

# Ukraine 2023 Human Rights Report

## Executive Summary

Note: The human rights situation in territories occupied by Russia at the time of writing, including Crimea and parts of Donetsk, Kherson, Luhansk, and Zaporizhzhia Oblasts, are covered in a separate subreport. The main body of this report covers the human rights situation in Ukrainian government-controlled territory as of the end of 2023; thus, abuses committed by Russia's forces on territory liberated from Russian control during the reporting period are included in the main body of this report.

In February 2022, the President of the Russian Federation, Vladimir Putin, launched an unlawful and unprovoked full-scale invasion of Ukraine, which was marked by pervasive war crimes, crimes against humanity, and other atrocities committed by members of Russia's forces. Throughout 2023, Russia's forces launched constant attacks on civilians and civilian infrastructure. Russia's forces continued to conduct hostilities, including launching missile and drone strikes throughout Ukraine, hitting multifamily residences and critical infrastructure, including power, water, and heating facilities. The UN Office of the High Commissioner for Human Rights noted that widespread attacks by Russia's forces against critical infrastructure during the coldest months of the year caused the humanitarian situation to further deteriorate, leading to mass displacement of civilians.

Significant human rights abuses committed by Russia's forces in areas that were under Russian control involved severe and wide-ranging cases and included credible reports of: arbitrary or unlawful killings, including extrajudicial killings; enforced disappearance; torture and cruel, inhuman, or degrading treatment or punishment; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees, particularly during "filtration" operations involving interrogation, torture, forced separation of families, forced transfer, deportation, and wrongful adoption of Ukraine's children to Russian families; arbitrary or unlawful interference with privacy; punishment of family members for alleged offenses by a relative; serious abuses in a conflict, including reportedly widespread civilian deaths, enforced disappearances and abductions, torture, and physical abuses; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, censorship, and the existence of criminal libel; serious restrictions on internet freedom; substantial interference with freedom of peaceful assembly and freedom of association, including overly restrictive "laws" on the organization, funding, or operation of nongovernmental organizations and civil society organizations; severe restrictions of religious freedom; restrictions on freedom of movement; inability of citizens in Russia-occupied territories to be governed by a government of their choosing via free and fair elections; serious and unreasonable restrictions on political participation; serious

corruption; serious restrictions on or harassment of domestic and international human rights organizations; extensive gender-based violence including rape; crimes involving violence or threats of violence targeting members of national/racial/ethnic minority groups, or members of Indigenous groups, including Crimean Tatars and ethnic Ukrainians; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transexual, queer, intersex, or other sexual minority persons; and the existence of the worst forms of child labor. (See Russia-occupied areas section for abuses committed by Russian military, security, and proxy forces in those territories Russia occupied at year's end.)

There were also significant human rights issues involving Ukrainian government officials, although not comparable to the scope of Russia's abuses, which included credible reports of: enforced disappearance; torture and cruel, inhuman, or degrading treatment or punishment; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; restrictions on freedom of expression, including for members of the media, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, and censorship; serious restrictions on internet freedom; substantial interference with the freedoms of peaceful assembly and association; restrictions on freedom of movement; serious government corruption; extensive gender-based violence; systematic restrictions on workers' freedom of association; and the existence of the worst forms of

child labor. Some of these human rights issues stemmed from martial law, which continued to curtail democratic freedoms, including freedom of movement, freedom of the press, freedom of peaceful assembly, and legal protections.

The government often did not take adequate steps to identify and punish officials who may have committed abuses.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports indicating the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

A State Bureau of Investigation (SBI) investigation continued at year's end into the March 2022 death of Denys Kireyev, a member of a delegation that conducted early negotiations with Russia. The Security Service of Ukraine (SBU) allegedly killed Kireyev after obtaining a recording of Kireyev allegedly implicating himself in treason. Senior government sources disputed any claims of treason by Kireyev. According to the Organization for Security and Cooperation in Europe (OSCE), the circumstances of Kireyev's death remained unclear.

The investigation of the 2021 death of exiled Belarusian human rights activist Vitaly Shyshou (often reported as Vitaly Shishov) continued at year's end, with no substantial updates. Shyshou disappeared in 2021 after leaving his Kyiv home, and his body was found hanged from a tree the following day. He had been in Kyiv since the fall of 2020 and helped found Belarus House, a nongovernmental organization (NGO) that assisted Belarusians fleeing the regime of Alyaksandr Lukashenka. Belarus House representatives stated they believed Shyshou's death was an act of transnational repression by the Belarusian State Security Committee in line with the Lukashenka regime's crackdown and repression against civil society activists.

Law enforcement agencies continued to investigate killings and other crimes committed during the Revolution of Dignity protests in Kyiv in 2013-14.

There were extensive civilian casualties in connection with Russia's full-scale invasion of Ukraine.

## **b. Disappearance**

The UN Office of the High Commissioner for Human Rights (OHCHR) documented 75 cases of arbitrary detention of civilians by law enforcement or armed forces, some of which the report stated amounted to enforced disappearance.

Russia's invasion of Ukraine spurred significant numbers of missing persons

since 2014. According to the Ministry of Internal Affairs, approximately 26,000 individuals were missing as of October. As of June, law enforcement officials launched more than 3,300 criminal proceedings as well as a national registry on missing persons.

In connection with abuses committed by security officials against protesters during the 2013-14 Revolution of Dignity, 32 persons were notified of suspicion and 30 indictments against 60 persons were sent to the courts during the year.

On April 3, a district Court in Kyiv found Oleksandr Medvid guilty of kidnapping Revolution of Dignity activists Yuriy Verbytskyy and Ihor Lutsenko. The court sentenced him to five years of imprisonment. Medvid was released from punishment due to the expiration of the statute of limitations.

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

Although the constitution and law prohibited torture and other cruel and unusual punishment, there were reports law enforcement authorities engaged in such abuse. There were reports law enforcement and military officials abused and, at times, tortured persons in custody to obtain confessions, usually related to alleged collaboration with Russia.

In August, the SBI detained two police officers in Cherkasy Oblast who illegally arrested a local resident. The police officers reportedly engaged in cruel and degrading punishment to extract a confession, including beating and firing several shots near the victim. The suspects were charged with exceeding their official authority and faced up to eight years in prison.

On July 28, a city court arrested Serhiy Lutsyuk, the chief military commissar of Rivne Oblast. Together with the head of the district military enlistment office, he allegedly beat another military officer with a bat and forced him to “beg for forgiveness” on his knees. The official was charged with exceeding authority under martial law.

## **Prison and Detention Center Conditions**

Prison and detention center conditions remained poor 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 lack of adequate light were persistent problems.

Inmates reported authorities and so-called assistants from the inmate population used cruel and degrading treatment, as well as physical and sexual violence.

While officials generally allowed prisoners, except those in disciplinary cells, to receive visitors, prisoner rights groups noted some families had to pay bribes to obtain permission for visits to which they were entitled by law.

**Abusive Physical Conditions:** Approximately 11 penal institutions and 3,000 inmates remained in areas of active conflict between Russian and Ukrainian forces. According to the Ministry of Justice, the government evacuated approximately 4,000 inmates to facilities located in the regions away from the war zone. Overcrowding remained a problem in some pretrial detention facilities.

Monitors from the Ombudsperson's Office, the National Preventive Mechanism, and the Kharkiv Human Rights Protection Group (KHPG) reported poor conditions in the Kharkiv remand prison, the Dykanivska correctional colony, and the Temnivska correctional facility during August visits. The facilities were crowded and lacked adequate lighting, walls were damp and covered with mold, and frayed and exposed electrical wires posed a danger to the life and health of detainees.

Physical abuse by guards was a problem. KHPG monitors received reports from an inmate serving in the Kharkiv Correctional Colony (No. 43) of torture by electric current, mistreatment, and humiliation perpetrated by the prison administration.

