

Key concerns and recommendations on fundamental rights in Ukraine

January 2019

This briefing paper was prepared by Ukrainian Helsinki Human Rights Union (UHHRU) and International Partnership for Human Rights (IPHR). It provides an overview of current key issues with respect to freedom of association, freedom of peaceful assembly and freedom of expression and minority rights in Ukraine. The briefing paper was finalized on 21 January 2019, and covers the major developments in 2018.

Ukrainian Helsinki Human Rights Union (UHHRU) was established in 2004, and is an independent non-profit and non-partisan organisation. The UHHRU is part of the Helsinki movement and continues the traditions and activities of the Ukrainian Public Group to Promote the Implementation of the Helsinki Accords. Its mission – realization and protection of rights and freedoms by promoting practical implementation of humanitarian articles of the Final Act of the Conference for Security and Cooperation in Europe adopted in 1975, other international standards based on it and international obligations accepted by Ukraine in the areas of human rights and fundamental freedoms.

International Partnership for Human Rights (IPHR) is an independent, non-governmental organisation founded in 2008. Based in Brussels, IPHR works closely together with civil society groups from different countries to raise human rights concerns at the international level and promote respect for the rights of vulnerable communities in repressive environments.

International Partnership for Human Rights

Brussels, Belgium

Tel.: +32 (0) 2 880 03 99

Email: IPHR@IPHRonline.org

Website: <http://www.IPHRONline.org>



Following the Euromaidan Revolution in 2013, Ukraine has undertaken widespread reforms in the areas of human rights and fundamental freedoms, and overall, civil society groups have enjoyed more freedom and been able to expand their activities in the country. Nevertheless, the country is facing ongoing challenges as a direct result of the conflict in the eastern part of Ukraine and Russia-annexed Crimea, including widespread corruption within a political elite reluctant to reform, stigmatisation of marginalised groups, and several instances of direct violence towards journalists or civil society actors. This report will focus on freedom of assembly, freedom of expression, LGBTI and minority rights.

Introduction

The last few years in Ukraine have been characterised by political turbulence related to the conflict in the eastern part of Ukraine and Russia-annexed Crimea. Further, the country has been attempting to address issues dating from before the Euromaidan Revolution, such as reforms in numerous sectors, including in the areas of democracy and human rights. These reforms are linked and leveraged by the Association Agreement (AA) and the Deep and Comprehensive Free Trade Agreement (DCFTA) with the EU.

From 2015 Ukraine has sought to implement a national Human Rights Action Plan, which foresees numerous positive provisions for improving the human rights situation in the country.¹ However, according to monitoring by several local and international human rights organisations, the implementation of the Action Plan is not advancing swiftly enough.² There are several reasons for this including the lack of political will needed to ensure the transfer of the Action Plan from paper to practice. Furthermore, recent negative legislative developments could potentially restrict the ability of civil society to function effectively. These include a Draft Law of proposed amendments to legislation governing the financial reporting obligations of NGOs,³ which foresees in Article 9 complex reporting obligations for NGOs receiving foreign funding. If adopted, the amendments will impose significant reporting hurdles on Ukrainian NGOs which receive core funding from foreign donors; increase the bureaucratic burden for NGOs; and act as a disincentive for organisations to seek foreign funding in the future, because of lack of capacity to comply to the new laws. The proposed amendments were submitted to the Verkhovna Rada of Ukraine (Rada) in June 2018, and are still under review by the Rada.

The Council of Europe's Parliamentary Assembly (PACE) called, in its June 2018 resolution, on "[...] Ukraine to reject the recently proposed draft laws imposing additional financial reporting obligations on NGOs, unless they are amended according to the recommendations of the Venice Commission and the OSCE/ODIHR". An earlier March 2018 joint opinion by the Venice Commission and OSCE/ODIHR outlined that draft laws "*In their current form, the stringent disclosure requirements, coupled with severe sanctions in case of non-compliance, are likely to have a chilling effect on the civil society and may even jeopardise the very existence of a number of civil society organisations which may lose their non-profit status as a sanction*".⁴

Besides these worrying developments, Ukraine has also been affected by a number of human rights violations, which have been exacerbated by the ongoing conflict with Russia. These include the rights of minority groups who suffer from discriminatory practices, which are preventing them from accessing their basic rights as citizens, such as lack of access to health care, education, and the right to housing and employment. Further, the Roma minority face increased risks due to rising ethnic nationalism. Although in recent years protection of the rights of the LGBTI groups in Ukraine has somewhat improved, and the March of Equality (Pride) on 17 June 2018 was

