

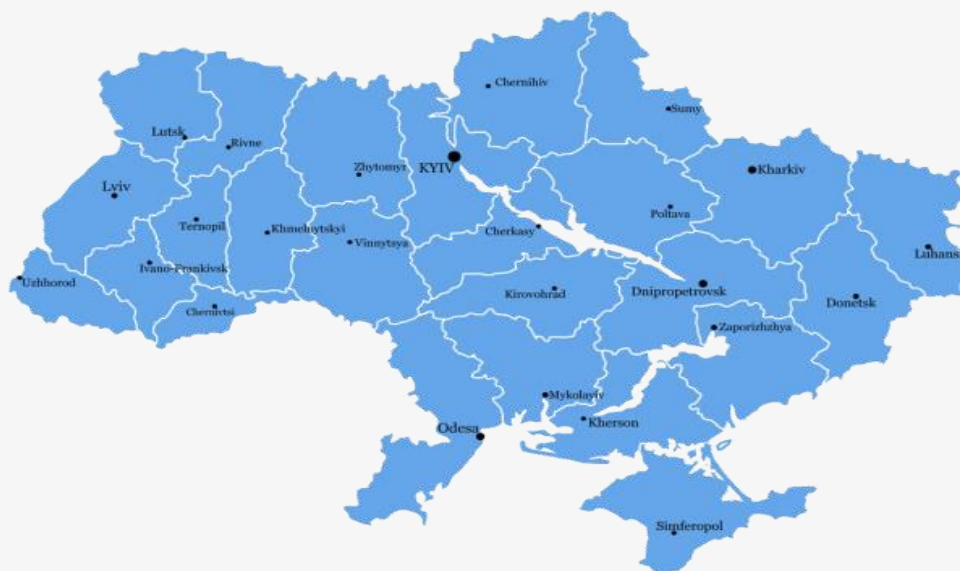


Український Інститут політики

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Ukrainian Institute of Politics

# Xenophobia and violation of human rights (especially minorities) in Ukraine in 2022.



Kyiv, 2023

## Introduction

The war in Ukraine became a key reason for the serious deterioration of the human rights situation in that country.

The humanitarian situation remains dire as the Ukrainian population faces death and injury from indiscriminate attacks and unexploded ordnance, as well as the dissatisfaction of basic social needs caused by housing destruction, displacement, disruption or overload of public services, and reduced employment opportunities.

As a result of emigration, Ukraine has lost up to a third of its citizens, and about 40% are internally displaced persons. In the future, this situation will significantly affect the economy of the country as a whole.

Against the background of the war in the country, unemployment is rising and wages are falling, and contract work carries great risks for workers' rights. At the same time, the state becomes the main employer (70%), due to the fall in the number of people employed in the private sector, which competed with the state in this respect before the war. Now the state provides work in the army, law enforcement agencies, medicine, education, civil service, etc.

This year, Ukraine received the status of a candidate for the EU. Ukraine officially applied for EU membership on February 28, 2022. And on June 23, the European Parliament by an overwhelming majority adopted a resolution in support of the status of an EU candidate for Ukraine, and the Council of the European Union awarded Ukraine the status of an EU candidate. In December, the Verkhovna Rada formally completed the fulfillment of obligations on candidacy for EU membership. A law was adopted that changes the procedure for selecting judges of the Constitutional Court, a law on the media, illicit enrichment and a law on national minorities - one of the main requirements for Ukraine's candidacy in the European Union.

The Law on National Minorities partially fills the legal gap and conditions are created for national minorities for wider activities in the private public sector - now they can create their own schools teaching their own language, create their own media, hold cultural events and engage in other activities using the languages of national minorities.

But in general, it is worth noting that, in part, these laws are also becoming a tool for expanding powers and strengthening the current government, establishing control over the media environment, strengthening control over the judicial system, paving the way for pro-presidential political reform.

The war worsened the situation of journalists in the country. Many of them were killed and injured as a result of shelling and hostilities. In addition, the new media law makes all Ukrainian media dependent on the National Council for Television and Radio Broadcasting. Which now, without a court decision, can apply response measures to the media.

Situation with COVID-19. Statistics show that the number of diseases has significantly decreased in the country after the suspension of a number of restrictive measures with the outbreak of war.

In Ukraine, at the legislative level, responsibility for the manifestation of anti-Semitism has been tightened. The Verkhovna Rada of Ukraine adopted a law on preventing and combating anti-Semitism. Also in Ukraine there will be criminal liability for anti-Semitism.

The escalation around the Ukrainian Orthodox Church (UOC, headed by Bl . Onufry) begins to grow. In fact, the UOC declared the authorities part of the "fifth column", allegedly for activities that contribute to the preservation of Russian influence in Ukraine. Despite the fact that the Church from the first days of the invasion of the Russian Federation took a position to condemn Russia and support the authorities and the army in the war, adhering to this line to this day. The Verkhovna Rada Committee on Humanitarian and Information Policy has supported three bills relating to the activities of the Ukrainian Orthodox Church (UOC), which essentially prohibit its activities. The inclusion in the sanctions lists of the manager of the affairs of the UOC also complicates the functioning of the Church as a legal entity, the renewal of lease agreements with state authorities, registers of charters, and so on. The authorities also plan to take away the main Lavra complexes from the UOC - the Kiev -Pechersk Lavra and the Pochaev Lavra.

The Verkhovna Rada of Ukraine adopted a law prohibiting the assignment of names associated with Russia to geographical objects. After the start of the war, the process of changing names and demolishing monuments accelerated in the country: dozens of streets and metro stations were renamed, monuments to historical and cultural figures were dismantled associated with the era of the Russian Empire and the USSR.

## **1. Changes in legislation (positive and negative) that affected the interests of minorities during the monitored period.**

On February 23, Ukraine announced the introduction of a state of emergency<sup>1</sup> for 30 days throughout Ukraine, except for the Donetsk and Lugansk regions, where a special state of emergency has been in effect since 2014.

On February 24, 2022, the Russian Federation launched a special military operation in Ukraine and martial law was introduced in the country.

President Volodymyr Zelensky signed Decree No. 64/2022 "On the introduction of martial law in Ukraine"<sup>2</sup>. Initially, martial law was introduced from February 24, 2022 for a period of 30 days. After the expiration of the term, martial law was extended each time for 90 days, and now it is valid until May 20, 2023.

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<sup>1</sup>Draft Law on approval of the Decree of the President of Ukraine "On the introduction of a state of emergency in some regions of Ukraine" <https://itd.rada.gov.ua/billInfo/Bills/Card/39145>

<sup>2</sup><https://www.president.gov.ua/ru/news/prezident-pidpisav-ukaz-pro-zaprovadzhennya-voyennogo-stanu-73109>

The Government of Ukraine informed the UN Secretary General of the derogation from some of its obligations enshrined in the International Covenant on Civil and Political Rights (ICCPR) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) for the duration of martial law. In particular, Ukraine has notified the derogation from compliance with obligations under Articles 12, 13, 17, 19, 20, 21, 22, 24, 25 of the ICCPR; articles 8, 9, 10, 11, 14 ECHR; articles 1-3 of the Additional Protocol to the ECHR; Article 2 of Protocol No. 4 to the ECHR<sup>3</sup>.

**Martial law** is a special legal regime that can be temporarily introduced in Ukraine or in its individual areas in the event of man-made or natural emergencies not lower than the national level, which have led or may lead to human and material losses, pose a threat to the life and health of citizens or when trying to seize state power or change the constitutional order of Ukraine through violence. Provides for the provision to the relevant public authorities, military command and local governments in accordance with this Law of the powers necessary to prevent the threat. Martial law may be introduced indefinitely. Under conditions of martial law or a state of emergency, separate restrictions on rights and freedoms may be established, indicating the duration of these restrictions.

According to Art. 64 of the Constitution of Ukraine<sup>4</sup>: **“The rights and freedoms provided for in Articles 24, 25, 27, 28, 29, 40, 47, 51, 52, 55, 56, 57, 58, 59, 60, 61, 62, 63 cannot be restricted. this Constitution.”**

Restrictions in different regions may vary, depending on the situation.

The list of temporary restrictions and their justification should be contained in the presidential decree on the introduction of a state of emergency, approved by the Verkhovna Rada.

**Martial law** is a special legal regime that is introduced either on the territory of the whole of Ukraine or in its individual regions. The reason for the introduction of martial law is armed aggression or the threat of attack, the danger to the state independence of Ukraine and its territorial integrity.

In territories where martial law has been introduced, temporary state bodies - **military administrations - may be formed.**

The military command, together with military administrations, can introduce and exercise, within the limits of temporary restrictions, the constitutional rights and freedoms of man and citizen, as well as the rights and legitimate interests of legal entities.

**The prohibition for conscripts and persons liable for military service** to change their place of residence without the knowledge of the relevant territorial recruitment center.

**What does martial law mean?**

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<sup>3</sup>UKRAINE: NOTIFICATION UNDER ARTICLE 4 (3) 1 The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following: The above action was effected on 1 March 2022. <https://treaties.un.org/doc/Publication/CN/2022/CN.65.2022-Eng.pdf>

<sup>4</sup>Art. 64 Constitution of Ukraine [https://kodeksy.com.ua/ka/konstitutsiya\\_ukrainy/statja-64.htm](https://kodeksy.com.ua/ka/konstitutsiya_ukrainy/statja-64.htm)

- the use of the capacity and labor resources of enterprises, institutions and organizations of all forms of ownership for the needs of defense;
- seizure for temporary use of property necessary for defense needs;
- compulsory alienation of property, if necessary;
- a ban on amending the Constitution;
- a ban on holding elections, referendums, strikes;
- prohibition of the activities of political parties, public organizations if they threaten national security;
- the introduction of labor service as a duty for able-bodied persons;
- protection of important objects of the national economy;
- introduction of a curfew;
- restriction of traffic;
- verification of documents of citizens and searches of property;
- restriction of entry and exit, movement of citizens in the territory where the WP regime has been introduced;
- monitoring the work of communications enterprises, publishing houses, television and radio organizations, theatrical, concert and entertainment and other enterprises, institutions and cultural organizations;

Powers of the authorities in martial law:

**Can:**

- Ban political parties
- Shut down media
- Turn off internet
- Ban rallies and gatherings
- Enter a curfew

**It is forbidden:**

- hold elections
- Amend the constitution
- Dissolve the Verkhovna Rada
- Terminate the powers of the President
- Create new courts

State bodies, by order of the Armed Forces, will be able to: introduce labor service; alienate the property of citizens for the needs of defense; prohibit the transmission of information via the Internet; control the media and communication enterprises; prohibit political parties, strikes and rallies.

No changes are made to the Constitution. Justice can only be administered by courts established in accordance with the Constitution.

**Elections are not held during martial law.** The Verkhovna Rada, the Cabinet of Ministers and other bodies of state power cannot be dissolved. During martial law, the Rada is obliged to work constantly in session mode. If the powers of the President or the Verkhovna Rada end during martial law, their powers continue until the elections to be held after. That is, the configuration of power is preserved, regardless of whether martial law is introduced throughout the country or in a separate territory.

The existing configuration of power is guaranteed only for the duration of martial law.

**Justice** - is carried out only by courts in the relevant territory, established in accordance with the Constitution of Ukraine. Reducing or speeding up any form of legal proceedings is prohibited. If it is impossible to administer justice by the courts operating in the territory where martial law has been introduced, the laws of Ukraine may change the territorial jurisdiction of court cases considered in these courts or change the location of the courts in the manner prescribed by law. Creation of emergency and special courts is not allowed.

**As for the conduct of hostilities.** Both the Russian Federation and Ukraine are bound by both treaty and customary IHL, in particular the four Geneva Conventions and Additional Protocol I. With regard to the conduct of hostilities, international humanitarian law requires parties to a conflict to always distinguish between civilians and combatants, civilians and military objects, as well as to direct their operations only against military targets and to take all possible precautions in the choice of means and methods of attack in order to avoid or at least minimize the incidental death of civilians and damage to civilian objects. IHL also contains detailed rules for the treatment of persons who come under the control of one of the parties to the conflict, whether they are sick or wounded, prisoners of war or civilians deprived of their liberty or living under occupation <sup>5</sup>.