In September, inmate Mykyta Mezentsev died in Lukyanivske remand facility in Kyiv from late-stage cancer, despite numerous appeals for specialized medical treatment for her late-stage cancer and release.

The condition of prison facilities and places of unofficial detention in Russia-



occupied areas were harsh and life threatening.

**Administration:** Although prisoners and detainees could file complaints with the Ombudsperson's Office, human rights organizations reported prison officials censored or discouraged complaints and penalized and abused inmates who filed them. Human rights groups reported regulations did not always provide for confidentiality and authorities did not always conduct proper investigations. KHPG monitoring visits revealed that 18 institutions did not have any method for inmates to register complaints.

**Independent Monitoring:** The government generally permitted independent monitoring of prisons and detention centers by international and local human rights groups, including the European Committee for the Prevention of Torture, the Ombudsperson's Office, and the UN Human Rights Monitoring Mission in Ukraine (HRMMU).

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

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court, but the government did not always observe these requirements.

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

The law authorized detention for 72 hours before a judge was required to

authorize continued detention. In some cases, authorities detained persons for longer than three days without a warrant. A bail system existed. A court could, in lieu of detention, order house arrest, release on personal recognizance, release on the guarantee of a high official, or limit liberty (house arrest, travel ban) pending trial.

**Arbitrary Arrest:** The HRMMU's October update, covering February through July, documented that Ukrainian armed forces and law enforcement bodies committed six cases of arbitrary detention.

In Ukrainian government-controlled territory, the OHCHR continued to receive allegations the Security Service of Ukraine detained and abused individuals in both official and unofficial places of detention to obtain information and pressure suspects to confess or cooperate. The OHCHR reported 65 cases in which Ukrainian security forces allegedly held persons incommunicado in unofficial places of detention for periods lasting from several hours to four and a half months. This practice was reportedly used to coerce detainees to make incriminating statements. Of interviewed detainees, 57 percent described being subjected to torture or ill-treatment by Ukrainian security forces, predominantly in unofficial places of detention and sometimes in pretrial detention facilities. According to the OHCHR June report, a significant number of cases of arbitrary detention amounted to enforced disappearance. In such cases, law enforcement officers, mainly from the Security Service of Ukraine, detained civilians without court

authorization, held them incommunicado for several days, denied them access to counsel, and declined to disclose information to their relatives.

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

While the constitution provided for an independent judiciary, courts were inefficient and remained highly vulnerable to political pressure and corruption. Confidence in the judiciary remained low, except for the High Anti-Corruption Court.

Despite efforts to reform the judiciary and the Office of the Prosecutor General, systemic corruption among judges and prosecutors persisted. Civil society groups continued to report weak separation of powers between the executive and judicial branches of government.

Some judges and prosecutors reportedly took bribes in exchange for legal determinations. Russia's invasion slowed down judicial proceedings, while other factors, such as lengthy court proceedings, particularly in administrative courts, inadequate funding and staffing, and the inability of courts to enforce rulings impeded fair trial guarantees.

Outcomes of trials sometimes appeared predetermined by government or other interference. Court-monitoring groups criticized procedural violations in investigations and trials, including improper reliance on hearsay evidence and written witness testimony. Human rights NGOs attributed these alleged violations to possible biases of the judges and political pressure from senior

justice and law enforcement officials.

## **Trial Procedures**

The constitution and criminal code provided for the right to a fair and public trial. Human rights groups noted judges and defense lawyers' reliance on ineffective investigations and misuse of trial extensions sometimes caused undue trial delays. The National Bar Association criticized amendments to the criminal code enabled under martial law, claiming the changes compromised the objectivity of investigations and significantly weakened the due-process rights of defendants. The law presumed defendants were innocent, and they could not be legally compelled to testify or confess, although some pointed to high conviction rates as a reason to call into question the legal presumption of innocence.

The criminal code allowed investigations to be conducted in absentia, removing what human rights groups considered a key obstacle to investigating human rights abuses.

Authorities generally failed to effectively investigate and prosecute perpetrators for interfering in investigations and manipulating court proceedings. Court monitoring groups reported judges sometimes admitted hearsay as evidence and allowed witnesses to submit testimony in writing rather than appear in person, although the criminal code had a provision to admit hearsay if a witness was absent from the country or medically unable

to testify.

Trials were open to the public, but some judges prohibited media from observing proceedings. While procedures required trials to start no later than three weeks after charges were filed, prosecutors seldom met this requirement, at least in part due to case backlogs. Human rights groups reported officials occasionally monitored meetings between defense attorneys and their clients.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees in the government-controlled area of Ukraine.

### **f. Transnational Repression**

Not applicable.

### **g. Property Seizure and Restitution**

The country endorsed the 2009 Terezin Declaration on Holocaust Era Assets and Related Issues but had not passed any laws dealing with the restitution of private or communal property, although the latter was partly resolved through regulations and decrees. Over the last decade, the most successful cases of restitution took place because of tacit and behind-the-scenes lobbying on behalf of Jewish groups.

For information regarding Holocaust-era property restitution and related issues, please see the Department of State's *Justice for Uncompensated Survivors Today (JUST) Act* report to Congress, released in 2020, at <https://www.state.gov/reports/just-act-report-to-congress/>.

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

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

By law, the Security Service could not conduct surveillance or searches without a court-issued warrant. The Security Service and law enforcement agencies, however, sometimes conducted searches without a proper warrant, which human rights groups partially attributed to the Security Service's wide mandate to conduct both law enforcement and counterintelligence tasks. In an emergency, authorities could initiate a search without prior court approval, but they had to seek court approval immediately after the investigation began. Many citizens were not aware of their rights or that authorities had violated their privacy.

Law enforcement bodies monitored the internet, at times without appropriate legal authority, and took significant steps to block access to websites based on "national security concerns."

## **i. Conflict-related Abuses**

Russia's full-scale invasion of Ukraine in 2022 significantly raised the level of violence and scope of abuses throughout the country. Russia's forces and its proxy forces methodically obstructed, harassed, and intimidated international monitors, denying them access to systematically record abuses. International organizations and NGOs, including Amnesty International, Human Rights Watch, the OSCE, and the OHCHR, issued periodic reports documenting abuses committed by Russia and Ukraine during the war. (See the Russia-occupied areas section for abuses by Russia and Russia's proxy forces committed in occupied areas.)

Since the beginning of the full-scale invasion, the Office of the Prosecutor General recorded nearly 100,000 instances of war crimes committed by Russia's forces. Russia's full-scale invasion significantly increased the number of internally displaced persons (IDPs). As of October, there were more than five million IDPs, according to the International Organization for Migration (IOM), and more than six million refugees from Ukraine outside the country, according to the UN High Commissioner for Refugees (UNHCR).

The HRMMU noted hostilities continued to affect the lives of civilians throughout the country, but particularly those residing in or near the Russia-occupied areas. Regular exchanges of fire across the line of contact exposed those residents to the constant threat of death or injury, while property and

critical infrastructure continued to be destroyed or damaged in the fighting.

On September 4, the United Nation's Independent Commission of Inquiry (COI) on Ukraine concluded Russia's forces committed an array of war crimes and violations of human rights and international humanitarian law based on its investigations of events in Kyiv and Cherkasy Oblast in August.

The COI documented violations that included willful killings, unlawful confinement, torture, rape and other sexual violence, unlawful transfers and deportations of protected persons and children. Many of those violations qualified as war crimes, and the COI report also determined some could amount to crimes against humanity, such as the use of torture and attacks on the civilian infrastructure.