1 <https://www.coe.int/t/commissioner/source/NAP/Ukraine-National-Action-Plan-on-Human-Rights.pdf>

2 <https://www.kmu.gov.ua/ua/npas/248740679>

3 Draft Law on Amendments to certain legislative acts of Ukraine on transparency and openness of information on the activities of charitable organizations and public associations receiving funding from foreign states and foreign non-governmental organisations: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=64255

4 <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=24943&lang=en> and [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2018\)006-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2018)006-e)

notable for the relatively few security incidents, there have nevertheless been several reports of attacks and cases of unfair treatment of LGBTI people in the country.

The right to freedom of expression came under increased threat in 2018. Several physical attacks were carried out against outspoken activists and lawyers, including the case of human rights activist, Kateryna Handzyuk, who died in November 2018 following an acid attack believed to have been related to her work on exposing high level corruption.

Minority Rights

The rights of ethnic minorities, such as Roma people and ethnic Hungarians are of particular concern in Ukraine. Minority rights have been particularly affected by the armed conflict in the eastern part of the country, and the Russian annexation of Crimea. Ethnic minorities in Ukraine have suffered from targeted and exacerbated discrimination as a result of a shift in government policy targeting ethnic minorities. In addition, the Roma community continues to face stigmatisation, discrimination, and other issues related to statelessness and their lack of ability to legalize their status in the country.

ROMA

Statelessness

The Ukrainian government has taken significant steps to improve the rights of Roma, aiming to implement the Human Rights Action Plan,⁵ and the 2013 National Strategy on Roma which provides for protection of Roma rights.⁶ However, according to the findings of European Roma Rights Centre (ERRC), the strategy has not proved effective, in part due to the lack of clear commitment and coordination among state bodies, but also due to widespread prejudice and lack of an established inter-cultural dialogue with the Roma population.⁷

ERRC has thoroughly documented the rights of Roma people in Ukraine and the significant discrimination and violations of their fundamental rights that they face on a daily basis in the report "Roma Belong".⁸ These issues result in, among other things, lack of identity documents, which prevents them from being able to access education, housing, health care and employment. These problems stem from two main issues. The first is the widespread statelessness among Roma in Ukraine. This problem has been exacerbated by the conflict in eastern Ukraine, as obtaining personal documents in Ukraine has become significantly more difficult, and often impossible for Roma internally displaced persons (IDPs) or Roma residing in areas not under control of the Ukrainian government. The second issue is the widespread discrimination, stigma and prejudice against this ethnic group, meaning that they face bureaucratic obstacles and reluctance to help them with the necessary administrative procedures.

The corrosive problems of statelessness amongst the Roma population affect about 10%-20% of the Roma population in Ukraine.⁹ Roma find it difficult to obtain any official documents, such as birth certificates, school diplomas and residence permits. Due to the unsettled and/or isolated nature of Roma communities in Ukraine, many are not able to fulfil the criteria of proving Ukrainian permanent residency at the time of independence, either because they were not in possession of residence permits at the time, or because the documents have subsequently been lost. Obtaining the necessary proof is costly and time-consuming, and often impossible

5 <https://www.kmu.gov.ua/ua/npas/248740679>

6 <http://zakon.rada.gov.ua/laws/show/201/2013>

7 Page 21, Roma Belong Report <http://www.errc.org/reports-and-submissions/roma-belong--statelessness-discrimination-and-marginalisation-of-roma-in-ukraine>

8 <http://www.errc.org/reports-and-submissions/roma-belong--statelessness-discrimination-and-marginalisation-of-roma-in-ukraine>

9 According to a rough estimate by Roma advocacy NGOs for the ERRC 2018 report on Roma marginalisation in Ukraine Page 15, Roma Belong Report <http://www.errc.org/reports-and-submissions/roma-belong--statelessness-discrimination-and-marginalisation-of-roma-in-ukraine>

for illiterate Roma with no access to legal assistance or funds. Furthermore, statelessness can be inherited in Ukraine; children will not be recognized as citizens if their parents are stateless, lack documents, or if their families fail to register them properly at birth, meaning that the issue of lack of documents often spans several generations. In addition, it is often impossible for Roma to obtain proof of residency at the time of Ukrainian independence, particularly if their place of registration is in the areas affected by conflict and not under the control of the Ukrainian Government (Donetsk and Lugansk), or in Crimea (controlled by Russia). If a child is born in these areas, they will only receive Ukrainian passports if they are legally taken out of these areas and properly registered with the Ukrainian authorities – which can inevitably be a challenge for Roma with lack of access to information, funds for travel and legal fees. The lack of documents significantly impacts Roma rights and consequently deprives them of the right to education, health care, housing and employment.