**The parliament gave the National Security and Defense Council the authority to recognize the territories of Ukraine as temporarily occupied in wartime** <sup>6</sup>. The Verkhovna Rada adopted bill 7157 on amendments to the Law "On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine" in connection with the military aggression of the Russian Federation against Ukraine, which allowed the National Security and Defense Council to recognize new territories as temporarily occupied. What is a reaction to the information that in the occupied territory in the Kherson region, Russia can hold a "referendum" and organize "KhNR" there. After the territory is recognized as temporarily occupied, a ban is introduced on holding elections there, deputies of local councils, village, settlement, city chairmen, local and any other referendums and non-recognition by Ukraine of their consequences if they are held.

### **1.1 Negative legislative changes.**

#### **media law.**

The Verkhovna Rada of Ukraine adopted the law "On Media" (No. 2693-d) <sup>7</sup>, which should synchronize national legislation with Directive 2010/13 / EU on

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<sup>5</sup> [https://www.ohchr.org/sites/default/files/2022-06/HRMMU\\_Update\\_2022-03-26\\_EN.pdf](https://www.ohchr.org/sites/default/files/2022-06/HRMMU_Update_2022-03-26_EN.pdf)

<sup>6</sup> The Rada gave the National Security and Defense Council the authority to recognize new territories as temporarily occupied <https://sud.ua/ru/news/publication/232274-rada-nadelila-snbo-polnomochiyami-po-priznaniyu-novykh-territoryi-vremenno-okkupirovannymi>

<sup>7</sup> DRAFT LAW OF UKRAINE dated 02.07.2020 N 2693-d About media

audiovisual media services . The document, among other things, introduces the concept of online media into the legislation.

This bill gives more powers to the National Council for Television and Radio Broadcasting, for which it was criticized by journalists and the opposition. In their opinion, this law, not only during the war, but also after it, will become an instrument of total control by the authorities over the media. For example, the National Council received the right to block unregistered mass media temporarily, for two weeks, without a court decision. Complete blocking is possible by court order. The European Federation of Journalists <sup>8</sup>expressed its extreme concern about this law and called on the government to review the new legislation and start a broad and inclusive dialogue with journalists' unions and the media sector. , noting that the law would allow the National Broadcasting Council to temporarily ban online media and require ISPs to block access to online publications without legal action. issue binding instructions to media editors, regulate the work of cable and online television operators, cancel the registration of print media, etc. The National Council for Television and Radio Broadcasting explained the need to introduce regulation of the online media space by the fact that part of the market "works in the dark *or anonymously* " <sup>9</sup>. According to some journalists and experts, taking into account the huge list of restrictions, as well as the threat of quick sanctions, up to closure, only those publications that enjoy the support of Western structures will be able to afford criticism of the authorities. Violators of the prohibitions face fines, revocation of licenses, cancellation of registration, temporary (for 14 days) or complete blocking of work. Online media that will not be officially registered as media. They will be blocked even for minor violations.

Gross violations will be recognized as the dissemination of "inaccurate information" regarding armed aggression or the actions of the aggressor state. All programs and materials (except for informational and information-analytical ones), one of the participants of which is a person included in the List of persons posing a threat to national security, will be banned.

Media reform is one of the main demands of the European Union. At the same time, the EU expected Ukraine to comply with the directive on audiovisual media services . This directive does not provide for the regulation of printed and especially online publications.

The new law makes all Ukrainian media dependent on the National Council. He will be able to send binding orders to any editorial office, close online media without a court hearing, demand the removal of content from Youtube , Facebook and Google. Given the huge list of restrictions, only those publications that enjoy the support of Western structures, or operate in an area where there is no state

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[https://ips.ligazakon.net/document/view/Jl026051?utm\\_source=jurliga.igazakon.net&utm\\_medium=news&utm\\_content=jl03&\\_ga=2.152578169.1948355554.1679765452-1349052406.1678191915](https://ips.ligazakon.net/document/view/Jl026051?utm_source=jurliga.igazakon.net&utm_medium=news&utm_content=jl03&_ga=2.152578169.1948355554.1679765452-1349052406.1678191915)

<sup>8</sup>Ukraine: IFJ urges government to review new media law <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/ukraine-ifj-calls-on-the-government-to-revision-new-media-law.html>

<sup>9</sup>The Rada of Ukraine approved the media law necessary for European integration <https://www.svoboda.org/a/rada-ukrainy-odobrila-zakon-o-media-neobhodimyy-dlya-evrointegratsii/32175091.html>

regulation, or those media outlets with most of the editorial staff located abroad, will be able to afford criticism of the authorities.

This is not a wartime law - it will work after the end of the war. This law, not only during the war, but also after it, will become an instrument of total control by the authorities over the media. Thus, the President's team is using this bill, among other things, to strengthen its control over media resources in general.

The Parliament adopted Draft Law No. 8271 on amendments to the Criminal Code of Ukraine, the Code of Ukraine on Administrative Offenses and other legislative acts of Ukraine on the specifics of military service under martial law or in a combat situation <sup>10</sup>.

The law toughens responsibility for military personnel in martial law or in a combat situation.

In particular, the following is proposed.

More severe punishment for non-compliance with the order: instead of the current maximum sanction of 3 to 7 years in prison, they will be punished with 5 to 8 years in prison; instead of the current 10 days of arrest with a guardhouse, it is proposed to establish 15 days. For refusal to comply with the legal requirements of the commander, for which a fine of 100 to 145 tax-free minimums is currently due, a fine of 100 to 500 tax-free minimums or arrest with deduction in a guardhouse for up to 10 days will shine. For a repeated violation will be charged up to 1,000 tax-free minimums or arrested for up to 15 days .

The punishment for unauthorized abandonment of a military unit or place of service is being tightened: the maximum sanction is arrest up to 15 days or a fine up to 1,000 tax-free minimums (now the fine is three times lower, and arrest up to 10 days).

Responsibility for a number of articles of the Code of Administrative Offenses is being tightened. In particular, fines will be increased for irresponsible attitude to military service, abuse of power by a military person, violation of the rules of military duty, violation of the rules of border duty, violation of the rules for handling weapons and other articles.

For drinking alcoholic beverages on the territory of military units, it is proposed to fine up to 2,000 tax-free minimums and arrest with a guardhouse for up to 15 days (now the maximum sanction is a fine of 285 tax-free minimums and a guardhouse for up to 10 days).

A new norm is proposed - examination of those liable for military service and reservists during training, as well as military personnel for being in a state of alcoholic, narcotic or other intoxication. Such an inspection will be carried out by an official authorized by the head of the military law enforcement department or the commander of the military unit. Officials will also be able to inspect the condition

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<sup>10</sup>Zelensky signed a law on strengthening the responsibility of the military <https://delo.ua/ru/politics/zelenskii-podpisal-zakon-ob-usilenii-otvetstvennosti-voennyx-410065/>



of servicemen in public places and in transport using special technical equipment and tests.

### **Bill No. 7662 on the reform of the Constitutional Court.**

On December 13, deputies of the Verkhovna Rada supported the law No. 7662, which changes the procedure for the selection of judges of the Constitutional Court<sup>11</sup>. He was supported by 245 people's deputies. The reform of the Constitutional Court is one of the key conditions for Ukraine's membership in the EU. However, the current wording of the bill provides that independent international experts delegated by Ukraine's partners will not have a decisive vote in the Advisory Group of Experts, which will check candidates for the Constitutional Court. The Ukrainian half of the votes will consist of representatives of the Ukrainian authorities, which means that the selection of judges in the Constitutional Court will be sufficiently biased.

In general, the government is strengthening its control in the judiciary. The struggle for influence on the Constitutional Court, as well as on the judiciary in general, is due to the fact that the independence of the judiciary in the Office of the President was considered a risk and a threat to the power of V. Zelensky's team. The Constitutional Court, in particular, often blocked many of the government's legislative initiatives. At the same time, the Cassation Administrative Court of the Supreme Court of Ukraine declared unlawful the decree of President Volodymyr Zelensky on the removal of the head of the Constitutional Court Oleksandr Tupytsky from the position of a judge for 2 months. Now the head of the Constitutional Court has been put on the wanted list for illegally leaving the country during the war.

The Parliament adopted a bill providing for the liquidation of the District Administrative Court of Kyiv (OASK) bill No. 5369 and approved bill No. 5370 on the creation of the Kyiv City District Administrative Court<sup>12</sup>.

At the same time, large time delays can now be expected with the issuance of court decisions, given that there are 2.5 times fewer judges in the Kiev District Administrative Court than in the OASK. According to the Code of Administrative Procedure (KAFU), cases transferred from the OASK to the Kiev District Administrative Court, and later to the newly created Kiev City District Administrative Court, will be subject to consideration from the beginning, or re-examination from the stage of preparatory proceedings due to a change in the composition of the court.

The actions of the OASK often came into conflict not only with the policy of the authorities, but also with Western partners (in terms of anti-corruption bodies), they made many high-profile decisions, among which is the case of the former head

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<sup>11</sup>Disruption of the reform of the Constitutional Court: "Servants" this week plan to legalize behind-the-scenes appointments of judges .html

<sup>12</sup>The Rada liquidated the District Administrative Court of Kyiv

of the State Fiscal Service R. Nasirov , the case of B. Rosenblat , as well as the recognition of the nationalization of PrivatBank as illegal, ban on peaceful assemblies during the Euromaidan, etc.

**The Parliament of Ukraine has adopted three bills that change labor legislation.** Law No. 7251 (on the simplified termination of employment contracts during martial law), on the so-called simplified termination of employment contracts. In fact, we are talking about "simple layoffs" during the war. For example, the employer will be able to fire people for such a reason as the inability to provide working conditions due to the destruction of property as a result of hostilities.

Law No. 5371 (on the introduction of the contractual regime of labor relations for small and medium-sized businesses) prescribes simple labor contracts for small and medium-sized businesses. In fact, it generally limits the operation of the Labor Code in this segment - everything will be prescribed in contracts - working conditions, working hours, vacations, and salaries. But anything can be written in the contract, especially in conditions of unemployment. In fact, this means that Ukrainians will have to work on the conditions that employers will impose on them.

No. 5266 (on collective agreements). The latter was voted as a whole, the rest were accepted as a basis. This law is more focused on big business. In part, it contains norms that are favorable for working citizens - on the prohibition of discrimination in labor relations, on the preservation of working conditions in the event of a change in the owner of an enterprise. But there are also disadvantages. For example, in the event of a reorganization of a legal entity, the terms of the collective agreement are valid for no more than a year, while now they are until the conclusion of a new collective agreement. This loophole will allow the employer to delay the signing of a new contract, which means that for some time the employees will be unprotected.

The main thing that these documents change is that in Ukraine many articles of the Labor Code are actually "turned off", including those on working conditions, vacations, and payments. Thus, everyone will regulate individual and collective labor contracts. Against the background of the war in the country, unemployment is rising and wages are falling, and contract work carries great risks for workers' rights.

## **1.2 Positive legislative changes.**

In Ukraine, responsibility for anti-Semitism has increased.

On February 15, 2022, the Verkhovna Rada adopted Law No. 5110<sup>13</sup> "On Amendments to Article 161 of the Criminal Code of Ukraine to Implement the Provisions of the Law of Ukraine "On Preventing and Combating Anti-Semitism in Ukraine". The changes introduced by the new law relate to Article 161 of the Criminal Code on violation of the equality of citizens depending on their race,

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<sup>13</sup><https://hromadske.ua/ru/posts/v-ukraine-poyavitsya-ugolovnaya-otvetstvennost-za-antisemitizm-rada-prinyala-zakonoproekt>

nationality, religious beliefs, disability, etc. Now the article should be supplemented with the words and for "manifestations of anti-Semitism."