**Killings:** As of September, the OHCHR recorded 27,149 civilian casualties, following Russia's full-scale invasion: 9,614 killed and 17,535 injured. Of those killed, 4,262 were in Donetsk and Luhansk Oblasts (see Russian-Occupied Areas section). The OHCHR estimated the actual figures were considerably higher but continued fighting constrained its documentation efforts. The OHCHR assessed most of these casualties were due to explosive weapons with wide-area effects, including heavy artillery, multiple-launch rocket systems, missiles, and air strikes.

Russia's armed forces routinely bombarded civilian areas, leading to the deaths of hundreds of civilians. For example, some of the heaviest



casualties were reported during Russia's battle for Bakhmut. According to the OHCHR, most of the victims were either summarily executed or shot while leaving their homes to gather supplies or seek safety.

On October 5, a missile struck a cafe in the small village of Hroza, Kharkiv Oblast, killing 59 persons attending a funeral reception.

On June 17, volunteers Svitlana Klimenko and Yuriy Holovin were killed in the village of Huryiv Kozachok, Kharkiv Oblast. The Russian military struck their civilian vehicle with an antitank missile system.

**Abductions:** National police registered more than 26,000 missing persons reports (11,000 civilians; 15,000 service members) since Russia launched its full-scale invasion.

**Physical Abuse, Punishment, and Torture:** There were reports Ukrainian forces and Russia's forces abused civilians and captured fighters, with the vast majority of abuses perpetrated by the Russian side. Observers noted the active hostilities and insecurity in conflict-affected territories compounded the situation and made it difficult to document abuses.

The International Committee of the Red Cross (ICRC) visited hundreds of prisoners of war in Russia and in Ukraine, although Russia severely limited observers' access to detention sites, making monitoring and tracking Ukrainian prisoners of war (POWs) and detained Ukrainian civilians extremely difficult. ICRC, and continued to demand access to all prisoners of

war and civilian detainees. As of October 31, the OHCHR documented summary executions and attacks on individual civilians by Russia's armed forces in more than 100 villages and towns of the Kyiv, Chernihiv, and Sumy Oblasts, all of which were in locations not linked to active fighting. In a March report, the OHCHR documented the summary executions of 14 Ukrainian POWs shortly after their capture by members of the Russian armed forces or Wagner Group fighters. In July, it also documented executions of 77 civilian detainees by Russia's forces.

Ukrainian authorities continued to exhume mass graves of those killed by Russia's forces in liberated areas. For example, authorities uncovered bodies of additional victims in the Lymanska, Sviatohirska, Donetsk, Bohorodychne, and Lyman communities. Donetsk police recorded 385 exhumed bodies in areas liberated by Ukraine's forces, of which 309 were civilians, as of October.

OHCHR monitors also expressed concern regarding recurring human rights and international humanitarian law violations by Ukrainian authorities in trials involving members of Russia's armed forces and affiliated armed groups. The OHCHR documented 33 cases of unjust detention, disappearance, torture, and mistreatment of defendants and suspects in order to compel them to testify; procedural violations for house searches or arrests; and lack of access to legal counsel during the initial period of detention and interrogation.

According to the HRMMU, the lack of effective investigation into previously documented cases of torture and other physical abuse by Ukrainian officials against those charged with treason was a concern.

**Other Conflict-related Abuse:** Russia's forces routinely struck critical infrastructure, including energy, schools, hospitals, and residential facilities. During mass attacks on March 22, Russia's drones struck college facilities in Rzhyschiv, Kyiv Oblast, killing nine persons, including students, and injuring seven. Russia's forces struck two apartment buildings in Zaporizhzhia, killing one and injuring 34.

On July 11-31, Russian armed forces launched numerous missiles and loitering munitions attacks targeting the city of Odesa and the surrounding oblast. In addition to killing four civilians and wounding 43, the strikes also damaged grain terminals, warehouses, port infrastructure, industrial equipment, and administrative buildings and caused substantial disruption to global food supply lines. Heavy shelling from Russia's forces damaged the historic center of Odesa, a UNESCO World Heritage site. Strikes by Russia's forces subsequently severely damaged the culturally significant Transfiguration Cathedral.

In one of the largest air attacks since the start of the full-scale invasion, on December 29, Russia launched 158 combined drones and missiles against Ukraine, including 36 Shahed attack UAVs and 122 missiles of mixed types. Civil-military authorities reported damage to residential buildings, private

homes, medical facilities, factories, schools, and other key pieces of infrastructure. The Ministry of Interior separately reported damage to ammunition, tank, and aviation factories.

There were allegations that Russia's forces used Ukrainian civilians as human shields, particularly in Zaporizhzhia and Kherson Oblasts, by stationing military units within civilian residential buildings.

Numerous international organizations, NGOs, and Ukrainian government agencies reported on Russia's systematic forcible transfer and deportation of Ukraine's children. (See Russia-occupied Areas, below, for details.)

The Ministry of Reintegration stated Russia and Russia-led proxy forces refused to return the children to their parents when Ukrainian forces liberated formerly Russia-controlled territories. Russia did not allow sufficient access to international observers or organizations to locate or return children; if children were located, their relatives had to undertake costly and dangerous trips to Russia and endure harassment and interrogation by security forces to retrieve their children. As of December, the Ombudsperson's Office reported only 387 deported children had returned from Russia.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the**

## Press and Other Media

The constitution and law provided for freedom of expression, including for the press and other media, but authorities did not always respect these rights. President Zelenskyy signed a decree imposing martial law in February 2022 following Russia's full-scale invasion of Ukraine, which permitted further restrictions on the media and media freedoms. For example, the national TV Marathon – a rotating platform of channels that take the government line on war reporting – enabled an unprecedented level of control over primetime television news. Moreover, some media outlets reported being removed from lucrative terrestrial broadcasting contracts and pressure from the Office of the President as early as the spring of 2022.

The government banned, blocked, or sanctioned media outlets and individual journalists deemed a threat to national security or who expressed positions authorities believed undermined the country's sovereignty and territorial integrity. Some speakers who were critical of the government were also blacklisted from government-directed news programming. Investigative journalists critical of the government were sometimes targeted by negative social media campaigns, sometimes via government-friendly channels. Other practices continued to affect media freedom, including self-censorship.

**Freedom of Expression:** With few exceptions, individuals in areas under

Ukrainian government control could generally criticize the government publicly and privately and discuss matters of public interest without fear of official reprisal.

The law criminalized the display of communist and Nazi symbols as well as the manufacture or promotion of the St. George's ribbon, a symbol associated with Russia's forces and Russian irredentism. On May 1, a court in Myrhorod, Poltava Oblast, fined a woman who was selling items with communist symbols. She was found guilty of manufacturing and distributing communist and Nazi symbols and propaganda of communist and national socialist (Nazi) totalitarian regimes.

The law prohibited statements that threatened the country's territorial integrity, promoted war, instigated racial or religious conflict, or supported Russia's aggression against the country, and the government prosecuted individuals under these laws.

**Violence and Harassment:** Authorities sometimes initiated and condoned harassment of journalists. For instance, on March 5, blogger and Pervomaysk City Telegram channel administrator Dmytro Ivanytskyy reported he received threats of violence from the mayor of Pervomaysk, Mykolayiv Oblast. According to Ivanytskyy, the conflict between him and the mayor occurred after he published information on a city council decision to increase the mayor's salary. This information, which was also reported by other media outlets, caused a public outcry. The mayor apologized, claiming

his words were taken out of context. Police did not investigate Ivanytskyy's allegations.

Government officials at times refused accreditation or access to front-line areas to journalists, citing national security concerns. For example, in June, authorities refused to extend accreditation to cover the war in Ukraine for photojournalist Anton Skyba, working for the Canadian newspaper *The Globe and Mail*. The Security Service of Ukraine demanded Skyba pass a lie detector test, accusing him of having a Russian passport and doubting his work reflected the “national interests” of the country. When the issue became public, however, his accreditation to cover the war in Ukraine was extended.