According to statistics from the early 2000s, around 50 percent of the Roma population in Ukraine lacked formal education, and strikingly 68 percent of them said they were illiterate.¹⁰ The problem of illiteracy or innumeracy caused by lack of access to education are not only caused by the lack of documentation and statelessness but also in many cases by lack of funds to pay for school transportation and warm clothing, which means that many Roma children cannot attend school during the winter.¹¹

Attacks on Roma Settlements

In 2018 a wave of deadly violence against Roma settlements in different parts of the country drew attention to the problem of marginalisation and discrimination targeted at the Roma population. The Ukrainian authorities have shown little willingness to protect the rights of Roma; as a result several brutal attacks on Roma settlements carried out by far-rights militias and groups, such as “C14” and “Azov National Druzhyna” (AND) in the country have not yet been investigated by the relevant authorities.¹²

In April 2018, a group of masked people affiliated with “C14” carried out an attack on a Roma settlement in Kyiv, spraying tear gas and throwing rocks at families and children.¹³ In June, “Azov National Druzhnya” (AND) violently attacked a Roma camp with axes and hammers in a Kyiv park (after issuing a warning on Facebook¹⁴), destroying the camp and harassing the Roma inhabitants, while live-streaming the attack on Facebook.¹⁵ A police spokesperson stated that criminal proceedings were not opened after the attack.¹⁶ Serhiy Mazur from C14 was put under administrative arrest. On the night of 23 to 24 June, several masked men attacked another Roma camp near Lviv.¹⁷ According to media sources, one Roma man was killed, and four people were hospitalised from stab wounds, including a 10 year-old-child.¹⁸ Eight days later, a Roma woman was found murdered in Transcarpathia.¹⁹ According to media sources, the authorities did not investigate the murder as a hate crime, making it difficult to assess whether it had been motivated by xenophobia or racism.²⁰

10 Institute for Social Studies of Ukraine: Analysis of the real problems and needs of Roma in Ukraine, 2003 (in Ukrainian) <http://res.in.ua/zvit-analiz-realenih-problem-ta-potreb-romiv-v-ukrayini-kiyiv.html>

11 See, for instance Roma Belong Report <http://www.errc.org/reports-and-submissions/roma-belong--statelessness-discrimination-and-marginalisation-of-roma-in-ukraine>

12 See, for instance <https://www.hrw.org/news/2018/06/14/joint-letter-ukraines-minister-interior-affairs-and-prosecutor-general-concerning>, <https://www.opendemocracy.net/od-russia/ganna-sokolova/can-integration-help-ukraines-roma> and <https://www.rferl.org/a/ukrainian-militia-behind-brutal-romany-attacks-getting-state-funds/29290844.html>

13 <https://www.rferl.org/a/ukraine-police-break-silence-after-video-shows-far-right-attack-on-kyiv-roma/29194216.html> and <https://www.facebook.com/amnestyua/posts/10155814950708978>

14 <https://www.facebook.com/ndrugua/photos/a.252068858564003.1073741828.250243472079875/476177196153167/?type=3&theater>

15 <https://www.rferl.org/a/ukraine-far-right-vigilantes-destroy-another-romany-camp-in-kyiv/29280336.html>

16 <https://en.hromadske.ua/posts/another-roma-settlement-destroyed-in-kyiv>

17 http://mvs.gov.ua/ua/news/14308_Sergiy_Knyazv_Policija_zatrimali_usih_napadnikiv_na_romske_poselennya_u_Lvovi_FOTO.htm

18 <https://www.rferl.org/a/seven-arrested-for-deadly-attack-on-roma-camp-in-western-ukraine/29316319.html>

19 <http://transcarpatia.net/transcarpathia/hot-news/99331-v-beregov-nevdom-nozhem-smertelno-poranili-mscevu-romku.html>

20 <https://www.rferl.org/a/romany-woman-found-with-throat-slashed-in-ukraine/29332980.html>

HUNGARIANS

The rights of other ethnic minorities have also been violated. A well-documented example is the situation of the Hungarian community in Ukraine, which has experienced a considerable number of restrictions of their fundamental rights over the last year. The community is predominantly located in the Transcarpathian region bordering Hungary, and comprises of some 150 000 ethnic Hungarians, according to the 2001 Ukrainian Census.²¹ The Ukrainian Education Act, signed by President Petro Poroshenko on 25 September 2017 provides in Article 7 that education in minority languages can only take place until the fourth grade (about 12 years of age); the rest of the education will be in Ukrainian language. The Act will come into effect in 2020.