According to the document, anti-Semitism in Ukraine will be punished by a fine of 200 to 500 tax-free minimum incomes of citizens from 3,400 to 8,500 UAH. (85 - 212 euros at the NBU rate) or restriction of freedom for up to 5-8 years, deprivation of the right to hold certain positions or engage in certain activities for up to 3 years or without it.

The law also provides punishment for violence, deceit and threats. For this, you can get a fine from 8500 to 17000 UAH. (212 - 425 euros at the NBU exchange rate) or imprisonment from 2 to 5 years with or without deprivation of the right to hold certain positions.

If the actions envisaged by parts one and two were committed by an organized group or caused grave consequences, it is punishable by imprisonment from 5 to 8 years.

At the same time, it remains unclear whether the law was signed by the President after it was adopted; nothing is said about this in the bill's passage map <sup>14</sup>. And accordingly, this law has not yet entered into force. What is possibly due to the fact that in the conditions of war, the authorities do not want to additionally "irritate" the so-called. national - patriotic part of society.

The Verkhovna Rada adopted the bill "On National Minorities (Communities) of Ukraine" <sup>15</sup>.

On December 13, the Verkhovna Rada adopted in the second reading Law No. 8224 Draft Law "On National Minorities (Communities) in Ukraine" <sup>16</sup>. The bill proposes to establish that the national minority of Ukraine (hereinafter referred to as the national minority) is a group of citizens of Ukraine who are not ethnic Ukrainians, traditionally residing on the territory of Ukraine, united by common ethnic, cultural, historical, linguistic or religious characteristics, aware of their belonging to it, showing a desire to preserve and develop their linguistic, cultural, religious identity.

National minorities are guaranteed the right to self-identification, to peaceful assembly, to use the language of the national minority, including in the field of education. The national minority gets the opportunity to publish media in their own language, to duplicate signboards and election campaigning, posters, and cultural events. It is also proposed to provide for the creation of advisory bodies to resolve issues of national minorities.

The Initiative determines that a person belonging to a national minority also has the right to:

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<sup>14</sup>Draft law on the introduction change to article 161 of the Criminal Code of Ukraine for implementation regulation of the Law of Ukraine "About the destruction of that protidium anti-Semitism in Ukraine " <https://itd.rada.gov.ua/billinfo/Bills/CardByRn?regNum=5110&conv=9>

<sup>15</sup>The Rada adopted a law on national minorities <https://www.unn.com.ua/ru/news/2007030-rada-ukhvalila-zakon-pro-natsmenshini>

<sup>16</sup>Draft Law on National minorities ( spilnoti ) of Ukraine <https://itd.rada.gov.ua/billInfo/Bills/Card/40892>

- 1) self-identification;
- 2) freedom of public associations and peaceful assembly;
- 3) freedom of expression of views and beliefs, thought, speech, conscience and religion;
- 4) participation in political, economic and social life;
- 5) use of the language of a national minority;
- 6) education, including in the languages of national minorities;
- 7) preservation of the cultural identity of the national minority.

According to the bill, national minorities are guaranteed protection against forced assimilation.

It also prohibits direct and indirect discrimination against persons belonging to national minorities. In case of infringement of the rights of minorities, their representatives can apply to the court or in another legal way to achieve the protection of their rights.

The adopted draft law on national minorities has become somewhat better than in the initial versions. Some amendments to the law of national minorities and expert organizations have been taken into account.

But the issues have not been resolved: the full study of the language of national minorities, the use of the language in the judicial system, in the media, the issue of compact living has not been resolved.

All the restrictions that are present in the existing legislation have been preserved, in particular, in the law “On Ensuring the Functioning of the Ukrainian Language as the State Language” and the law “On Education”.

This law “on national minorities”, unfortunately, does not reach the level of protection and the possibility of national minorities and the possibility of their development, especially national languages, which was spelled out in the Constitution of Ukraine and repealed in 2018 by the Law of Ukraine “On the Fundamentals of the State Language Policy”.

At the same time, the law partially fills the legal gap and conditions are created for national minorities for wider activities in the private public sector - they can create their own schools teaching their own language, create their own media, hold cultural events and engage in other activities using the languages of national minorities.

### **Ratification of the Istanbul Convention .**

The Verkhovna Rada adopted the Law of Ukraine dated June 20, 2022 No. 2319-IX “On Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence”<sup>17</sup>. Its main meaning is the obligation to protect women from violence and various forms of discrimination. Opponents of the convention draw attention to the fact that the

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<sup>17</sup>About ratification Convention for the sake of Europe about the abhorrence violence one hundred and fifty woman i home violence and struggle from cimi ghosts [https:// zakon . rad . gov . ua / laws / show /2319-20# Text](https://zakon.rada.gov.ua/laws/show/2319-20#Text)

document provides for protection, among other things, from discrimination based on gender. That is, this will be another mention in Ukrainian legislation of gender, which is perceived by opponents as a substitute for male and female.

The ratification of this convention was one of the requirements for obtaining the status of Ukraine's candidate for the European Union.

The Istanbul Convention is an international agreement of the Council of Europe. It is signed by 45 countries and the European Union. Ukraine joined it in 2011, but the convention has not yet been ratified by the Rada.

The Istanbul Convention acquired particular relevance on the eve of the final decision on granting Ukraine the status of a candidate for membership in European Union. The convention was promptly put to a vote on the eve of the EU summit on June 23-24.

The ratification of the Istanbul Convention on the eve of the EU summit, on the part of the Ukrainian authorities, is a kind of demonstration of Ukraine's readiness to implement the necessary reforms, since for the EU member states this is a kind of "*marker of civilization* ." Potentially creates a crisis between the right-wing conservative part of society, part of religious organizations and the Ukrainian authorities.

**Law of Ukraine No. 7124 "On Amendments to the Criminal Code of Ukraine on Strengthening the Responsibility for Looting" <sup>18</sup>.** As long as martial law is in force in Ukraine (changes are also provided for the state of emergency), any seizure of other people's property, regardless of the value of the property, the number of those committing a crime, will be considered a more serious crime than in peacetime. The term of imprisonment for certain articles has also been increased.

After the adoption of this law, some articles of the Criminal Code of Ukraine will be amended in the qualifying sign of a crime. Changes are made to the following articles:

- Art. 185 (theft, that is, the secret theft of another's property)
- Art. 186 (robbery, that is, open theft of another's property)
- Art. 187 (robbery, that is, an attack with the aim of taking possession of another's property, is combined with violence dangerous to life or health or with the threat of such violence)

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<sup>18</sup>About the entry change to the Criminal Code of Ukraine shodo settlement reprimand for looting [https://ips.ligazakon.net/document/view/J107084I?utm\\_source=jurliga.ligazakon.net&utm\\_medium=news&utm\\_content=j101](https://ips.ligazakon.net/document/view/J107084I?utm_source=jurliga.ligazakon.net&utm_medium=news&utm_content=j101)

– Art. 189 (extortion)

– Art. 432 (looting, that is, the theft on the battlefield of things that are with the dead or wounded).

Such changes in the criminal law are really important, since increasing the punishment for such crimes should deter people from illegal actions.

## **2. Law enforcement practices affecting minorities during the monitored period.**

### **The situation of journalists in Ukraine.**

After the start of a full-scale war by the Russian Federation, Ukraine has become one of the most dangerous countries for media workers. In 2022, the UN recorded 10 deaths of journalists in Ukraine<sup>19</sup>. In particular, one can note the murder of journalist Zoreslav Zamoysky in Bucha - he was found dead on one of the main streets of the city. As well as the murder of journalist Roman Nezhiborets in the Chernihiv region<sup>20</sup>.

It is worth noting that even before the war, freedom of speech in Ukraine caused constant concern on the part of international organizations. And this problem is greatly exacerbated by impunity for crimes.

According to statistics from the Office of the *Prosecutor General*, in total for 2022. 88 offenses against journalists were registered, of which 42 offenses were registered. For comparison in 2020. 249 offenses were registered, of which 104 were registered; In 2019 - 259 and 157 respectively.

In 4 cases out of 42 criminal offenses, proceedings were sent to court against 4 suspects. That is, in 38 offenses out of 42 no action was taken (90% of cases). Accordingly, under Article 171, obstruction of the legal professional activities of journalists, 28 offenses were registered. In 4 cases, proceedings were sent to court in respect of 4 suspects.

- Under Article 345-1, threats or violent actions against a journalist were registered 12 offenses. None of the proceedings were sent to court.
- According to Article 347-1, deliberate damage to the property of a journalist 1 offense was registered, but was not brought to court.
- Under Article 348-1 encroachment on the life of a journalist, 1 offense was registered, but was not brought to court.

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<sup>19</sup>Ukraine is among the three countries where the largest number of journalists were killed in 2022 <https://news.un.org/en/story/2023/01/1436667>

<sup>20</sup>After the withdrawal of Russian troops in Bucha and Yagodnoe, the bodies of murdered Ukrainian journalists were found <https://cpj.org/ru/2022/04/>

<sup>21</sup>Reply of the Office of the Prosecutor General on March 10, 2023 No. 27/3 - 377 Vih . 23

In none of these cases was the detention of the person taken as a preventive measure.

Despite the fact that the number of reported crimes against journalists has significantly decreased, it cannot be said that the situation with freedom of speech in Ukraine has improved. Since the percentage of offenses against journalists who are not investigated in Ukraine has not changed and remains very high - it is 90%.

According to the data of the State Judicial Administration <sup>22</sup>in 2022. The court received 11 cases concerning offenses against journalists. During 2022 There were 64 cases in court against 94 persons. In total, 17 proceedings were considered, 4 with a verdict. In 11 cases, the production was closed. Returned to the prosecutor 2 proceedings. Total for 2022 for offenses against journalists: 2 people were acquitted, 9 people were convicted, proceedings were closed against 14, and the case was returned to the prosecutor against 2. Thus, 9 people were convicted for crimes against journalists in 2022, one of them was sentenced to prison.

## **Exacerbation of confrontation in the religious sphere.**

**From November 2022, the escalation around the Ukrainian Orthodox Church ( Blessed Onufry) begins to grow.** So the SBU conducted searches in the Kiev-Pechersk Lavra, and in a number of churches and monasteries of the UOC in Rivne, Ivano-Frankivsk, Chernivtsi regions and Transcarpathia.

In fact, the UOC declared the authorities part of the "fifth column", allegedly for activities that contribute to the preservation of Russian influence in Ukraine. Despite the fact that the Church from the first days of the invasion of the Russian Federation took a position to condemn Russia and support the authorities and the army in the war, adhering to this line to this day. Metropolitan Onufry in the first hours after the Russian invasion called what was happening a war and "Cain's sin." These statements directly contradicted the rhetoric of Patriarch Kirill of Moscow, who almost directly blesses the Russian soldiers for the war against the Ukrainians.

The Verkhovna Rada Committee on Humanitarian and Information Policy has supported three bills relating to the activities of the Ukrainian Orthodox Church (UOC), which essentially prohibit its activities. In particular, the committee supported the Parliament's appeal to the government regarding the transfer of the buildings of the Pochaev Assumption Lavra and the Kiev-Pechersk Lavra to the Orthodox Church of Ukraine (N8012) <sup>23</sup>for free use .

In addition, they supported the bill N8262 <sup>24</sup>, which provides for the simplification of the transition from the communities of the UOC to the OCU.

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<sup>22</sup>Answer of the State Judicial Administration 14.03.2023 No. inf . /B 319-23- 327 / 23

<sup>23</sup>A draft law on the transfer of the OCU of the Kiev-Pechersk and Pochaev Lavra has been submitted for consideration by the Verkhovna Rada

<sup>24</sup>About adopting as a basis the draft Law of Ukraine on the introduction of change to last legislators assets Ukraine shodo improvement of legal regulation activities religious organizations <https://ips.ligazakon.net/document/DI08539A>

Bill N8221 On ensuring the strengthening of national security in the field of freedom of conscience and the activities of religious organizations. <sup>25</sup>He proposes on the territory of Ukraine to ban the activities of the Russian Orthodox Church, religious organizations that are directly or as components of another religious organization are part of the structure of the Russian Orthodox Church; as well as religious centers that are part of or subordinate to the canonical, organizational or other issues of the ROC.