There were reports of government officials threatening to attack journalists. For example, during a March 29 meeting of the Poltava city council, two local officials threatened local journalist Anastasiya Matsko with physical violence. Local police investigated the incident, and the local officials received a notice of suspicion for the threat against the journalist.

There were reports of attacks on journalists who reported on corruption. For example, on July 12, unknown men beat up Volodymyr Sedov, editor in chief of the newspaper *Visti Ananyivshchyny* in the city of Ananyiv, Odesa Oblast. The victim connected this attack with his professional activities, which included reporting on local government corrupt practices. Prior to the attack, the journalist received numerous threats. Local police launched

a criminal investigation.

There were allegations the government threatened to prosecute journalists in retaliation for their work. Additionally, some journalists reported being threatened by security officials with military conscription in retaliation for reporting critical of the administration. Some outlets reported security services placed their employees under surveillance. An investigation was underway, for example, into Security Service of Ukraine surveillance of independent investigative media outlet *Bihus.info*. The *Kyiv Independent* likewise reported its employees were under surveillance by security forces.

### **Censorship or Content Restrictions for Members of the Press and Other**

**Media, Including Online Media:** The NGO Freedom House rated the country's press as "partly free." Independent media and internet news sites were active and expressed a wide range of views, but the government took some actions to restrict media and freedom of expression, reportedly to counter Russian disinformation and address other wartime security concerns. Many journalists and media groups reported increased self-censorship as a result, particularly since the start of the full-scale invasion.

Broadcast media consolidated around government-led programming since the start of Russia's full-scale invasion. In 2022, six television stations (1+1, Ukraina 24, Inter, ICTV, public broadcaster National Public Broadcasting Company, and a government outlet, Rada) started producing around-the-clock coverage in Ukrainian to convey to the public a unified wartime



message. Each of the six stations producing content had several hours to fill daily; the outlets produced their own content but coordinated with one another to avoid programming the same commentators.

Media watchdogs expressed concerns the single television broadcast could eventually facilitate government control over broadcasting. They reported there was mutual agreement to limit which politicians appeared on air and to feature some commentators and public figures less actively. Television stations considered to be affiliated with opposition parties, including Channel 5, Pryamyy, and Espresso, did not participate in the unified broadcast, although the three channels voluntarily presented the 24-hour programming by the other channels at times. If a channel refused to reduce its own programming to less than 12 hours to accommodate the livestream, officials retaliated by removing the network from national digital terrestrial frequencies. In June 2022, Pryamyy and Channel 5 filed a lawsuit against the Broadcasting, Radiotelecommunications, and Television Concern and the State Service of Special Communication and Information Protection of Ukraine. As of year's end, the three channels were operating on a pay-for-view basis on the internet.

The largest and most successful privately owned media were owned by oligarchs, especially television stations.

Media professionals asserted they were denied access to government proceedings by state officials following reporting on sensitive issues. For

example, in June, staff of the Odesa Oblast council did not allow journalists Oleksandr Himanov and Vitaliy Prus from the local media platform Dumska to attend a council session. The editors regarded this as a gross violation of the right to information and freedom of expression and connected it with their critical publications exposing corruption by the head of the council and local officials.

There were instances in which the government practiced censorship, restricted content, and penalized individuals and media outlets for reportedly criticizing measures taken by authorities or expressing pro-Russia views, through imposing financial sanctions, banning websites, and blocking television channels.

Throughout the conflict, both independent and state-owned media periodically engaged in self-censorship when reporting stories that might be deemed insufficiently patriotic by the public or used by Russia for propaganda purposes.

**Libel/Slander Laws:** Libel was a civil offense. While the law limited the monetary damages a plaintiff could claim in a lawsuit, local media observers expressed concern regarding high monetary damages awarded for libel. Government offices and public figures used the threat of civil suits, sometimes based on alleged damage to a person's "honor and integrity," to influence or intimidate the press. On August 31, the Ministry of Defense filed a lawsuit against journalists who exposed an alleged corruption scheme

in procurement. The ministry demanded they refute “false information about the alleged purchase of food for the military at inflated prices.”

**National Security:** In the context of Russia’s full-scale invasion and concurrent increase in disinformation campaigns and cyberattacks, authorities took measures to prohibit, regulate, and occasionally censor information alleged to be a national security threat, particularly content emanating from Russia and promoting pro-Russia lines or disinformation. Authorities also sanctioned media figures and outlets, as well as banned websites, and prevented media outlets and websites whose messages were deemed to be counter to national security interests from advertising on Facebook, YouTube, and other social media platforms.

Some media freedom groups claimed the government used national security as a pretext to silence outlets for being critical of its activities. For example, Zaporizhzhia municipal authorities refused to provide journalists from the Center of Investigation with information on road maintenance works carried out in July and August that allegedly cost seven million Ukraine hryvnia (UAH) (\$188,000), citing national security reasons.

**Nongovernmental Impact:** There were reports nongovernment actors attacked journalists. On March 30, a metropolitan bishop of the Ukrainian Orthodox Church assaulted Espresso TV reporter Valeriya Pashko during an interview with journalists in the Kyiv Pechersk Monastery, shoving her and attempting to knock the microphone from her hands. Hearings continued at

year's end against well-known businessman Oleksandr Petrovskyy and members of his security detail, who attacked and threatened *Ukrainska Pravda* journalists in Dnipro in February 2022.

## Internet Freedom

The government censored online content, mostly under the guise of wartime national security. Law enforcement bodies monitored the internet, at times without appropriate legal authority, and took significant steps to block access to websites reportedly based on security concerns.

Ukrainian internet providers continued to block websites in accordance with government orders from prior years based on national security concerns. As of late December, 1,152 sites were blocked in the country on such grounds.

The *Myrotvorets* website, which reportedly maintained close ties to the security services, hosted a database of personal information of journalists and public figures whose statements and activities had been deemed unpatriotic.

Freedom House noted in its annual *Freedom on the Net* report in October the continued detrimental impact of Russia's full-scale invasion on internet freedom in Ukraine. Freedom House cited the damage to Ukraine's internet infrastructure from Russia's attacks, Russia's attempts to reroute internet traffic in occupied territories through Russia's networks in order to block websites, and Russia's cyberattacks targeting critical infrastructure in

Ukraine among the challenges to Ukraine's internet freedom.

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

The constitution provided for the freedoms of peaceful assembly and association, and the government generally respected these rights. Martial law restricted movement, peaceful assembly, and media and introduced curfews. In war time, the country derogated from a number of its international human rights law obligations, including those relating to peaceful assembly.

### **Freedom of Peaceful Assembly**

Mass gatherings were restricted due to the imposition of martial law. Even prior to the introduction of martial law in 2022, authorities had wide discretion under a Soviet-era directive to grant or refuse permission for assemblies on grounds of protecting public order and safety. Organizers were required to inform authorities in advance of demonstrations.

### **Freedom of Association**

Attacks against civil society were prevalent and often were not sufficiently investigated. International and domestic human rights NGOs were concerned regarding the lack of accountability for these attacks, which they believed created a climate of impunity. Human Rights NGOs documented 22 cases of violence against civil society representatives in the first nine months

of the year, but comprehensive data were unavailable, as many NGOs shifted to documenting conflict-related abuses once the war began.

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

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The constitution and civil code provided citizens with rights to freedom of internal movement, foreign travel, emigration, and repatriation. The government, however, restricted these rights, particularly in the eastern part of the country near the zone of conflict. Under martial law, men ages 18 to 60 were prohibited from leaving the country.

**In-country Movement:** The government and Russia's forces strictly controlled movement between government-controlled areas and Russia-occupied areas. Crossing the line of contact was arduous, with Russia's forces at times reportedly indiscriminately firing on civilian vehicles.