Recommendations to the government of Ukraine:

- ensure the effective implementation of the 2013 National Strategy on Roma, notably providing legal and other types of aid for obtaining the necessary identification documents, ensuring that all children of school-age are able to attend educational establishments and are not deprived of the right to education on an arbitrary basis; ensure that Roma minority individuals have access to adequate health-care and housing;
- ensure that objective and effective investigations are carried out into crimes against Roma, including hate crimes and physical attacks on Roma settlements;
- initiate legislative proposals for the inclusion of a definition of hate crime into the Criminal Code;
- adopt and implement policy and strategy to combat negative societal prejudice against Roma, including through ensuring the effective investigation of hate speech and hate crimes.

Rights of LGBTI communities

Although homophobic and transphobic violence and discrimination were still somewhat widespread in Ukraine in 2018, Ukrainian authorities have taken some important steps to improve the situation for some minority groups. These include the positive support for the peaceful conduct of the Equality March (Pride) in Kyiv in June 2018. The police and law-enforcement agencies have undergone training on enforcing principles of tolerance and non-discrimination²² and were able to ensure that events on LGBTI issues were carried out with less violence and confrontation than in previous years.

However, despite these improvements, 2018 saw instances when police did not manage to contain the violence at LGBTI events. In May 2018, an LGBTI event in Kyiv was violently disrupted by members of a radical nationalist group. The police failed to remove the violent group from the event, and the event was subsequently cancelled.²³

Legislation also requires improving to better protect the rights of LGBTI persons. According to monitoring by LGBTI Human Rights Centre Nash Mir (Our World), legal obstacles facing the LGBTI community include the two-year delay in implementing amendments to the Criminal Code of Ukraine; notably lack of definition in law for hate crimes against LGBTI or other minority groups, as stipulated in paragraph 105 of the Action Plan of Human Rights.

Additionally, several laws are still pending review by the Rada, due to resistance from MPs who are reluctant to adopt legislation to protect the rights of LGBTI persons. According to Nash Mir (Our World), in the last two years there has been no progress in implementation of the LGBTI component of the Human Rights Action Plan, including the failure to introduce language on “sexual orientation” and “gender identity” as a “protected ground” in

21 <https://web.archive.org/web/20070911044252/http://www.ukrcensus.gov.ua/eng/results/general/nationality/Zakarpatia/>

22 https://gay.org.ua/publications/Situation_of_LGBT_in_Ukraine_Jan-Aug_2018_ENG.pdf

23 <https://www.hrw.org/news/2018/05/16/ukraine-radical-groups-disrupt-lgbti-event>

anti-discrimination legislation (Paragraph 105, Action 1). The Human Rights Action Plan also includes instructions for the Ministry of the Interior and the Office of the Prosecutor General to develop and implement guidelines for investigating hate crimes (Paragraph 109, Action 3) against the LGBTI community, still pending the necessary steps from these institutions.

The Equality March in June 2018 took place in more peaceful environment, with, according to statistics from Nash Mir (Our World), some 5000²⁴ participants in Kyiv and 5000 policemen protecting. However, more violent attacks occurred after the event than in 2017.²⁵

The registration and investigation of hate crimes towards the LGBTI groups in Ukraine remains highly inefficient. The lack of a specific registration system for hate crimes disaggregated by motivation (ethnicity, sexual orientation, political standpoint) exacerbates this.²⁶ Some monitoring and systematic information-gathering is carried out by the NGO Nash Mir (Our World), but is not reflected in official statistics. In addition, many members of the LGBTI community are afraid to report mistreatment and hate crimes, due to their lack of trust in judiciary and in obtaining an independent investigation. This appears to be a general problem in Ukraine, as Nash Mir (Our World), report that the police repeatedly refuse to stipulate homophobia and transphobia as motives for crimes.