It is also assumed that contracts for the use of property by prohibited religious organizations are terminated ahead of schedule.

The main scientific and expert department of the Verkhovna Rada criticized this law. This bill proposes to allow only those churches that will become subordinate to the OCU to bear the name "Orthodox". To this scientific and expert department of the Rada, referring to the Constitution, notes that " *Ukraine is a secular state, which excludes the possibility of establishing at the legislative level any advantages for certain religious organizations .* "

" *The proposed monopoly of a religious organization on the term "Orthodox" is not sufficiently balanced and contains signs of a violation of Article 35 of the Constitution of Ukraine, including the rights of members of other religious organizations ,* " the conclusions say. Another claim is the concept of "foreign religious organizations", which is included in the bill, but is not explained there in any way (just as it is not mentioned in the rest of Ukrainian legislation). Experts also point out that the ban on religious organizations that "declare" a connection with the Russian Orthodox Church in any form is an indefinite reason (that is, no specific forms of such a declaration are listed). Which gives reason to close religious communities at the discretion of the authorities.

In general, it is noted that the bill submitted to the Rada, which actually bans the UOC, is contrary to the Constitution and can split society.

Along with this, new sanctions were introduced against the hierarchs of the UOC. Among them is Metropolitan Anthony ( Pakanich ), the manager of the affairs of the UOC and one of its most influential leaders. Metropolitan of Chernivtsi and Bukovina Meletiy also fell under the sanctions . The rest are metropolitans in the territories occupied by the Russian Federation. Earlier, the vicar of the Kiev-Pechersk Lavra, Metropolitan Pavel (Lebed), fell under the sanctions.

The conclusion of the examination of the State Service for Ethnopolitics and Freedom of Conscience states that the Ukrainian Orthodox Church (UOC) has not severed the church-canonical connection with the Russian Orthodox Church (ROC). " *The adoption of a new version of the Charter on the management of the UOC of May 27, 2022 and the Resolution of the Council of the UOC did not lead to a break in the church-canonical connection of the Ukrainian Orthodox Church with the Russian Orthodox Church. The status of the UOC as a structural division of the ROC*

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<sup>25</sup>Draft law on security zmitsnennya national safety in the sphere freedom sovisti and diyalnosti religious organizations <https://www.kmu.gov.ua/bills/proekt-zakonu-pro-zabezpechennya-zmitsnennya-natsionalnoi-bezpeki-u-sferi-svobod-i-sovist-ta-diyalnosti-religiy-nikh-organizatsiy>



*with the rights of independence, but not forming an autocephalous Church, remains unchanged* ", - the conclusions of the experts say <sup>26</sup>. Experts note that another sign of the dependence of the UOC on the MP is that it is "united" with the "One Holy, Catholic and Apostolic Church", that is, with the Ecumenical Orthodoxy, "through the Russian Orthodox Church." " *The consequence of this is not only the doctrinal unity of the UOC with Ecumenical Orthodoxy through the mediation of the ROC, but also the dependence in conducting interchurch and interreligious policy on its religious center and a direct indication that the UOC has a "canonical" status only through and thanks to the Moscow Patriarchate* " , - reported in the document of the commission. Not long before this decision, a former people's deputy and well-known religious scholar, Dr. Viktor Yelensky, was appointed to the post of head of the State Service for Ethnopolitics and Freedom of Conscience. The previous head of the State Ethnopolitics, Elena Bogdan, was fired by the Cabinet of Ministers on December 6, allegedly because of " *a number of comments on her work* . "<sup>27</sup>

The Ukrainian Orthodox Church criticized the conclusions of the State Service for Ethnopolitics and Freedom of Conscience that the UOC has a canonical connection with the ROC <sup>28</sup>. The chairman of the legal department, Archpriest Alexander Bakhov, called the examination of the civil service "illegal, carried out in violation of the law and beyond the scope of the subject of his research <sup>29</sup>. " According to him, " *the conclusion of this examination is perplexing for any lawyer, because it was drawn up by people who were elected to participate in this examination without clear reasons and do not bear any responsibility for their work.*" A. Bakhov added that according to the statutory documents, the UOC is independent and self-sufficient in its management and structure, its governing bodies - the Cathedral and the Synod - are located in Kyiv. In this case, the output The state service for ethnopolitics and freedom of conscience is not of a legal nature.

The UOC considers what is happening around the church to be interference in the affairs of the confession, "a gross manipulation with an attempt to brazenly violate the rights to freedom of religion of 12 thousand religious organizations and millions of believing citizens of Ukraine. If a decision is made based on this conclusion, the UOC promised to "defend itself by all legal means" on national and international levels. The Primate of the UOC, Metropolitan of Kiev and All Ukraine Onufry sent an appeal to the UN leadership <sup>30</sup>with a request to pay attention to the violation of the right to freedom of conscience and religion in Ukraine.

Since January 1, 2023, the UOC has been denied services in the main Lavra church - the Assumption Cathedral, as well as the Refectory Cathedral located next

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<sup>26</sup> Visnovok religious connoisseur examination of the Statute on management Ukrainian of the Orthodox Church for the presence of the church- canonical contact with the Moscow Patriarchate <https://dessa.gov.ua/vysnovok-relihiiezhnavchoi-ekspertyzy-statutu-pro-upravlinnia-ukrainskoi-pravoslavnoi-tserkvy/>

<sup>27</sup>Viktor Yelensky headed the State Service for Ethnopolitics and Freedom of Conscience [https://risu.ua/ru/viktor-elenskij-vozglavil-gossluzhbu-po-etnopolitike-i-svobode-sovesti\\_n134946](https://risu.ua/ru/viktor-elenskij-vozglavil-gossluzhbu-po-etnopolitike-i-svobode-sovesti_n134946)

<sup>28</sup>It remains a structural unit. The State Ethnopolitiki checked the connection of the UOC (MP) with the ROC

<sup>29</sup>"Does not fit the subject of the study." The UOC criticized the examination of the State Ethnic Policy on the connection of the Church with the ROC

<sup>30</sup>Primate of the UOC Onufriy: an appeal was sent to the UN in connection with harassment by the Kyiv authorities <https://inosmi.ru/20230130/upts-260178420.html>

to it<sup>31</sup>. Both are in the Upper Lavra. At the same time, they were allowed to serve in the specified cathedral of the Orthodox Church of Ukraine (OCU). The OCU immediately declared its desire to receive the entire Lavra complex for use.

In February, the Economic Court of Kyiv ruled to demolish the UOC Church (Desyatynny Monastery of the Nativity of the Blessed Virgin Mary), located near the Tithe Church in Kyiv, arguing that it violates the architectural complex<sup>32</sup>.

The Ministry of Culture ordered the Ukrainian Orthodox Church to completely vacate the Kiev-Pechersk Lavra until March 29<sup>33</sup>. The actions of the government were publicly supported by the President of Ukraine V. Zelensky. The official version is violations during the operation of the premises of the Lavra, allegedly discovered during the inspection. The authorities are also beginning the process of depriving the Ukrainian Orthodox Church of the right to use the Pochaev Lavra in the Ternopil region, which is home to a UOC monastery<sup>34</sup>.

Pope Francis commented on the situation with the termination of the agreement by the Ministry of Culture of Ukraine on the use of the Ukrainian Orthodox Church of the Kiev-Pechersk Lavra, and called for "respect" of religious objects<sup>35</sup>. The head of the Russian Orthodox Church, Patriarch Kirill, called the order of the authorities to the monks of the Ukrainian Orthodox Church to leave the Kiev-Pechersk Lavra a "monstrous act"<sup>36</sup> and sent a corresponding appeal to the primates of local Orthodox churches, Pope Francis, UN Secretary General Antonio Guterres and other religious leaders and representatives of international organizations. Which, in essence, will only contribute to the growth of aggression on the part of the authorities towards the UOC.

The authorities make it clear that they intend to expel the structures of the UOC from the territory of Ukraine as a whole. In his evening address on Sunday, March 12, 2023, President of Ukraine Volodymyr Zelensky<sup>37</sup> said that the authorities would not allow Russia to manipulate the spirituality of the Ukrainian people, destroy or rob Ukrainian Lavra. Thus, he commented on the situation that unfolded around the Kiev-Pechersk Lavra, which they plan to take away from the UOC.

It is possible that in the event of the complete displacement of the UOC from the territory of the Kiev-Pechersk Lavra, the adoption of laws and a complete ban

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<sup>31</sup>The main temple of the Kiev-Pechersk Lavra was taken from the UOC <https://www.dw.com/ru/glavnyj-hram-kievopeckskoj-lavry-zabrali-iz-polzovania-upc-mp/a-64296700>

<sup>32</sup>The court in Kyiv ordered the UOC to demolish the temple of the monastery near the remains of the Church of the Tithes

<sup>33</sup>Leave by March 29th. Why the UOC is being evicted from the Kiev-Pechersk Lavra and the possible development of events <https://rua.gr/news/sobmn/54142-vyekhat-do-29-marta-pochemu-upts-vyselyayut-iz-kievo-peckskoj-lavry-i-vozmozhnoe-razvitie-sobytij.html>

<sup>34</sup>The authorities want to deprive the Ukrainian Orthodox Church of the right to use the Pochaev Lavra <https://strana.today/news/428227-vlasti-ukrainy-sobirajutsja-zabrat-pochaevskuju-lavru-u-upts.html>

<sup>35</sup>The Pope urged to "respect" religious objects against the background of the "eviction" of the UOC-MP from the Lavra <https://www.unian.net/world/papa-rimskiy-prizval-uvazhat-religioznye-obekty-na-fone-vyseleniya-upc-mp-iz-lavry-12180393.html>

<sup>36</sup>Patriarch Kirill called the demand for the UOC to leave the Lavra in Kyiv a "monstrous act" <https://news-kiev.ru/society/2023/03/16/123433.html>

<sup>37</sup>Zelensky about Lavra: we will not allow manipulation of the spirituality of Ukrainians

on the activities of the UOC will follow. At the same time, this decision will contribute to increased conflict and discontent in Ukrainian society.

The country has accelerated the process of changing names and demolishing monuments to historical and cultural figures associated with the era of the Russian Empire and the USSR.

The Verkhovna Rada of Ukraine adopted Law No. 7253 <sup>38</sup>, which prohibits assigning names associated with Russia to geographical objects.

Streets, cities, squares, parks and other geographical objects are now forbidden to assign names that exalt, propagandize, perpetuate or symbolize Russia, Russian memorable, historical, cultural places, dates, events, as well as Russian figures who “committed military aggression against Ukraine and other states,” and persecuted dissidents, writes Radio Liberty. Also, the new law prohibits the production and distribution of symbols that are associated with Russian imperial politics, starting from the 16th century (from Moscow to the Russian Federation). Such are, in particular, monuments to Russian statesmen.

Dozens of streets, metro stations were renamed in the country, monuments to historical and cultural figures were dismantled <sup>39</sup>. So, on December 29, 2022, sculptures of the founders of the city, Russian Empress Catherine II and commander Alexander Suvorov were dismantled in Odessa, a bust of poet Alexander Pushkin and a monument to Soviet Marshal Georgy Zhukov were dismantled in Kharkov, dozens of streets were renamed in Kiev, the process also affected the names of metro stations .

### **3. Society's attitude towards immigrants, foreigners, ethnic, religious and sexual minorities.**

Before the war, Ukraine was a transit or destination country for asylum seekers and refugees, mainly from Afghanistan, the Russian Federation, Bangladesh , Syria and Iraq. As of the end of 2021, 2,391 officially registered refugees and persons with subsidiary protection, as well as about 2,700 asylum seekers from 60 countries of the world, lived in Ukraine <sup>40</sup>.