### **e. Protection of Refugees**

The government cooperated with UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees,

returning refugees, or asylum seekers, as well as 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. Of the preinvasion asylum-seeker and refugee population, 75 percent remained in the country, often because they did not have sufficient documentation to leave and were at particular risk among the larger population of IDPs, according to an April UNHCR report.

**Access to Asylum:** Protection for refugees and asylum seekers was insufficient, due to gaps in the law and the system of implementation.

The State Migration Service (SMS) stopped accepting and processing asylum applications following Russia's full-scale invasion though they restarted some SMS activities in March in locations away from hostilities.

Humanitarian organizations expressed concern this limited access to asylum for vulnerable Belarusians and citizens of Russia, who faced barriers to renewing residency in Ukraine and risked deportation.

Human rights groups asserted the refugee law fell short of international standards due to its restrictive implementation of the refugee determination procedure. The law permitted authorities to reject many asylum applications without a thorough case assessment. In other instances, government officials reportedly 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 had five days to appeal an order of detention or deportation; some asylum applications were rejected without written notice, depriving asylum seekers of the right to appeal.

A lack of access to qualified interpreters also hampered the full range of asylum procedures. International observers noted that while the government allocated sufficient funding for interpretation, there was a shortage of interpreters trained in some of the languages required by asylum seekers.

**Refoulement:** There were reports the government deported individuals to a country where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group, or political opinion. Some human rights experts expressed concern that vulnerable citizens of Russia and Belarus were at risk of refoulement due to the cancellation of residence permits and inability to file for asylum.

**Abuse of Refugees and Asylum Seekers:** Authorities frequently detained asylum seekers for extended periods, including in locations near armed conflict. Some asylum seekers reported being fined when they contacted SMS to apply for asylum.



**Access to Basic Services:** The government had a national plan on the integration of refugees but did not allocate resources for its implementation. In practice, recognized refugees faced difficulty accessing social services and medical care, relying instead on UNHCR and NGO support.

Temporary accommodation centers had a reception capacity of 320 persons and most rented apartments. Asylum seekers living outside an official temporary accommodation center often experienced difficulties obtaining residence registration, and authorities regularly levied substantial fines. According to SMS, refugees could receive residence registration at homeless shelters for up to six months.

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. Some children without access to state-run children's shelters had to rely on informal networks for food, shelter, and other needs and were vulnerable to abuse, trafficking, and other forms of exploitation.

**Temporary Protection:** The government provided complementary protection to individuals who might not qualify as refugees. As of September, authorities had provided complementary protection to 29 persons.

## **f. Status and Treatment of Internally Displaced Persons**

## (IDPs)

According to the IOM, as of September more than five million persons were displaced within the country. The United Nations welcomed the government's commitment to evacuating individuals from war-affected to safer areas where they had access to essential services.

According to the HRMMU, IDPs were largely economically and socially marginalized because of a lack of a national integration strategy or sufficient resources. The IOM reported the influx of individuals and families from different regions created a displacement crisis across the country. This influx put increased strain on public services, goods, housing, and the labor market, as well as on the distribution of humanitarian aid and social protection systems, increasing the potential of tensions between various population groups.

NGOs reported employment discrimination against IDPs. IDPs had difficulty obtaining medical care and necessary documents. According to the law, the government was required to provide IDPs with housing, but authorities did not take effective steps to do so.

Romani activists expressed concern that some Roma could not afford to flee conflict areas, while others had no choice but to leave their homes. An Oxfam Research Report published in September stated lack of identity documents and continued discrimination affected Roma access to

humanitarian assistance and public services both as IDPs and as refugees seeking safety outside the country.

## **g. Stateless Persons**

In 2021, UNHCR estimated there were more than 35,000 stateless persons and persons with undetermined nationality in the country. Persons who were either stateless, at risk of statelessness, or with undetermined nationality included Roma, unhoused persons, present and former prisoners, as well as nationals of the former USSR who resided in Ukraine in 1991 but never obtained an endorsement in their Soviet passport indicating they were citizens of Ukraine.

The law required those without a passport endorsement to establish their identity through a court procedure proving their residence in Ukraine in 1991, which could be costly and cumbersome, thereby discouraging some applicants. UNHCR reported Roma were at particular risk for statelessness since many did not have birth certificates or any other type of documentation to verify their identity. Unhoused persons had difficulty obtaining citizenship because of a requirement to produce a document testifying to one's residence.

The law allowed stateless persons to stay in the country and obtain a residence permit and stateless identity card, which facilitated foreign travel. The law also allocated free legal aid for applicants for the statelessness

determination.

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

The constitution and law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

**Abuses or Irregularities in Recent Elections:** The country last held parliamentary elections in 2019, which were widely reported to be fair and mostly free of abuses and irregularities. The country last held a presidential election in two rounds in 2019. The joint international election observation mission reported candidates could campaign freely, although numerous and credible indications of misuse of state resources and vote buying undermined the credibility of the process.

The constitution prohibited parliamentary elections during martial law and legislation similarly prohibited presidential and municipal elections.

According to the constitution, the president and parliamentarians retained their powers until the lifting of martial law. Parliamentary elections scheduled for October 26 were postponed due to Russia's full-scale invasion and the resulting declaration of martial law. Civil society widely supported

the postponement of elections while under martial law.

**Political Parties and Political Participation:** The law permitted the government to ban political parties for persistent collaboration with the Russian Federation.

**Participation of Women and Members of Marginalized or Vulnerable**

**Groups:** According to ODIHR, citizens found by a court to be incapacitated “on the basis of intellectual or psychosocial disability” were ineligible to vote. The Central Election Commission estimated this restriction affected 36,000 voters.

## **Section 4. Corruption in Government**

The law provided criminal penalties for corruption and established multiple nominally independent monitoring organizations, but authorities did not always effectively implement the law, and many officials engaged in corrupt practices with impunity. Anti-corruption institutions’ heavy workload and mobilization of key staff hampered their capacity to investigate and prosecute corruption cases.

Russia’s full-scale invasion led to significant new government expenditures, which provided opportunities for exploitation by corrupt actors. Certain institutions did not complete intended anti-corruption reforms. Actors who benefited from corrupt systems sought to use their influence to undermine

reform efforts.

**Corruption:** Throughout the year, the government adopted several pieces of legislation aimed at strengthening anti-corruption institutions.

The Specialized Anti-Corruption Prosecutor's Office (SAPO) hired seven new prosecutors to fill critical staffing vacancies and created seven new prosecutor positions in August to accommodate for their increased workload created by mobilization-related staffing vacancies.

The National Anti-Corruption Bureau (NABU) appointed a new director and launched 450 investigations that resulted in 41 indictments. Accused individuals included members of parliament, public officials, heads of state-owned enterprises, and seven judges. The Prosecutor General's Office stated seven judges were convicted during the first nine months of the year for soliciting bribes and received sentences of three to seven years in prison. NABU and SAPO conducted investigations and prosecutions despite the wartime context and hurdles. Investigations were sometimes hampered by NABU's lack of authority to perform wiretapping and forensic services, which necessitated outsourcing to unreformed law enforcement bodies. Moreover, unreformed law enforcement institutions sometimes challenged or encroached upon NABU's jurisdiction in high-profile corruption investigations.

Civil society and media noted corruption remained common at all levels in

the executive, legislative, and judicial branches, influencing judicial and law enforcement institutions, the management of state property and state companies, and state regulation.

Antireform elites and oligarchs continued to pressure anti-corruption bodies by using misinformation campaigns and political maneuvering to undermine public trust as well as stall progress on reforms. Human rights groups called for increased transparency and discussion regarding proposed changes to these bodies, particularly respecting procedures for appointments to leadership positions.