Nash Mir (Our World) statistics show that in 2018 there were 108 cases of insults and humiliation, 56 cases of physical acts of violence, 27 cases of hate speech, 19 cases of illegal disclosure of confidential information, nine violent attacks on LGBTI themed events, centres or activists, five threats of and use of weapons, and four incidents of blocking of peaceful assemblies. The Ukrainian authorities also rejected the request for refugee status of the Russian trans-person Soldado Kowalisidi, despite them being able to document threats to life. Kowalisidi currently lives in Ukraine with their partner.²⁷

In January 2018 prominent LGBTI activist Borys Zolotchenko and other LGBTI activists were attacked by masked men as they were leaving an event in Dnipropetrovsk region. The assailants yelled Nazi slogans during the attack. In June, Zolotchenko and other LGBTI activists were attacked again by over ten people.²⁸ Neither of the attacks were investigated by the police.

Recommendations to the government of Ukraine:

- swiftly implement the commitments in the Human Rights Action Plan, notably the introduction of legislative definitions of “sexual orientation” and “gender identity”;
- ensure that crimes against LGBTI individuals are recorded in a central database;
- the Ministry of the Interior and the Office of the Prosecutor General should take all the necessary steps to ensure that hate crimes are investigated and that the perpetrators are brought to justice;

Freedom of Peaceful Assembly

Despite some positive efforts by police, incidents of excessive use of force by police against peaceful demonstrators continue to take place in 2018.²⁹ It is worth noting that individuals who formerly served in the Berkut Ukrainian Special Security Forces continue to serve in several police forces in Ukraine. These were forces widely held responsible for many of the deaths of peaceful protestors during the EuroMaidan revolution in Kyiv.

24 other sources quoted 3500

25 https://gay.org.ua/publications/Situation_of_LGBT_in_Ukraine_Jan-Aug_2018_ENG.pdf

26 <https://www.ilga-europe.org/resources/news/latest-news/statement-hate-crime-ukraine>

27 <https://www.currenttime.tv/a/29015067.html> and <https://www.facebook.com/soldadodekyiv> (for facebook posts on the ongoing case).

28 <https://www.pinknews.co.uk/2018/07/03/ukraine-pride-head-viciously-attacked-huge-gang/>

29 <https://en.hromadske.ua/posts/ukraines-police-reform-whats-really-going-on>

According to monitoring by the Ukrainian Helsinki Human Rights Union (UHHRU), there were two notable cases of violation of the right to peaceful assembly – in January and March 2018. Both of these cases were characterised by the excessive use of police force towards peaceful demonstrators.

The first incident occurred in January 2018, when activists from the NGO Ecological Platform held a peaceful rally against the use of animals in circuses. Police disbursed the rally violently and detained several activists, injuring around ten of them. The grounds given for the arrests were the illegal possession of weapons (metal pipes) – which the activists denied.³⁰ According to the activists, teenagers were among the detainees.³¹

The second incident occurred in March 2018, when participants in a peaceful gathering outside the parliament building, Rada, were brutally beaten by police, after a tent camp near the Rada was destroyed by law enforcement officials. The protests began in October 2017, when a tent camp was set up as part of a demonstration demanding political action in relation to parliamentary immunity, the creation of an anti-corruption court, and open-list elections. The protests were supported by the former Georgian President and former Odesa governor Mikheil Saakashvili.³² About 20 people were beaten by the police, including by rubber batons; tear gas and handcuffs were used against protestors. According to UHHRU monitoring, the police beat demonstrators on their torsos, limbs and heads, despite the fact that the protestors did not resist and remained peaceful.³³ Some 600 police officers were involved in the operation. UHHRU has called for a transparent and impartial investigation into the events.³⁴

Freedom of Expression

In 2018, there were several instances of restrictions of freedom of expression and freedom of media. This includes not only meddling in the work of journalists, but also numerous threats and assaults on the lives of activists, journalists and lawyers who speak out about controversial matters.

According to human rights organisations, there were 55 attacks on activists in Ukraine in 2017-2018, most of them in the south-eastern part of the country. In 15 of these cases, the attackers used firearms, blunt or bladed weapons.³⁵

- In July, the Vitaliy Shabunin, head of the Anti-Corruption Action Centre, was attacked in Kyiv with green antiseptic liquid, which burned his eyes.³⁶ According to eyewitnesses, the police officers present during the attack did nothing to prevent the violence. Two men were later arrested and charged with administrative offences.