In Ukraine, the legal status of refugees is regulated by the Law of Ukraine of July 8, 2011 No. 3671-VI “On Refugees and Persons in Need of Additional or Temporary Protection” <sup>41</sup>. It determines the procedure for regulating public relations in the field of recognizing a person as a refugee, a person in need of additional or

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<sup>38</sup>Ukraine to ban geographic names associated with Russia . The Rada passed the law

<sup>39</sup>Ukraine banned assigning names related to Russia <https://nokka.md/v-ukraine-teper-zapreshheno-prisvaivat-geograficheskie-nazvaniya-svyazannye-s-rossiej/>

<sup>40</sup>UNHCR Refugees and asylum seekers. [https://www.unhcr.org/ua/refugees-asylum-seekers\\_ua](https://www.unhcr.org/ua/refugees-asylum-seekers_ua)

<sup>41</sup>[http://base.spinform.ru/show\\_doc.fwx?rgn=46089](http://base.spinform.ru/show_doc.fwx?rgn=46089)

temporary protection, loss and deprivation of this status, as well as establishing the legal status of refugees and persons in need of additional protection and who have been granted temporary protection in Ukraine. A refugee is a person who is not a citizen of Ukraine and, due to well-founded fear, may become a victim of persecution on the basis of race, faith, nationality, citizenship (nationality), belonging to a particular social group or political opinion. Article 15 of the aforementioned law states that a person recognized as a refugee has the same rights as citizens of Ukraine.

Since the outbreak of war on February 24, 2022, many refugees and asylum seekers have been forced to leave their homes again in search of safety, protection and assistance. Those minorities who were unable to leave the occupied territories faced the same problems as other Ukrainians: violence, looting, deadly wartime dangers, and shortages of goods.

In the first month of the war, more than 4 million people - citizens of Ukraine went abroad to neighboring countries, and even more were displaced within Ukraine - about 6 million people. From February 24 to March 2023 19.2 million citizens left Ukraine, and 10.8 million returned. According to the UN, there are 8.1 million refugees in Europe <sup>42</sup>.

Data on crossing the state border can only give an approximate idea of the real scale of migration from Ukraine.

In 2022, according to the State Border Service of Ukraine <sup>43</sup>, 2,302,374 foreigners visited the country. For comparison, in the so-called. Covid 2020, when the borders were closed, 3,382,097 people visited Ukraine, before the start of the pandemic, compared with 2019, 13,709,562 people visited Ukraine. Most of all, in 2022, Ukraine arrived from Moldova - 877,018 people; Romania - 288,151 people; Poland 243,365; Hungary - 189,280 people; Turkey - 74 324.

### **The position of the Hungarian community in Ukraine.**

In December, the Verkhovna Rada approved the draft law on national minorities. That was one of the main conditions for Ukraine to join the European Union. But the law was sharply criticized by Hungary. Hungarian Foreign Minister Péter Szijjarto said that a "*concentrated, serious attack on Hungarian society*" is taking place in Ukraine <sup>44</sup>. He stressed that Ukraine's new provision on national minorities has created "*an even worse situation than before.*" *Hungarian teachers and school principals are fired en masse for no reason, and Hungarian institutions are forced to remove their Hungarian national symbols - these are signs of a serious anti-Hungarian attack. The EU must also act against this. It is unacceptable that anyone can ask this as a bilateral question* , said P. Szijjártó .

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<sup>42</sup>United Nations Intelligence Portal. The situation with refugees in Ukraine. [https://data.unhcr.org/en/situations/ukraine#\\_ga=2.62272300.129020978.1678786402-1154705740.1678786402](https://data.unhcr.org/en/situations/ukraine#_ga=2.62272300.129020978.1678786402-1154705740.1678786402)

<sup>43</sup>Answer of the Administration of the State Border Guard Service of Ukraine (no number)

<sup>44</sup> Szijjártó said that there was an attack on the Hungarians in Ukraine and asked the EU to respond

In the fall of 2022, the authorities of the city of Mukachevo in the Transcarpathian region of Ukraine decided to dismantle the Hungarian symbols - the eagle, located in the Palanok castle, and replace it with a Ukrainian trident. Chairman of the Hungarian Culture Society of Transcarpathia (KMKSZ) Laszlo Brenzovich said that the organization had applied to the prosecutor's office<sup>45</sup>.

Hungary has always paid much attention to the situation of ethnic Hungarians living in neighboring countries. Conflicts flare up between Ukraine and Hungary every now and then, the focus of which, as a rule, is Transcarpathia, a region where especially many Ukrainians of Hungarian origin live. In the Transcarpathian region live Hungarians, who are an ethnic minority of Ukraine - about 151 thousand people, 12% of the population of the region. After the adoption under President Petro Poroshenko of a new law "On Education", which launched mechanisms for the gradual abolition of education in the native language, except for Ukrainian, the confrontation between Budapest and Kiev on this issue escalated.

The current legislation of Ukraine does not provide for the functioning of educational institutions teaching the language of the national minority. However, the law allows the creation of separate classes (groups) with instruction in the language of the respective national minority along with the state language. At the same time, in such classes, the amount of study time taught in the state language should gradually increase from 20% in the 5th grade to 60% in high school. But in the educational programs and curricula of all schools in the district, in which classes with instruction in Hungarian next to the state language function, the language of teaching of each subject is not defined. This situation leads to the fact that, in particular, in the Vinogradov secondary school of I - III levels No. 3 named after Zhigmond In all classes, subjects are taught simultaneously in two languages: 70% - in Hungarian, 30% - in Ukrainian<sup>46</sup>.

During the time after the outbreak of the war in Ukraine, problems in relations between Budapest and Kiev appeared repeatedly. Thus, Hungary has repeatedly blocked EU initiatives to support Kyiv and recently vetoed Brussels' macroeconomic assistance to it in 2023.<sup>47</sup> As a result, the EU agreed on a package of assistance to Kyiv in the amount of 18 billion euros on the eve of the summit in Brussels. Now Hungary is preparing to block the processes of Ukraine's accession to the European Union and NATO. Since 2017, Hungary has been blocking meetings of the Ukraine-NATO Commission at the ministerial level, officially they are now held at the ambassadorial level.

## **Roma problems.**

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<sup>45</sup> Szijjarto explained why Hungary is slowing down Ukraine's path to NATO <https://www.gazeta.ru/politics/2022/11/29/15862417.shtml>

<sup>46</sup> Szijjártó said there was an attack on the Hungarians in Ukraine and asked the EU to respond [https://24tv.ua/ru/vengrija-zajavila-ob-atake-na-vengrov-v-ukraine-24-kanal\\_n2241847](https://24tv.ua/ru/vengrija-zajavila-ob-atake-na-vengrov-v-ukraine-24-kanal_n2241847)[https://24tv.ua/ru/vengrija-zajavila-ob-atake-na-vengrov-v-ukraine-24-kanal\\_n2241847](https://24tv.ua/ru/vengrija-zajavila-ob-atake-na-vengrov-v-ukraine-24-kanal_n2241847)

<sup>47</sup>Why Hungary is in no hurry to help Ukraine <https://www.dw.com/ru/pocemu-hungria-ne-toropitsa-pomogat-ukraine/a-64072617>

Human rights activists estimate that the 2022 Russian invasion forced about 100,000 Ukrainians of Roma origin to flee their homes. The war disrupted Ukraine's nascent Roma assistance system promoted by human rights activists and activists<sup>48</sup>. This has exacerbated the problems characteristic of Roma communities: lack of documents, insufficient education, poverty, and the risk of being subjected to racist violence. Roma often faced xenophobia and rejection as they fled the horrors of war to “safe areas”. Evidence of such problems is available both in the Russian Federation and in other countries, incl. EU. Before the war, the lack of documentation often prevented the Roma from enjoying social and economic rights. But in wartime conditions, this problem became especially acute, because identity cards were often required to cross checkpoints and borders. Another factor that complicated the evacuation from the territory of hostilities was poverty. Many Roma simply did not have the money for a long trip to safe areas. For example, after the outbreak of hostilities, the cost of travel from occupied Melitopol to Ukrainian-controlled Zaporozhye increased to 5,000 hryvnia per person, although in peacetime it was only 200. Sometimes the Roma became the targets of increased aggression by the Russian military because of their ethnicity. In addition, the poverty of the Roma communities and specific forms of employment made their situation particularly difficult.

### **level of xenophobia.**

According to a study by the Kiev International Institute of Sociology (KIIS)<sup>49</sup>, the lowest level of ethnic prejudice in Ukraine is towards Ukrainians and Poles, then towards Canadians, Americans and Jews, and the highest towards Russians, Belarusians, Roma and Africans.

- The dynamics of the level of xenophobia in Ukraine is indicated from 1994 to 2022 (the average value of social distance for 13 ethnic groups according to the Bogardus scale ).

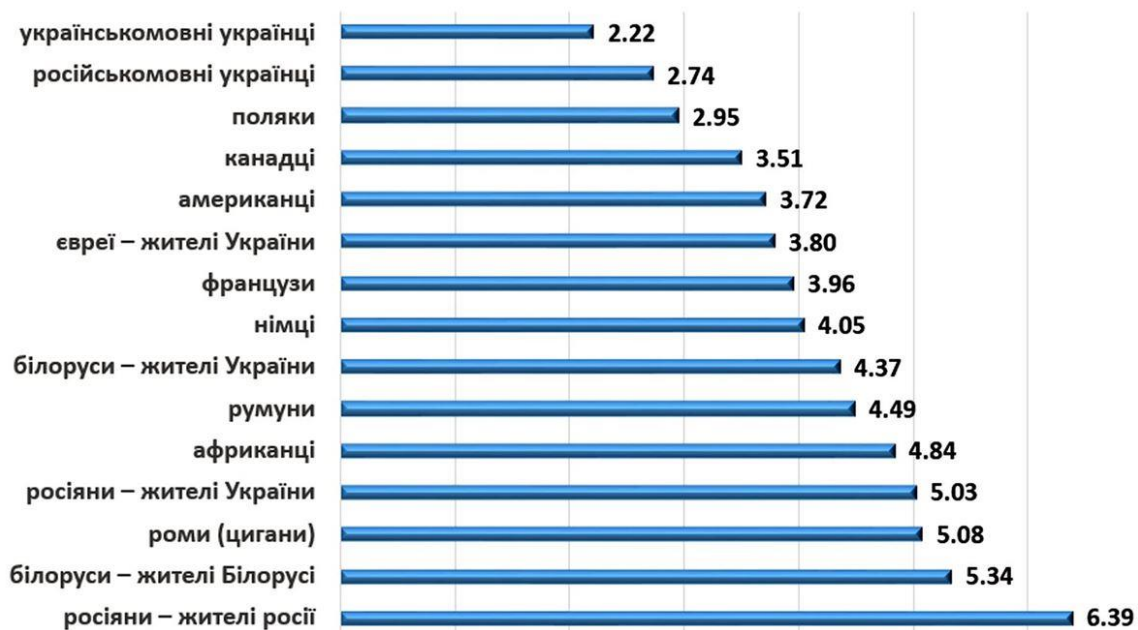
- The level of xenophobia in Ukraine from 1994 to 2007 increased from 3.5 to 4.3 points. From 2008 to 2013, the index dropped to 4.0 points. The level of xenophobia in 2022 slightly increased from 3.83 to 3.99 due to the worsening attitude towards Russians and Belarusians. If we compare the data with the past 2021, then the attitude towards the Poles has significantly improved and the attitude towards the Russians and Belarusians has deteriorated very much. At the same time, the attitude towards Russians and Belarusians living in Ukraine has also deteriorated.