The government appointed a new supervisory board with open and transparent competition for Naftogaz, the country's largest state-owned oil and gas company. The government eliminated the District Administrative Court of Kyiv due to corruption concerns, banned several pro-Russian political parties, and seized a number of strategic enterprises such as Ukrnafta (an oil and natural gas extracting company), Rusal (an aluminum production company), and Tytan Ukraina (a titanium production company), among others.

NABU exposed the head of the State Judicial Administration, Oleksiy Salnikov, for arranging illegal benefits for Supreme Court judges in exchange for a ruling in favor of a commercial enterprise. According to the investigation, on March 5, Salnikov received \$7,500 for his services. The investigation continued as of November.

Following legislation adopted by parliament in July 2022, the High Council of Justice (HCJ) relaunched the work of the High Qualification Commission of Judges after a delay of almost four years. These bodies respectively controlled the hiring of judges and oversaw judicial self-governance. The HCJ Ethics Council nominated qualified candidates to both bodies. As of November, however, four HCJ vacancies remained.

The government took increased action against official corruption, completing multiple high-level corruption investigations and making several arrests; nevertheless, media and civil society groups continued to report significant levels of official corruption.

On May 15, anti-corruption authorities detained Supreme Court Chairperson Vsevolod Knyazev for allegedly accepting a \$2.7 million bribe from billionaire former parliamentarian Kostyantyn Zhevago, who allegedly bribed Knyazev and other Supreme Court judges in exchange for a decision in his favor. As of October, Knyazev remained in pretrial detention.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

## **Section 5. Governmental Posture Towards**

### **International and Nongovernmental Monitoring and**



## Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were generally cooperative and responsive to the views of these groups.

**Government Human Rights Bodies:** The constitution provided for a human rights ombudsperson, officially designated as the parliamentary commissioner on human rights. The Ombudsperson's Office cooperated closely with NGOs on projects to monitor human rights practices in various institutions, including detention facilities, orphanages, boarding schools for children, and geriatric institutions. The office advocated for political prisoners held by Russia, Crimean Tatars, Roma, IDPs, and persons with disabilities. The office was generally independent and effective.

## Section 6. Discrimination and Societal Abuses

### Women

**Rape and Domestic Violence:** The law prohibited domestic violence and rape of a person, regardless of gender, including spousal rape but did not include corrective rape. The penalty for rape was three to 15 years' imprisonment. Sexual assault and rape continued to be significant problems. The law prohibited domestic violence, which was punishable by

fines, restraining orders (from one day to six months), administrative arrest, and community service.

Human rights groups reported police often failed to effectively enforce these laws. Domestic violence against women remained a serious problem. In the first eight months of the year, police received more than 192,000 domestic violence complaints. Intimate partner violence was common. According to the Office of the Prosecutor General, approximately 4,580 cases of domestic violence were investigated during the first nine months of the year. Human rights groups noted the ability of agencies to detect and report cases of domestic violence was limited.

According to La Strada Ukraine, an NGO working on antitrafficking and domestic violence, Russia's invasion led to a surge in gender-based violence across the country. Human rights groups attributed the increase in violence to posttraumatic stress experienced by IDPs fleeing the conflict and by soldiers returning from combat.

IDPs reported numerous instances of rape and sexual abuse by Russia's forces; many said they fled areas controlled by Russia forces because they feared sexual abuse. Conflict-related sexual violence was rampant in Russia-occupied areas.

Proceedings continued at year's end in Solomyanskyy District Court in Kyiv in the case of Russian soldier Mikhail Romanov, accused of killing a man and

raping a woman in the village of Bohdanivka, Kyiv Oblast, in March 2022. The accused was being tried in absentia.

As of October, the government operated 54 shelters for survivors of domestic violence and 55 centers for social and psychological aid as well as 57 crisis rooms across the country for survivors of domestic violence and child abuse.

**Discrimination:** While the law provided for the same legal status and rights for women as for men, women experienced discrimination in employment. According to the Ministry of Economy, men earned on average 20 percent more than women. The Ministry of Health maintained a list of 50 occupations closed to women.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

According to the ombudsperson, many health workers either were internally displaced during the war or left for other countries, with the result being reduced or, in some locations, nonexistent reproductive and other essential health services. Russian attacks on medical facilities in Ukraine directly impacted access of the right to health care for women in need of perinatal care. Some telehealth services were offered, especially in war-affected areas, but those in need often lacked internet access. This disproportionately affected women in rural areas. Women with disabilities

and minorities often did not have access to medical care and in particular reproductive health care.

The government provided access to sexual and reproductive health services for survivors of sexual violence, and emergency contraception was available as part of the clinical management of rape. Postexposure prophylaxis was available at hospitals, but its availability was sometimes hampered by the war's strain on medical facilities. Human rights groups stated these services were sometimes unreliable and often did not reach Romani communities. Romani women sometimes faced barriers in managing their reproductive health, including segregation in maternity wards and other forms of discrimination.

According to UN Women, health-care providers sometimes refused to provide adequate reproductive health services for lesbian, gay, bisexual, transexual, queer, or intersex (LGBTQI+) women due to anti-LGBTQI+ sentiment or lack of expertise.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution prohibited any restriction of rights based on race, skin color, language, and other characteristics, while the law criminalized intentional acts provoking hatred and hostility based on nationality or race. The law also provided for designating racial or national as aggravating circumstances to criminal offenses. Laws protecting members of racial or

ethnic minorities from violence and discrimination were not effectively enforced. Human rights groups reported police often failed to properly apply these laws when investigating attacks on members of minority groups.

Mistreatment of members of minority groups and harassment of foreigners of non-Slavic appearance was a problem. Human rights organizations stated the requirement to prove actual intent, including proof of premeditation, to secure a conviction made it difficult to apply the laws against offenses motivated by racial or national hatred. Police and prosecutors continued to prosecute racially motivated crimes under laws against hooliganism or related offenses.

In September, parliament amended the Law on National Minorities, permitting national minorities to broadcast, advertise, and hold public events in their native languages in their communities of residence. In December, parliament adopted further amendments to national minority legislation, giving national minorities the right to study in secondary schools in their native language if it was an EU language; under the new law, classes on Ukrainian language, Ukrainian literature, the history of Ukraine, and the defense of Ukraine had to be taught in Ukrainian.

The most frequent reports of societal violence against national, racial, and ethnic minorities were against Roma. Human rights activists were concerned regarding the lack of accountability in cases of attacks on Roma and the government's failure to address societal violence and harassment

against them.

Roma continued to face governmental and societal discrimination and significant barriers accessing education, health care, social services, and employment. A May survey by the Romani women's foundation Chirikli, however, revealed that anti-Roma prejudice from local authorities, social services, medical and educational facilities had decreased since the start of the full-scale invasion.

## Indigenous Peoples

Crimean Tatars continued to experience serious governmental and societal violence and discrimination in Russia-occupied Crimea (see occupied areas subreport).

## Children

**Birth Registration:** Registration of children born in Crimea or other Russia-occupied areas was difficult. Authorities required hospital documents to register births. Russia's occupation authorities or Russia-led forces routinely withheld such documents, making it difficult for the child to obtain a Ukrainian birth certificate. In addition, Ukrainian authorities did not recognize documents issued by Russia's occupation authorities in Crimea or in territories controlled by Russia-led proxy forces. Persons living in Crimea and areas controlled by Russia had to present documents obtained in

Russia-occupied territory to Ukrainian courts to receive Ukrainian government-issued documents. The courts were obliged to make rulings in 24 hours; these decisions were then carried out by the registry office. Due to the lack of judges in local courts, Ukrainians living in regions under Russia's control faced serious difficulty in obtaining Ukrainian documents.

**Child Abuse:** The law criminalized child abuse, with penalties ranging from three years to life in prison. The law criminalized sexual relations between adults and persons younger than 16; violations were punishable by imprisonment of up to five years. The criminal code qualified sexual relations with a person younger than 14 as rape. Human rights groups noted authorities lacked the capability to detect violence against children and refer victims for assistance. Preventive services were underdeveloped. There were also instances of forced labor involving children.

