 because the majority of IDPs remained unregistered. Many individuals fled out of fear occupation authorities would target them for abuse because of their work as political activists or journalists. Muslims and Evangelical Christians who left Crimea said they feared discrimination due to their religious beliefs.

Crimean Tatars, who made up the largest number of IDPs, said they were concerned about pressure on their community, including an increasing number of arbitrary searches of their homes, surveillance, and discrimination. Additionally, many professionals left Crimea because Russian occupation authorities required them to apply for Russian professional licenses and adapt to Russian procedures in their work.

### **Section 3. Freedom to Participate in the Political Process**

Recent Elections: Russian occupation authorities prevented residents from voting with other Ukrainian citizens in the October 25 local elections by prohibiting the establishment of legitimate district and precinct election commissions and polling places in Crimea.

Participation by Women and Minorities: Russian occupation authorities harassed, detained, and denied freedom of movement to members of the Crimean Tatar Mejlis (see section 2.d.). The Russian-installed “prime minister,” Sergey Aksyonov, stated occupation authorities no longer recognized the Mejlis as an official institution. Under Ukrainian law the Mejlis is the official, recognized, representative council of Tatars in the country.

#### **Section 4. Corruption and Lack of Transparency in Government**

There were no known requirements for Russian occupation authorities or their agents to file, verify, or make public any income or asset disclosure statements, nor is there a mechanism to provide for public access to information about their activities.

There were multiple reports during the year of rampant corruption among Crimean “officials,” including reports of embezzlement of Russian state funds allocated to support the occupation. For example, in June the FSB opened corruption cases against three prominent officials: Andrei Skrynnik, the peninsula’s “minister of industrial policies”; Nikolai Kochanov, the region’s “tax inspection chief”; and Dmitri Petrov, the “port chief of Yalta.”

#### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Most independent human rights organizations ceased activities in Crimea following Russia’s occupation. Occupation authorities refused to cooperate with independent human rights NGOs and ignored their views, and they harassed human rights monitors and threatened them with fines and imprisonment.

An unofficial Turkish delegation visited Crimea on April 27-30. Its June 5 report stated that occupying authorities placed the delegation under surveillance, attempted to prevent the delegation from having meetings, and criticized the delegation when it did so. According to the report, Russian media engaged in a coordinated campaign to discredit the delegation. The Turkish delegation thanked “Crimean Tatars who agreed to meet with them despite pressures, fear, and threats to the safety of their lives.”

From July 6-18, the OSCE conducted a human rights assessment mission on Crimea. Russian occupation authorities refused to meet with the mission and denied the mission entry to Crimea. The mission’s report detailed allegations of



potentially serious human rights violations, emphasizing the need for independent human rights monitoring.

The CHRFM attempted to monitor the human rights situation in Crimea, but authorities sharply curtailed its activities after placing it on a “patriotic stop list” by the Russian Federation Council. The council recommended that the Russian Prosecutor General’s Office, in coordination with the Russian Ministry of Foreign Affairs, determine whether the group was an “undesirable foreign organization.” Should Russian authorities find the CHRFM “undesirable,” members and anyone cooperating or associating with the group would be subjected to fines or imprisonment.

Additionally, Russian laws regulating NGOs prohibit any group that receives foreign funding and engages in vaguely defined “political activity” to register as a “foreign agent,” a term that connotes treason or espionage. During the year authorities had not included any Crimean NGOs on the list; however, the law has had a chilling effect on their activities (see sections 2.b. and 5 of the *Country Reports on Human Rights* for Russia).

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

Occupying Russian forces created an atmosphere of impunity, creating a hostile environment for members of ethnic and religious minorities, and fostering discrimination and hostility against LGBTI persons.

### **Children**

Birth Registration: Under both Ukrainian law and “laws” imposed by Russian occupation authorities, birthplace or parentage determines citizenship. Russia’s occupation and purported annexation of Crimea complicated the question of citizenship for children born after February 2014, since it was difficult for parents to register a child as a citizen with Ukrainian authorities. Registration in Ukraine requires a hospital certificate, which is retained when a birth certificate is issued. Under the occupation regime, new parents could only obtain a Russian birth certificate and do not have access to a hospital certificate. The situation was further complicated because Ukrainian border guards did not recognize Russian birth certificates, so bringing a newborn child to Ukraine would be difficult.

Institutionalized Children: There were reports that Russian authorities continued to permit kidnapping orphans in Crimea and transporting them across the border

into Russia for adoption. The Ukrainian government did not know the whereabouts of the children.