### **Social distance from the adult population of Ukraine to some ethnic groups ( Bogardus scale ), September 2022**

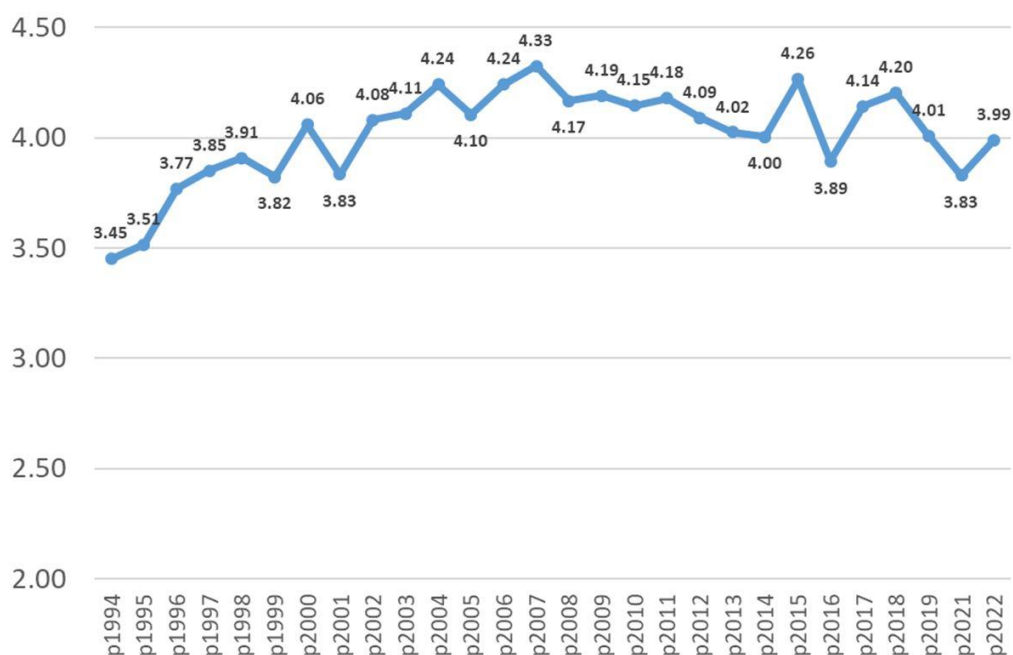
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<sup>48</sup>There.

<sup>49</sup>PRESS-RELEASES THAT ARE RELEASED IN UKRAINE, SEPTEMBER 2022 <https://kiis.com.ua/?lang=ukr&cat=reports&id=1150&page=6>



**Dynamics of the level of xenophobia in Ukraine from 1994 to 2022 (the average value of social distance for 13 ethnic groups according to the Bogardus scale ).**



- The smallest social distance: to Ukrainian-speaking and Russian-speaking Ukrainians (index 2.22 and 2.74, respectively), the majority of respondents are ready to admit them as members of their family and close friends.
- followed by the Poles (2.95),
- further Canadians, Americans and Jews (from 3.5 to 3.8).
- The greatest social distance to Russians-residents of Ukraine (5.03)
- Roma (5.08),

- residents of Belarus (5.34)
- Russians living in Russia (6.39).

It is noted that the level of xenophobia is most influenced by such factors as education (the higher the education, the lower the level of xenophobia), the type of settlement (the level of xenophobia is higher in the village than in the city), the region of residence, financial status (the higher the level of well-being, the the level of xenophobia is lower) and age (the level of xenophobia increases with age).

**As for the attitude of Ukrainian citizens towards representatives of the LGBT community** . The human rights LGBT center "Our World" notes <sup>50</sup>that over 6 years in Ukraine, the number of people who have a negative attitude towards LGBT people has decreased by one and a half times. In 2016, 60.4 % treated LGBT people poorly , and in 2022 - 38.2%. The number of those who have a positive attitude towards LGBT people has quadrupled (from 3.3% to 12.8%), and one and a half times the number of those who are indifferent to them (from 30.7% to 44.8%). In this case, indifference is a positive factor, as it means that there is no prejudice against this population group. Thus, already the vast majority - about two-thirds - of Ukrainians accept LGBT people as they are. The most tolerant of LGBT people are young people aged 18-29: 24% are positive, 58.8% are indifferent, and only 16.9% are negative.

Also, the Nash Mir LGBT human rights center reports that full legal equality of LGBT people is now supported by two-thirds of Ukrainians. the proportion of those who believe that the rights of LGBT people should be restricted in some way has halved (from 45.2% (to 25.9%).

#### **4. The COVID-19 pandemic and its impact on the level of xenophobia and the radicalization of society.**

Quarantine to prevent the spread of COVID-19 in Ukraine was introduced from March 12, 2020. Then it was repeatedly extended. The last time the Cabinet of Ministers decided to extend the quarantine and the state of emergency in Ukraine until April 30, 2023. The corresponding resolution No. 1423 was adopted on December 23, 2022 <sup>51</sup>. These changes were made to the Order of the Cabinet of Ministers of March 25, 2020 No. 338 "On the transfer of the unified state system of civil protection to the emergency mode" and the Cabinet of Ministers of December 9, 2020 No. 1236 "On the establishment of quarantine and the introduction of restrictive anti-epidemic measures in order to prevent the spread of on the territory of Ukraine of acute respiratory disease COVID-19 caused by SARS-CoV-2 coronavirus.

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<sup>50</sup>UKRAINIANS HAVE CARDINALLY IMPROVED THE ATTITUDE TO LGBT 6c1vhTN49ZiKcjeaYKo

<sup>51</sup>OFFICE OF MINISTER OF UKRAINE DECISION dated December 23 , 2022 N 1423 <https://ips.ligazakon.net/document/view/kp221423?an=1>



In general, measures from 2020 quarantine restrictions that were applied in the country can be attributed to one of the most stringent in the world. It should be noted that their use in many ways turned out to be economically destructive and socially extremely unpopular in society. Forcing a society to comply with quarantine restrictions in many cases can also be regarded as a violation of human rights, since it was often introduced in violation of established procedures by law (modes of "state of emergency", "quarantine restrictions" and so on). Along with this, quarantine measures have affected access to justice and the implementation of public trial guarantees. Some courts have banned observers and journalists from entering the premises; there were many obstacles to ensure equal access in the digitalization of justice.

In addition to the fact that COVID-19 caused a serious socio-economic crisis around the world, in Ukraine, as in many other countries, existing shortcomings in the field of health care and social protection have fully manifested themselves, inequality, exclusion and discrimination have increased, various forms of social alienation, which is primarily associated with the use of certain forms of quarantine restrictions. The coronavirus pandemic has exacerbated the difficulties that the conflict-affected population in eastern Ukraine has consistently faced, in particular due to restrictions on freedom of movement and its impact on the enjoyment of social and economic rights.

At the beginning of a full-scale war, the decisions of the Cabinet of Ministers regarding covid restrictions were suspended according to the Ministry of Health <sup>52</sup>.

#### **How covid restrictions work in Ukraine today <sup>53</sup>.**

1. Levels of epidemic danger - "green", "yellow", "orange" and "red", inherent in adaptive quarantine, do not apply during martial law.

2. COVID-certificates are not required when visiting accommodation, catering, cultural institutions, mass events or traveling by public transport.

3. The presence of COVID-documents for travel between regions has been canceled.

4. Mask mode throughout the country is recommended.

The only advice from the Ministry of Health right now is to avoid large crowds as much as possible and still wear a mask. In practice, neither COVID-documents nor masks are really required in any store or transport in the country.

At the same time, we can say that quarantine relaxation during the war did not lead to an increase in the incidence in the country.

The least cases were registered in the first months after the full-scale invasion of the Russian Federation into Ukraine.

So in May 2022, the chief state sanitary doctor Igor Kuzin announced that hospitalization had decreased by almost 5% <sup>54</sup>.

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<sup>52</sup>The Ministry of Health allows the return of covid restrictions in case of an increase in diseases

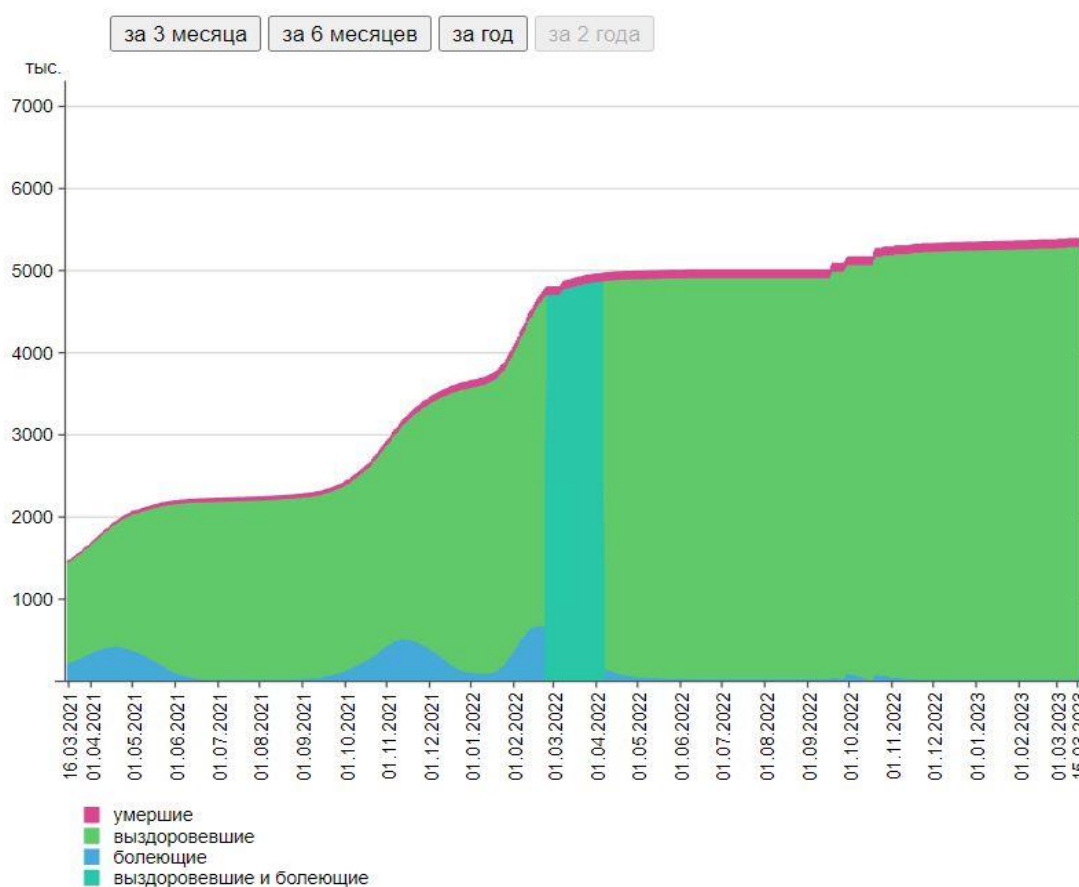
<sup>53</sup>Quarantine restrictions in Ukraine: did the war really defeat covid <https://visitukraine.today/ru/blog/448/karantinnye-ogranicheniya-v-ukraine-deistvitelno-li-voina-pobedila-kovid>

<sup>54</sup>The Ministry of Health assures that they have everything necessary for the treatment of COVID patients

The increase in incidence was recorded by August 2022. According to the Ministry of Health, in August, 3,893 new cases of coronavirus disease were detected in just a week, which is 40% more than at the beginning of summer <sup>55</sup>. “ We record more cases of the disease where it is conditionally safer, because there patients more often go to the doctors if they have symptoms of an acute respiratory viral disease ,” said Minister of Health Viktora Lyashko. The layering of the war and the difficult situation with the coronavirus can significantly worsen the situation in the country.

At the same time, we are talking about an increase in the incidence in comparison with May-June 2022. But the level of increase in the incidence in August 2022. was below pre-war levels when covid restrictions were in place. According to statistics, if in August 2022. the number of sick people in the country fluctuated within 25 thousand, then in February 2022. from 36 thousand to 65 thousand <sup>56</sup>.

Ниже приводится сводный график по всем категориям инфицированных:



At the same time, the increase in mortality from covid also decreased significantly. If from January 1, 2022 to February 1, 2022, mortality increased by 4 thousand (from 96 thousand to 100 thousand), then from August 1 (108 thousand) to mid-September, mortality is not recorded. From September to November, the death rate rises to 110,000 ( that is, about 1,000 per month).