Authorities did not take effective measures to protect children from abuse and violence and to prevent such problems. According to the law, parents were the legal representatives of their children, even if they perpetrated violence against them. There was no procedure for appointing a temporary legal representative for a child while parents were being investigated for alleged parental violence.

According to press reports, on May 1, a man stabbed his daughter to death and attempted to poison his son, age 12, in Obukhiv, Kyiv Oblast. Police detained the father. The investigation continued at year's end.

**Child, Early, and Forced Marriage:** The minimum age for marriage was 18.

A court could grant permission to a child as young as 16 to marry if it found marriage to be in the child's interest. Romani rights groups reported early marriages involving girls younger than 18 were common in the Romani community. The government enforced the law effectively.

**Sexual Exploitation of Children:** The law prohibited the commercial sexual exploitation of children, the sale of children, offering or procuring a child for commercial sex, and practices related to child pornography, and authorities enforced the law. The minimum prison sentence for rape of a child was eight years. Molesting a child younger than 16 was punishable by imprisonment for up to five years. The same offense committed against a child younger than 14 was punishable by imprisonment for five to eight years. The age of consent was 16.

According to the law, the deliberate use, production, sale, or distribution of child pornography was punishable by imprisonment for up to three years. Sexual exploitation of children remained significantly underreported. Commercial sexual exploitation of children was a serious problem. In February, a court in Ukrainka, Kyiv Oblast, sentenced a man to nine years in prison for producing pornographic content with children. He produced approximately 10,000 prohibited photographs and videos. The court established that the man abused 43 children.

Domestic and foreign law enforcement officials reported a significant



amount of child pornography on the internet originated in the country. The IOM reported children from socially disadvantaged families and those in state custody continued to be at high risk of commercial sexual exploitation, including sex trafficking and the production of pornography. For example, on March 29, police detained a woman and her partner on suspicion of molesting her daughter, age 12, in Zakarpattia. The investigation established the mother was involved in committing sexual crimes against the child. The mobile phone of one of the suspects contained pornographic videos with the participation of both adults and the child.

## **Antisemitism**

According to census data and international Jewish groups, the Jewish population was approximately 105,000, constituting approximately 0.25 percent of the total population. According to the Association of Jewish Organizations and Communities, there were approximately 300,000 persons of Jewish ancestry in the country, including President Zelenskyy.

The law defined the concept of antisemitism and established punishment for crimes motivated by antisemitism. The law also established punishment for making false or stereotypical statements regarding persons of Jewish origin, producing, or disseminating materials containing antisemitic statements or content, and denying the facts of the persecution and mass killing of Jews during the Holocaust. Antisemitism was also listed as a

punishable hate crime in the criminal code.

In September, a resident of Khrystynivka, Cherkasy Oblast, posted photographs and text on a social network insulting Jews and inciting racial hatred. Local police investigated the case and transferred the indictment to the Cherkassy court under charges of violation of the equality of citizens on racial, national, regional grounds, religious beliefs, disability, and on other grounds. The suspect faced up to three years of prison with deprivation of the right to hold certain offices or engage in certain activities for up to three years.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** The law did not criminalize same-sex sexual conduct between adults, cross-dressing, or other sexual or gender characteristic-related behavior. There were no reports of other facially neutral laws that were disproportionately applied to LGBTQI+ persons to justify arrest.

**Violence and Harassment:** Human Rights NGO Nash Svit reported the total number of cases of discrimination, hate crimes, and other violations of LGBTQI+ rights showed a downward trend during the year, as it had for several previous years.

On August 15, a man beat a transgender woman in the military in Lviv. Reportedly she was talking to her friend on a telephone when a man started abusing her verbally and then hit her in the nose. Police investigated the case under charges violating equality of citizens; a criminal case was opened in court in September.

Organizers of the international LGBTQI+ film festival Sunny Bunny, held June 22-28 in Kyiv, received numerous threats to set fire to the cinemas screening the festival program.

Nash Svit noted criminal proceedings for attacks against LGBTQI+ persons were rarely classified under criminal provisions pertaining to hate crimes, which carried heavier penalties. For instance, on May 28, a group of youths attacked Daniel Skrypnyk in Kyiv because of his sexual orientation. Police reportedly failed to respond to Skrypnyk's call and opened an investigation only after he filed a complaint. The two attackers were eventually arrested and charged with hooliganism.

**Discrimination:** The law prohibited discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex

characteristics. The labor code prohibited workplace discrimination based on sexual orientation or gender identity; however, discrimination was reportedly widespread in employment, housing, education, and other sectors for members of the LGBTQI+ community. Marriage equality was not recognized by law.

In May, parliament amended the Law on Advertising, prohibiting job advertisements from making demands on a number of grounds, including sexual orientation.

During Pride Month, the Ministry of Culture and the Ministry of Foreign Affairs displayed their logos on their social media pages in the rainbow colors as a sign of solidarity with LGBTQI+ persons.

A national poll published in December indicated an improvement in the public perception of LGBTQI+ persons, with 73 percent of respondents stating LGBTQI+ persons should be protected from discrimination, 46 percent supporting same-sex marriages, 10 percent undecided, and 36 percent opposed. The report indicated 59 percent of respondents supported civil partnership, 9 percent uncertain, and 25 percent opposed.

Nash Svit reported that the country's mass media, for the most part, very actively and positively covered the participation of openly LGBTQI+ persons in the war against Russia and the introduction of legislation for registered civil partnerships.

**Availability of Legal Gender Recognition:** Legal gender recognition was available in the country, although not by self-determination. Medical intervention was required under the law. Legal gender could be changed upon obtaining a medical certificate based on medical-biological and sociopsychological indications. Although the law permitted it, transgender persons often reported difficulties obtaining official documents reflecting their gender identity, resulting in discrimination in health care, education, and other areas.

**Involuntary or Coercive Medical or Psychological Practices:** The state did not conduct or ban involuntary or coercive medical or psychological practices on LGBTQI+ persons to change their sexual orientation or gender identity or expression. According to Freedom House’s 2020 survey on the nature and distribution of conversion therapy in the country, leaders of religious groups (89 percent) and family members (75 percent) were the main promoters of conversion therapy. According to the respondents, the main “doctors” were representatives of religious groups (84 percent), “traditional doctors” (57 percent), and private psychological and psychiatric clinics (45 percent). The survey noted “conversion therapy” was primarily aimed at LGBTQI+ adolescents younger than 18 (67 percent), and the main forms of “treatment” were religious rites (59 percent), prayer (54 percent), and a stay in a special institution (51 percent). Nonbinary persons also mentioned physical violence as a form of such “therapy” (60 percent). According to the survey, “conversion therapy” in the country was based on

the belief that homosexuality was a medical or psychological problem that could be “cured.”

There were no reports of surgeries performed on minors or nonconsenting adult intersex persons. The government or medical associations made efforts to limit these practices.

### **Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

Under martial law, authorities restricted public assemblies and gatherings; however, these did not specifically target LGBTQI+ matters, organizations, persons, or communities. According to a June Nash Svit report on conditions for LGBTQI+ persons, police improved protection of public events from violent far-right attacks but ineffectively investigated hate crimes. Prior to the Russian full-scale invasion that led to a ban on large, public gatherings for safety reasons, major LGBTQI+ events took place without significant incident.

## **Persons with Disabilities**

The law required employers to provide reasonable accommodations for employees with disabilities, but the government generally did not enforce the law. Persons with disabilities were often unable to access public venues, health services, information, communications, transportation, the judicial system, or opportunities for involvement in public, educational, cultural, and sporting activities on an equal basis with others.