30 <https://veme.news/timeline/circus-without-animals-peaceful-protest-attacked-lviv/> and <https://portal.lviv.ua/news/2018/01/28/aktsiya-protestu-bilya-lvivskogo-tsirku-peretvorilasya-na-sutichki>

31 <https://veme.news/timeline/circus-without-animals-peaceful-protest-attacked-lviv/>

32 <https://www.voanews.com/a/ukraine-police-raid-protest-camp-arrest-50-police-injured-clashes/4279137.html>, <https://www.dw.com/ru/%D1%81%D0%B0%D0%B0%D0%BA%D0%B0%D1%88%D0%B2%D0%B8%D0%BB%D0%B8-%D0%B2%D1%81%D0%B5-%D0%B2%D1%81%D0%B5-%D0%B2%D1%81%D0%B5-%D0%BA%D1%82%D0%BE-%D0%B8-%D0%BF%D0%BE%D1%87%D0%B5%D0%BC%D1%83-%D0%BC%D0%B8%D1%82%D0%B8%D0%BD%D0%B3%D1%83%D0%B5%D1%82-%D0%B2-%D0%BA%D0%B8%D0%B5%D0%B2%D0%B5-17-%D0%BE%D0%BA%D1%82%D1%8F%D0%B1%D1%80%D1%8F/a-40975254> and <https://www.dw.com/ru/%D0%BF%D0%B0%D0%BB%D0%B0%D1%82%D0%BE%D1%87%D0%BD%D1%8B%D0%B9-%D0%B3%D0%BE%D1%80%D0%BE%D0%B4%D0%BE%D0%BA-%D1%83-%D0%B2%D0%B5%D1%80%D1%85%D0%BE-%D0%B2%D0%BD%D0%BE%D0%B9-%D1%80%D0%B0%D0%B4%D1%8B-%D1%81%D0%BE%D0%B1%D1%80%D0%B0%D0%BB-%D0%BD%D0%B5%D0%B4%D0%BE%D0%B2%D0%BE%D0%BB%D1%8C%D0%BD%D1%8B%D1%85-%D1%83%D0%BA%D1%80%D0%B0%D0%B8%D0%BD%D1%86%D0%B5%D0%B2/a-41030906>

33 <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016808d5a80>

34 <https://helsinki.org.ua/en/articles/assault-on-the-tent-camp-near-the-verkhovna-rada-on-3-march-2018/>

35 https://www.pravda.com.ua/cdn/graphics/2018/09/movchannja_vlady_nas_ubyvaje/

36 <https://www.reuters.com/article/us-ukraine-corruption-attack/ukraine-anti-corruption-activist-attacked-with-green-liquid-idUSKBN1K71HF>

- In August, the activist Ihor Gryshachov was beaten by unknown individuals in Vyshneve near Kyiv, and received head injuries.
- Later in August, an explosive device was thrown into the yard of the activist Serhii Chagarov in the Kyiv region. Chagarov saw it as an attempt to frighten him into ceasing his anticorruption activism.
- In June, the 23-year-old activist Mykola Bychko was found hanged in a forest in Kharkiv region. The authorities stated that he had committed suicide, but after efforts from the family and friends of Bychko to start an investigation into the circumstances of his death, it is now being investigated as murder.³⁷

Many of the cases of violence against members of civil society in 2018 occurred in Odesa, making it the most dangerous region for civil society in Ukraine. In early June, Vitaliy Ustymenko, leader of the Odesa branch of the Automaidan movement, and member of the public council of the anti-corruption bureau, was attacked and stabbed in Odesa by two unknown individuals. According to Ustymenko, the perpetrators attempted to stab him in the kidneys, but failed to hit any vital organs. He said it was a professional attack.³⁸ The perpetrators were arrested in September 2018, and were identified as soldiers in the Ukrainian Army.

Also in Odesa, activist Oleh Mykhaylyuk was shot in the chest by unknown assailants in June.³⁹ Mykhaylyuk survived the attack, and his colleagues believe that the attempted murder was connected with his public criticism of the Odesa Mayor Hennadiy Trukhanov.⁴⁰ In early August, activist Mykhailo Kuzakon and journalist Hrihory Kozma were attacked in Odesa when a truck driver deliberately drove into their car at high speed.⁴¹ The driver of the truck escaped the scene on a motorbike. Both victims reported receiving threats in relation to their professional work uncovering corruption within the Ministry of Defence, and in relation to Odesa Mayor Hennadiy Trukhanov.⁴²

Recommendations to the government of Ukraine:

- guarantee the right to peaceful assembly, investigate all allegations and reports of the excessive and disproportionate use of force by law enforcement officials during peaceful assemblies; continue training law-enforcement agencies in policing peaceful rallies, and in particular on Ukraine's international obligations in this regard;
- investigate all instances of attacks on media, journalists, and activists who are critical of the government; ensure thorough accountability and justice in all cases, in order to set a precedent and deter further violent acts against media, journalist or activists in the future.