<sup>55</sup>In Ukraine, the incidence of COVID-19 is growing. w

<sup>56</sup>Coronavirus in Ukraine <https://index.minfin.com.ua/reference/coronavirus/ukraine/>

According to Worldometer <sup>57</sup>, Ukraine at the beginning of 2023. was in 26th place in the world in terms of the total number of infected - 5.39 million people ( more than 125 thousand per 1 million population), while 5.27 million of them recovered ( more than 122 thousand per 1 million population); continue to get sick - 9792 people (227 people per 1 million population). More than 111 thousand deaths were also recorded . The total number of deaths per 1 million population in Ukraine is (2581 people per 1 million people).

Statistics show that the situation with COVID- 19 in the country has improved significantly after the suspension of a number of restrictive measures. As a result, it can be stated that in Ukraine in the pre-war period, maintaining strict quarantine standards and forcing society to comply with restrictive measures, which in many cases can also be regarded as a violation of human rights , turned out to be inappropriate.

## **5. The armed conflict in Ukraine and its impact on the level of xenophobia, the legislation and law enforcement practice of the country, the activities of radical groups.**

The criminal Russian invasion of Ukraine, which began on February 24, 2022 , seriously worsened the human rights situation in Ukraine, as it complicated the functioning of key state institutions and led to a surge in military sentiment. By its resolution of March 2, 2022, the United Nations General Assembly qualified Russia's attack on Ukraine as an act of aggression that violates the provisions of Part 4 of Article 2 of the UN Charter <sup>58</sup>. On March 24, 2022, the UN General Assembly adopted the resolution “Humanitarian Consequences of Aggression against Ukraine” <sup>59</sup>, demanding that Russia immediately stop hostilities in Ukraine, and not attack the civilian population and civilian infrastructure. The United Nations Human Rights Council established an Independent International Commission to investigate violations and infringements of human rights, violations of international humanitarian law, as well as related crimes that could have been committed in the context of the “aggression of the Russian Federation against Ukraine”, March 16, 2023 this <sup>60</sup>Commission came to the conclusion that Russian authorities have committed a wide range of violations of international human rights law and international humanitarian law in Ukraine, many of which amount to war crimes. The members of the Commission have evidence that, in the territories under their control, the Russian authorities have committed deliberate killings of civilians or

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<sup>57</sup> Worldometer <https://www.worldometers.info/coronavirus/>

<sup>58</sup>The UN General Assembly demanded that Russia “immediately” withdraw its troops from Ukraine <https://news.un.org/ru/story/2022/03/1419092>

<sup>59</sup>The UN General Assembly adopted the resolution "Humanitarian Consequences of Aggression against Ukraine" <https://news.un.org/ru/story/2022/03/1420532>

<sup>60</sup>Independent Commission: “Russia is committing violations in Ukraine that could qualify as war crimes” <https://news.un.org/ru/story/2023/03/1438742>

persons not participating in hostilities, which is a war crime and a violation of the right to life.

December 7, 2022 A US Senate committee approved a resolution that recognizes Russia's actions against the Ukrainian people as genocide <sup>61</sup>. This decision, like the resolution of the European Parliament on recognizing the Russian Federation as a sponsor of terrorism, will not yet have any legal consequences for Russia, but is an important instrument of pressure on the Russian Federation.

The war affected the population of Ukraine as a whole, but especially had a negative impact on those belonging to vulnerable groups, such as women, children, the elderly or the disabled. The war against Ukraine in February 2022 triggered one of the fastest growing humanitarian emergencies and internally displaced people in recent history. Within weeks, millions - more than a quarter of the population - fled their homes to seek refuge abroad or in parts of Ukraine further from the fighting.

Some cases of violent actions by the RF Armed Forces, repeatedly documented and deliberately committed during the invasion, have signs of crimes against humanity. First of all, these are: deliberate killings, forcible abductions of civilians, including journalists and local officials, etc.

The report of the OSCE Mission “On violations of international humanitarian law and human rights, war crimes and crimes against humanity committed in Ukraine since February 24, 2022”, emphasizes <sup>62</sup>that although “ *violations took place both on the Ukrainian and Russian sides, but the violations committed by the Russian Federation are much larger in nature and scope .*” The OSCE pointed to “repeatedly documented violations” of the norms of international humanitarian law by the armed forces of the Russian Federation during the conflict.

### **Cases of looting.**

There are numerous reports of looting. Several videos posted on social media show Russian troops looting grocery stores, supermarkets, residences, gas stations or even banks.

### **living shields.**

IHL requires that reasonable measures be taken to protect civilians and civilian objects under their control from the effects of attacks, including by separating them from legitimate targets. Here, the Mission noted that arming the civilian population violates these obligations if the civilians involved continue to remain in their homes while the enemy attempts to capture their city. Similarly, Russian forces violate these obligations if they place artillery positions in densely populated areas.

### **Refugees.**

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<sup>61</sup>The US Senate Committee recognized the actions of the Russian Federation in Ukraine as genocide [https://www . dw . com / ru / komitet - senata - ssa - priznal - dejstvia - rossii - v - ukraine - genocidom / a -64026321](https://www.dw.com/ru/komitet-senata-ssa-priznal-dejstvia-rossii-v-ukraine-genocidom/a-64026321)

<sup>62</sup> Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rightsfile:///C:/Users/HP/Downloads/EN\_138.pdf

The escalation of the armed conflict in Ukraine has resulted in civilian casualties and destruction of civilian infrastructure, forcing citizens to leave their communities in search of safety, protection and assistance. Millions of refugees from Ukraine crossed the border and went to neighboring countries, and some citizens were forced to move inside the country. Now all these people regularly need protection and support.

From February 24 to March 2023 19.2 million citizens left Ukraine, and 10.8 million returned. At the same time, data on crossing the state border can only give an approximate idea of the real scale of migration from Ukraine. According to the UN, there are 8.1 million refugees in Europe <sup>63</sup>. Of these, 1.5 million for temporary protection registered in Poland; in Germany - 881 thousand; in the Czech Republic - 495 thousand; in Italy - 171 thousand; in Spain - 168 thousand; in the UK - 164 thousand; in France - 118 thousand; and in other countries.

In addition, according to the UN data as of January 2023. <sup>64</sup>about 5.3 million people became internally displaced within the country. Most of the internally displaced persons were recorded from the eastern regions of Ukraine, where the most active hostilities are taking place - 1.9 million people; central regions - 928 thousand; western regions - 863 thousand; northern regions - 604 thousand; Kiev - 497 thousand; southern regions - 496 thousand people

### **Deportation.**

April 2022 Verkhovna Rada Commissioner for Human Rights Lyudmila Denisova said that 808,000 Ukrainians were forcibly taken to Russia, of which 153,000 were children <sup>65</sup>. At the same time, it should be understood that in wartime conditions it is difficult to confirm or refute the statements of even officials. It is known that as of March 2023. 2.8 million citizens of Ukraine crossed the border with the Russian <sup>66</sup>Federation, and up to 20 thousand crossed the border with Belarus. According to the new Commissioner of the Verkhovna Rada for Human Rights, Dmitry Lubinets , officially verified children in Russia as of February 16, 2023 remain 16 thousand <sup>67</sup>. *“ We are talking about children that I, as an ombudsman, know about. What Ukrainian city are these children from and where are they approximately located on the territory of the Russian Federation . In fact, this number of children is much higher. We assume that this number is approximately 150,000 children. Russia talks about the figure of 733 thousand Ukrainians the children they keep on their territory. However, from our point of view, this figure is*

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<sup>63</sup>United Nations Intelligence Portal. The situation with refugees in Ukraine. [https://data.unhcr.org/en/situations/ukraine#\\_ga=2.62272300.129020978.1678786402-1154705740.1678786402](https://data.unhcr.org/en/situations/ukraine#_ga=2.62272300.129020978.1678786402-1154705740.1678786402)

<sup>64</sup>United Nations Intelligence Portal. Internally displaced persons in Ukraine. [https://data.unhcr.org/en/country/ukr/751?secret=unhcrrestricted#\\_ga=2.22009275.129020978.1678786402-1154705740.1678786402](https://data.unhcr.org/en/country/ukr/751?secret=unhcrrestricted#_ga=2.22009275.129020978.1678786402-1154705740.1678786402)

<sup>65</sup>Russia was forcibly taken out by 808 thousand Ukrainians, of which 153 thousand are children

<sup>66</sup>United Nations Intelligence Portal. The situation with refugees in Ukraine. <https://data.unhcr.org/en/situations/ukraine>

<sup>67</sup>Ombudsman named the number of children illegally taken from Ukraine to Russia

*exaggerated*,” said D. Lubinets . Most of the children were taken to Russia from the temporarily occupied regions - from the Luhansk, Donetsk, Kherson, Zaporozhye regions and the Crimea. Children are subjected to forced adoption, Russification, and change of all their personal data. They take out both orphans and children who have parents. Ukraine managed to return 125 children.

### **Civilian casualties.**

The conduct of hostilities by the Armed Forces of the Russian Federation was characterized by the active use of explosive weapons with a wide range of destruction in populated areas, including shelling from heavy artillery and multiple launch rocket systems, as well as rocket and air strikes, which led to the death or injury of civilians and damage to civilians. objects.<sup>68</sup>

Between February 24, 2022, when the armed attack of the Russian Federation on Ukraine began, and January 29, 2023, the Office of the United Nations High Commissioner for Human Rights (OHCHR) registered 18,657 civilian casualties in the country: 7,110 killed and 11,547 injured <sup>69</sup>.

OHCHR believes that the actual figures are much higher, as information is received late from areas of intense fighting and many reports require confirmation. This applies, for example, to Mariupol (Donetsk region), Izyum (Kharkiv region) and Popasna, Lugansk and Severodonetsk (Luhansk region), where many civilians were allegedly injured <sup>70</sup>.

According to the head of the UN Monitoring Mission in Ukraine Matilda Bogner . In the first weeks of the invasion of Ukraine, Russian military forces carried out summary executions and attacks that resulted in the deaths of hundreds of civilians <sup>71</sup>.

### **Statements of mass executions of civilians.**

**The situation regarding the city of Buchi.** In early April, Kiev, Chernihiv and Sumy regions were liberated from Russian troops. As the Russian military retreated, mass deaths of civilians were recorded in the liberated towns and villages. So in the suburbs of Kyiv, the city of Bucha, the bodies of hundreds of civilians were found, several dozen of them were lying right on the street. Prosecutor General of Ukraine Irina Venediktova said that in Bucha, where about 400 people died <sup>72</sup>. *“ We are working on Irpin, Bucha, Vorzel. In fact, in terms of people - in terms of victims - the worst situation is in Borodianka. I think that we will talk separately about*

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<sup>68</sup>Update on the human rights situation

in Ukraine Period covered: February 24 – March 26 [https://www.ohchr.org/sites/default/files/2022-06/HRMMU\\_Update\\_2022-03-26\\_EN.pdf](https://www.ohchr.org/sites/default/files/2022-06/HRMMU_Update_2022-03-26_EN.pdf)

<sup>69</sup>Ukraine: Civilian casualty update 30 January 2023 <https://www.ohchr.org/ru/news/2023/01/ukraine-civilian-casualty-update-30-january-2023>

<sup>70</sup>Ukraine: civilian casualty update 30 January 2023 <https://www.ohchr.org/en/news/2023/01/ukraine-civilian-casualty-update-30-january-2023>

<sup>71</sup>UN report testifies to numerous deliberate killings of Ukrainians by the Russian military <https://news.un.org/ru/story/2022/12/1435597>

<sup>72</sup>The Prosecutor General of Ukraine named the names of ten Russian soldiers suspected of torture in Bucha

*Borodyanka. There is something to talk about*,” said I. Venediktova <sup>73</sup>. Representatives of the Ukrainian authorities reported the loss of 400 people in Gostomel <sup>74</sup> and another 200 in Borodyanka <sup>75</sup>.