### **Anti-Semitism**

According to international Jewish groups, an estimated 15,000 Jews lived in Crimea, primarily in Simferopol. There were no reports of anti-Semitic acts.

### **National/Racial/Ethnic Minorities**

Since the beginning of Russia's occupation, authorities singled out Crimean Tatars and Ukrainians for discrimination, abuse, deprivation of religious and economic rights, and violence, including killings and abductions.

Crimean Tatars are an ethnic group native to Crimea, dating to the Crimean Khanate of the 15th century. In 1944 Soviet authorities forcibly deported more than 230,000 Tatars to the Soviet Far East for allegedly collaborating with the Nazis during World War II. Following the dissolution of the Soviet Union, many surviving Crimean Tatars returned to Crimea. Prior to the Russian occupation, there were approximately 300,000 Crimean Tatars living in Crimea.

Occupation authorities systematically targeted members of the Crimean Tatar Mejlis, an elected, representative body of Crimean Tatars that the Ukrainian government legally recognizes. Russian occupation authorities formally banned its leader, Refat Chubarov, from Crimea for five years. Many of the individuals targeted in the cases regarding February 26 protests in Simferopol and March 3 at the administrative border between Crimea and Kherson oblasts were Mejlis members.

Occupation authorities harassed Crimean Tatars for speaking their language in public and forbid speaking it in the workplace. There were reports that teachers prohibited schoolchildren from speaking Crimean Tatar to one another.

Occupation authorities placed restrictions on the Spiritual Administration of Crimean Muslims, which is closely associated with Crimean Tatars. While the Spiritual Administration of Crimean Muslims has registered under Russian law, occupation authorities prohibited individual Muslim mosques associated with Crimean Tatars from doing so. Authorities routinely demanded information on any meeting held at a mosque outside of regular services and required that they be informed if an imam changed mosques.

Russian occupation authorities also targeted ethnic Ukrainians. On May 21, a group of ethnic Ukrainians met in public to celebrate “embroidery day” in honor of traditional Ukrainian dress. Security forces arrested four persons as well as three journalists from TV Inter. According to reports authorities arrested the group for having “prohibited items” and detained them for five hours. According to the Kharkiv Human Rights Monitoring Group, when the group asked why they were being fingerprinted, a security official told them that it was in case “something happens to you tomorrow...headless bodies get found here.”

Occupation authorities have not permitted churches linked to ethnic Ukrainians, in particular the Ukrainian Orthodox Church-Kyiv Patriarchate (UOC-KP) and the Ukrainian Greek Catholic Church to register under Russian law. Occupation authorities harassed and intimidated members of the churches. According to Bishop Kliment of the UOC-KP, parishes in Saki, Krasnoperekopsk, and Kerch closed for financial reasons after authorities threatened the economic interests of business persons who supported the churches. Bishop Kliment reported regular and systematic surveillance of UOC-KP churches and parishioners.

Russian occupation authorities targeted businesses and properties belonging to ethnic Ukrainians and Crimean Tatars for expropriation and seizure. In particular, they prohibited Crimean Tatars affiliated with the Mejlis from registering businesses or properties.

### **Acts of Violence, Discrimination, and other Abuses Based on Sexual Orientation and Gender Identity**

Human rights groups and local gay rights activists reported most of the LGBTI community fled Crimea after the Russian occupation began. LGBTI individuals were verbally and physically assaulted for their sexual orientation, and members of the LGBTI community reported that they were “completely underground.” Russian occupation authorities prohibited any LGBTI groups from holding public events in Crimea. LGBTI individuals faced increasing restrictions on their right to peaceful assembly as occupation authorities enforced a Russian law that criminalizes the so-called propaganda of nontraditional sexual relations to minors (see section 6 of the *Country Reports on Human Rights* for Russia).

## **Section 7. Worker Rights**

Russian occupation authorities announced both the labor laws of Ukraine and those of the Russian Federation were to remain in effect until January 1. Russian occupation authorities have stated that, after that time, conditions specified in employment agreements that do not meet the requirements of federal laws and other normative legal acts of the Russian Federation containing the norms of labor law would no longer be applicable after that date (see section 7 of the *Country Reports on Human Rights* for Russia).

Russian occupation authorities imposed labor laws and regulations of the Russian Federation on Crimean workers, limited worker rights and created barriers to freedom of association, collective bargaining, and the ability to strike. The NGO Freedom House reported that pro-Russian authorities threatened to nationalize property owned by labor unions in Crimea. Ukrainians who did not accept Russian citizenship faced job discrimination. Only Russian passport holders could continue to work in “government” and municipal positions.