Individual Cases

KATERYNA HANDZIUK

Kateryna Handziuk was a female activist and municipal advisor from Kherson, who was active in pro-Ukrainian activism, and involved in exposing corruption in the Ukrainian police forces.⁴³ In late July 2018, an unidentified man attacked Handziuk with sulphuric acid, causing severe burns on 30-35% of her body and in November 2018 she died as a result of injuries sustained from this attack.⁴⁴

37 <http://khp.org/en/index.php?id=1528594366>

38 <https://www.pravda.com.ua/news/2018/06/5/7182381/>

39 <https://www.unian.net/society/10271292-napadenie-na-aktivista-mihaylika-v-odesse-lyudi-vyshli-na-protest-foto-video.html>

40 <https://www.kyivpost.com/ukraine-politics/odesa-activists-blame-trukhanov-for-attacks.html>

41 <https://www.kyivpost.com/ukraine-politics/odesa-activist-journalist-say-their-car-rammed-by-truck.html>

42 <https://www.kyivpost.com/ukraine-politics/odesa-activists-blame-trukhanov-for-attacks.html>

43 <http://euromaidanpress.com/2018/11/04/ukrainian-whistleblower-attacked-with-acid-dies-mastermind-of-murder-still-not-found/>

44 <https://antac.org.ua/en/publications/who-ordered-katya-gandzyuk/>

The investigation into the case has reportedly been flawed by lack of due diligence and the Ukrainian investigative authorities have not demonstrated their serious intent to bring the perpetrator to justice.⁴⁵ The initial suspect, Mykola Novikov, was detained four days after the attack, and initially charged with 'hooliganism', despite the fact that he had an alibi.⁴⁶ The charges against him were later dropped. Subsequently on 18 October, five people were arrested on suspicion of carrying out the murder. All five were a members of a paramilitary army brigade.⁴⁷

There are concerns that the overbroad use of criminal charges such as hooliganism (Article 296 of the Ukrainian Criminal Code) can lead to impunity for serious crimes, as it is punishable by imprisonment for up to three years,⁴⁸ whereas murder is punishable by from seven to fifteen years' imprisonment or a life sentence.

IRYNA NOZDROVSKA

Iryna Nozdrovska is a lawyer investigating the circumstances around the death of her sister in a car accident in 2015 which involved the nephew of a Kyiv judge, Dmytro Rossoshansky.⁴⁹ According to Nozdrovska, the case had been improperly investigated, and despite the fact that there was no question about Rossoshansky's guilt, it took over two years for Nozdrovska to succeed in having him convicted.⁵⁰ Rossoshansky received a seven-year prison sentence, the chances that he would be released under the Ukrainian amnesty law are high. According to information from Kharkiv Human Rights Protection Group, Rossoshansky and his friends sent threats to Nozdrovska during the two years prior to her death. The Kyiv Court of Appeals heard the case on 27 December 2017, ruling that Rossoshansky should stay behind bars while a new trial was scheduled.⁵¹ Nozdrovska disappeared two days later, on 29 December 2017, and her naked body was found in a river in a district near Kyiv just after New Year 2018.

45 <http://khpg.org/en/index.php?id=1541339495>

46 <https://antac.org.ua/en/publications/who-ordered-katya-gandzyuk/>

47 <http://euromaidanpress.com/2018/11/04/ukrainian-whistleblower-attacked-with-acid-dies-mastermind-of-murder-still-not-found/>

48 <https://wipolex.wipo.int/fr/text/438599>

49 <http://khpg.org/en/index.php?id=1514815295>

50 <https://www.facebook.com/100004890794219/videos/85725416114269/?fref=mentions>

51 "In Nozdrovska's words, the court "took into account all the considerable infringements of the Criminal Procedure Code during the trial in the first-instance court and sent the material back for a new examination." Rossoshansky for now remains in SIZO". <http://khpg.org/en/index.php?id=1514815295>