Advocacy groups maintained that, despite the legal requirements, most public buildings remained inaccessible to persons with disabilities.

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

The law provided every child with a disability the right to study at mainstream secondary schools (which usually included primary, middle, and high school-level education) as well as for the creation of inclusive groups in preschool facilities, secondary and vocational schools, and colleges. The majority of students with disabilities attending school did so online due to the war.

Patients in psychiatric institutions remained at risk of abuse, and many psychiatric hospitals continued to use outdated and unsafe methods and treatments. On April 13, a monitoring group from the Ombudsperson's Office identified abuses at the Leshkivskyy psychoneurological facility, Lviv Oblast. Patients did not provide their written informed consent for treatment, and they had no evaluation by a medical advisory commission. Individuals were not allowed to have, use, or dispose of their own possessions and funds. The facility was overpopulated. Some residents had limited access to drinking water and fresh air due to inaccessibility.

Law enforcement agencies generally took appropriate measures to punish those responsible for violence against persons with disabilities.

## **Section 7. Worker Rights**

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

The constitution provided for freedom of association as a fundamental right and established the right to participate in independent trade unions. The law provided the right for most workers to form and join independent unions, to bargain collectively, and to conduct legal strikes.

On February 23, parliament adopted a Law on Collective Agreement. It modernized the collective bargaining procedures and allowed minority unions to join collective bargaining agreements. The law was to enter into force six months after the cancellation of martial law. The law, however, established low penalties for noncompliance with collective bargaining agreements by employers. The low penalties were insufficient to ensure employers complied with collective bargaining agreements, making it easier to pay a penalty than to launch negotiations. On July 14, parliament passed a law establishing additional administrative liability and increased fines for parties of collective agreements for ignoring or avoiding participation in collective negotiations. The law, which was to take effect after the



cancellation of martial law, stipulated the fine would not be imposed on social parties at enterprises with fewer than 25 workers. Unions had expressed the opinion that this threshold was too high and did not correspond with the threshold imposed by the Law on Collective Bargaining Agreements, which was 10 workers.

There were no laws or legal mechanisms to prevent antiunion discrimination, although the labor code required employers to provide justification for layoffs and firings, and union activity was not an acceptable justification. Legal recourse was available for reinstatement, back wages, and punitive damages, although observers described court enforcement as arbitrary and unpredictable, with damages too low to create incentives for compliance on the part of employers.

The law contained several limits to freedom of association and the right to collective bargaining. Worker organizations considered several laws excessively complex and contradictory. Two laws established the status of trade unions as legal entities only after state registration. Under another law, a trade union was considered a legal entity upon adoption of its statute. The inherent conflict between these laws created obstacles for workers seeking to form trade unions. Unions also reported significant bureaucratic hurdles in the registration process, including the payment of notary fees and requirements to visit as many as 10 different government offices.

Due to the war, information was not available regarding the effectiveness of

enforcement of laws providing for freedom of association and collective bargaining, including the frequency of when penalties were applied and whether penalties were commensurate with those under other laws involving denials of civil rights.

Worker organizations stated the legal procedure to initiate a strike was complex and significantly hindered strike action, artificially lowering the numbers of informal industrial actions. The legal process for industrial disputes required initial consultation, conciliation and mediation, and labor arbitration allowing involved parties to draw out the process for months. Workers could vote to strike only after completion of this process, a decision the courts could still block. The requirement that a large percentage of the workforce (two-thirds of general workers' meeting delegates or 50 percent of workers in an enterprise) had to vote in favor of a strike before it could be called further restricted the right to strike. The government could also deny workers the right to strike on national security grounds or to protect the health or "rights and liberties" of citizens. The law prohibited strikes by broad categories of workers, including personnel in the Office of the Prosecutor General, the judiciary, the armed forces, the security services, law enforcement agencies, the transportation sector, and the public-service sector.

Martial law restricted the constitutional rights and freedoms of citizens and specifically prohibited workers from public protest and strikes. In March

2022, the Law on Organizing Labor Relations under Martial Law came into effect, clarifying relevant restrictions on constitutional rights and freedoms. In accordance with this law, employers could unilaterally suspend certain provisions of the collective bargaining agreement.

In August 2022, President Zelenskyy signed a law limiting collective bargaining rights for workers for any employer with 250 or fewer employees while martial law remained in effect. The law empowered employers to negotiate almost all conditions of employment (including but not limited to wages, hours, leave, and conditions of work) through individual contracts with employees. The law also allowed employers to ignore terms of existing collective agreements in individual employment contracts. Ukrainian and European trade unions suggested it could “infringe upon international labor standards.” The law was passed with an amendment that it would only apply during martial law, and governing party members of parliament insisted the law was passed as a stop-gap wartime measure.

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

See the Department of State’s annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

## Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

### d. Discrimination (see section 6)

### e. Acceptable Conditions of Work

**Wage and Hour Laws:** The minimum wage was set simultaneously in monthly and hourly amounts. The minimum wage was a state social guarantee, mandatory throughout the country for enterprises of all forms of ownership and management and individuals who used the labor of employees, under any system of payment. The minimum wage was set at an amount not lower than the national poverty line.

The law provided that normal working hours of employees could not exceed 40 hours per week. During martial law, a normal workweek could be increased to 60 hours for critical workers in infrastructure. In August 2022, the president signed a law introducing private contracts between employers and employees and removing previously stringent restrictions on firing. It permitted all employers to hire up to 10 percent of their workforce on contracts with nonfixed work time, or “zero-hour” contracts, under which employees were required to be “on call” each day for work assigned but could be assigned as few as 32 hours per month.

**Occupational Safety and Health:** The law required employers to provide appropriate occupational safety and health (OSH) standards. Employers sometimes ignored these regulations due to the lack of enforcement or strict imposition of penalties. The law provided workers the right to remove themselves from dangerous working conditions without jeopardizing their continued employment. Employers in the metal and mining industries often violated the rule and retaliated against workers by pressuring them to quit.

Despite active fighting with Russia's forces, especially in the Ukrainian government-controlled industrial areas of eastern and southern regions of the country, enterprises involved in mining, energy, media, retail, clay production, and transportation continued to operate, although at reduced outputs due to continued Russian attacks. The armed conflict resulted in extensive damage to mines and plants, the loss of electricity, destroyed transformers, physical damage from shelling, and alleged intentional flooding of mines by combined Russia-led forces. Miners were especially vulnerable, as losses of electrical power could strand them underground. The loss of electrical power also threatened the operability of mine safety equipment that prevented the buildup of explosive gases.

**Wage, Hour, and OSH Enforcement:** The State Labor Service (SLS) was responsible for enforcing wage, hour, and OSH laws and regularly applied penalties when employers failed to resolve violations after receiving their first SLS warning. The government did not effectively enforce OSH laws, and

penalties were not commensurate with those of other similar crimes. While statistics were unavailable on the number of inspectors and funding available to enforce compliance, in previous years both were insufficient.

After a hiatus following Russia's full-scale invasion in 2022, the SLS partially resumed inspections.

Under martial law, if an employer eliminated the violations found during an inspection, the fines provided for in the labor code were not applied; at the same time, penalties were applied regularly if the violations were not fixed after the warning. Also, the SLS provided information and advised employees and employers regarding the requirements of the legislation on labor and labor protection under martial law. There were also active information campaigns on preventing undeclared work and labor trafficking.

Due to the war, up-to-date statistics on the informal sector were unavailable. In 2021, the Ombudsperson's Office and State Statistics Service estimated the informally employed population (ages 15 to 70) numbered three million. Due to Russia's full-scale invasion and resulting elimination of jobs and mass internal and external migration, it was likely that the number of individuals employed in the informal sector remained the same or was higher than in previous years. Informal workers were not covered by wage, hour, or OSH laws and inspections.