Ukraine accused the Russian Federation of committing war crimes - killings of civilians, torture, extrajudicial executions. Against the backdrop of the events in the city of Bucha, the EU countries massively began to expel Russian diplomats from their countries. The UN General Assembly suspended Russia's participation in the Council of the Human Rights Organization <sup>76</sup>. At the same time, Russia rejects all accusations at all official levels, calling them, in particular, fakes and staged filming. An international investigation is underway.

### **Violations by Ukraine.**

Ukraine also violated international humanitarian law - in particular, with regard to the treatment of prisoners of war. In particular, at the beginning of the invasion, the Ukrainian authorities qualified them as ordinary criminals, guilty of border violations and murders, which violates the so-called “combatant privilege”. The UN report <sup>77</sup> mentions two cases of torture and execution of Russian prisoners of war.

The OSCE mission notes <sup>78</sup> that when the Ukrainian authorities called on civilians to find weapons and prepare Molotov cocktails to fight the Russian occupiers, such civilians cannot be considered as taking up arms “spontaneously”, “without having time to form themselves into regular armed formations.”

## **6. Activities of radical groups. Right-wing groups and parties:**

In its development, the ultra-right milieu in Ukraine has evolved in two different directions: as official political parties and as a set of online communities, radical groups and paramilitary formations, consisting of volunteers with right-wing radical views.

The scientific definition of far-right radicalism in the countries of Eastern Europe, according to the German sociologist Joachim Kersten <sup>79</sup>, has fuzzy

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<sup>73</sup>Worse than in Bucha. <https://flot2017.com/huzhe-chem-v-buche-v-genprokurature-rasskazali-eshhe-ob-odnom-naselennom-punkte-gde-zverstvovali-okkupanty/>

<sup>74</sup>The Ukrainian authorities reported the loss of 400 people in Gostomel and another 200 in Borodyanka <https://meduza.io/news/2022/04/06/vlasti-ukrainy-zayavili-o-propazhe-400-chelovek-v-gostomele-i-eshe-200-v-borodyanke>

<sup>75</sup>In the rubble of a town near Kyiv, many are missing and feared dead. <https://www.nytimes.com/live/2022/04/05/world/ukraine-russia-war#ukraine-airstrikes-borodyanka>

<sup>76</sup>The UN General Assembly suspended Russia's membership in the UN Human Rights Council. <https://news.un.org/ru/story/2022/04/1421492>

<sup>77</sup>Independent Commission: “Russia is committing violations in Ukraine that could qualify as war crimes” <https://news.un.org/ru/story/2023/03/1438742>

<sup>78</sup>Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights [file:///C:/Users/HP/Downloads/EN\\_138.pdf](file:///C:/Users/HP/Downloads/EN_138.pdf)

<sup>79</sup>J. Kersten and N. Hankel. A comparative look at right-wing extremism, anti-Semitism, and xenophobic hate crimes in Poland, Ukraine, and Russia // *Right-Wing Radicalism Today. Perspectives from Europe and the US* / S. von Mering. — London and New York: Routledge, 2013. — P. 86. — ISBN 978-0-415-62723-8.

boundaries, but its key elements are xenophobia, racism, anti-Semitism, authoritarianism, anti-parliamentarism and the ideology of a united and ethnically homogeneous nation. Often this ideological foundation is associated with the denial of the Holocaust, belittling the crimes of National Socialism and Nazi Germany. More democratic traditions in European countries give a chance to keep right-wing forces in check and not allow them to take power into their own hands.

Nationalist and far-right parties in Ukraine have weak electoral positions. Basically, at the national level, the extreme right has performed poorly in all presidential and almost all parliamentary elections. The results of the 2020 local elections showed that, in general, 2.6% of voters supported Svoboda throughout the country <sup>80</sup>. It is possible that due to the fact that the central government systematically demonstrates its inability to pursue a consistent policy and overcome the socio-economic crisis, in 2020 the overall rating of nationalists in comparison with 2019 (3.2%) rose slightly to - 4.4%. However, it remains quite low. This is mainly explained by the fact that part of the nationalist electorate voted for other right-wing parties - European Solidarity, the Radical Party of Oleg Lyashko, Golos, who made extensive use of nationalist and anti-Russian rhetoric during the election campaign.

The only nationalist candidate, deputy head of the Svoboda party, Ruslan Koshulinsky <sup>81</sup>, won 1.63% of the vote in the presidential election. The National Corps then refused to support R. Koshulinsky. July 21, 2019 Svoboda, having received 2.15% of the votes, did not overcome the five percent barrier and did not pass to the Verkhovna Rada. Only one candidate from this party was elected to parliament from a single-mandate constituency in Ivano-Frankivsk region.

But at the same time, using the tool of serious street pressure, these organizations manage to influence the adoption of certain decisions by the courts and the authorities. Cases of confrontation between far-right groups and law enforcement agencies have often demonstrated the unacceptable passivity of the latter.

*Major nationalist parties and groups in Ukraine* <sup>82</sup>:

- 1) **All-Ukrainian association "Freedom"**. The largest ultra-right party in Ukraine, created in 1995 under the name "Social-National Party of Ukraine" (SNPU). In 2004, the party changed its name to the All-Ukrainian Association "Svoboda".
- 2) **"Right Sector"** Initially an informal association of activists from a number of Ukrainian nationalist ("nationally oriented") ultra-right organizations. They declared themselves during the Euromaidan, taking responsibility for a clash with law enforcement officers, after the adoption by the parliament of the so-called. "dictatorial laws" January 16 <sup>83</sup>.

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<sup>80</sup><https://thepage.ua/news/mestnye-vybory-2020-cik-resultaty-partij-po-vsej-ukraine>

<sup>81</sup><https://interfax.com.ua/news/election/546022.html>

<sup>82</sup>[https://www.ru.civic-nation.org/ukraina/obshchestvo/pravoradikalnye\\_gruppirovki\\_i\\_politicheskie\\_partii/](https://www.ru.civic-nation.org/ukraina/obshchestvo/pravoradikalnye_gruppirovki_i_politicheskie_partii/)

<sup>83</sup><https://ru.krymr.com/a/25306754.html>



- 3) **Azov Movement ( Azov Rukh )**. Far right group. It consists of three main structures: the **Azov regiment of the National Guard of Ukraine (military wing)**, the **National Corps party (political wing)** and the **National Squads (power street wing)** <sup>84</sup>.
- 4) **From 14** . The radical ultra-right organization with its main base in Kiev , has quite a few regional divisions.
- 5) **"OUN Volunteer Movement"** . An ultra-right public organization was established in August 2015. The initiator of the creation is one of the activists of the Organization of Ukrainian Nationalists Mykola Kokhanivsky , the former commander of the so-called "OUN Volunteer Battalion" - a nationalist paramilitary formation that took part in hostilities in the territory of Donbass.
- 6) **Organization of Ukrainian Nationalists (OUN)** A right-wing public organization claiming continuity with the OUN, founded in 1929. It professes the ideology of Ukrainian nationalism, which it interprets as “the thought, will and action of the nation aimed at developing an independent state on its ethnic territory.”
- 7) **"Brotherhood"** A small but active Kiev organization, which mainly organizes provocations against opposition politicians and journalists.
- 8) **All-Ukrainian Lustration ( All-Ukrainian lustration )**. Right-wing radical public organization, closely associated with the far-right Svoboda party.
- 9) **All-Ukrainian organization "Trident" named after Stepan Bandera** <sup>85</sup>. It was founded in 1993 as a power wing of the KUN (Congress of Ukrainian Nationalists), a subsection of the OUN(r) (Revolutionary Organization of Ukrainian Nationalists).
- 10) **Ukrainian political party and public organization " Democratic sokyra "** <sup>86</sup> (abbreviated as DemSokira , DS, D7, D7) - founded in 2018. Initially, it was announced the creation of a party called "Democratic Horde". Approximately 30 well-known bloggers made statements about joining or supporting the party at the same time (among the most famous: Yuri Gudymenko , Igor Bigdan ). In the summer of 2018, it was announced that the party had been renamed from "Democratic Horde" to " Democratic Sokiru ". The founders explained this by the negative connotations that the word "horde" in the name caused.

The most influential of them remain **Svoboda, the Right Sector, Azov and the National Corps formed on its basis, and C14**.

In their public speeches, the leadership of the Ukrainian far-right at times showed clear anti-Semitism. One such example is the representative of the all-Ukrainian association "Freedom" Oleg Tyagnibok , he has repeatedly stated that "*Ukraine is ruled by the Russian-Jewish mafia* ." <sup>87</sup>National minority groups (Jews,

<sup>84</sup><https://www.bbc.com/russian/news-37632975>

<sup>85</sup><http://politybyro.in.ua/part/746-trizub-imeni-stepana-bandery-patrioty-terroristy.html>

<sup>86</sup>Democratic Socira <https://sokyra.party/uk/page/home>

<sup>87</sup>Anti-Semitism is on the rise <https://jewish.ru/ru/events/world/8343/>

gypsies and others) are part of all Eastern European states, they are convenient "objects" for splashing out, "xenophobia and paranoid fear", in the words of P. Merkle <sup>88</sup>.

In the first 20 years of independence, Ukrainian right-wing radicals were indisputably marginalized in society, but now the situation has changed, and after the events of Euromaidan, the extreme right received justification in the eyes of Ukrainian society. From 2014 to 2016, there is a noticeable increase in the social role of right-wing radical groups in connection with their participation in hostilities in eastern Ukraine. This process was aggravated after the full-scale Russian invasion on February 24, 2022. The so-called "demilitarization" and "denazification" served as a formal pretext for starting a war in Ukraine and were announced by the President of the Russian Federation V. Putin as the main goals of the so-called. "special military operation". "Denazification" is more of a strategic concept, the ideological essence of the process, implemented through a whole range of measures to neutralize the "Nazification", which has intensified on the territory of Ukraine, according to the Russian Federation <sup>89</sup>.

The main ideological guide for the radical right in Ukraine is the historical nationalist organizations of the OUN and UPA. In July 2022, Ukrainian Ambassador to Germany Andriy Melnyk was fired after his praise of OUN(b) leader S. Bandera as a "freedom fighter" in an interview with a German journalist caused a wide public outcry <sup>90</sup>.

The full-scale war in Ukraine provided an opportunity for radical right-wing groups to prove themselves as defenders of the homeland. And thus, to expand its public influence in the country, and even increase its authority outside of Ukraine. So, for example, the long-term defense of the Azovstal plant in Mariupol from March 18 to May 20, 2022 attracted the attention and sympathy of many countries of the world and a revision of the assessment of the activities of the Azov military-political formation. In September 2022, Ukraine managed to agree on the exchange of 215 Ukrainian servicemen, 108 of them are fighters of the Azov regiment, who heroically participated in the defense of <sup>91</sup>Azovstal .

## **7. Activities of radical groups. Islamists.**

Islam in Ukraine was not the dominant religion, the total number of Muslims in Ukraine is approximately two million people. Most of the adherents of Islam in the country belong to the Sunnism.

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<sup>88</sup>Right-wing extremism in the twenty-first century

<sup>89</sup>Nazification and denazification of Ukraine [https://zavtra.ru/blogs/natcifikatciya\\_i\\_denatcifikatciya\\_ukraini\\_tol\\_ko\\_fakti](https://zavtra.ru/blogs/natcifikatciya_i_denatcifikatciya_ukraini_tol_ko_fakti)

<sup>90</sup>"In Germany they are judged for this": Melnik's words about Bandera outraged <https://www.dw.com/ru/v-frg-zat-koe-sudjat-slova-posla-ukrainy-o-bandere-vozmutili-nemcev/a-62329182>

<sup>91</sup>Ukraine exchanged Medvedchuk and 55 Russians for 215 of its prisoners, including five commanders from Azovstal <https://www.bbc.com/russian/news-62990303>

Muslims in Ukraine are divided into two conditional groups. The first is the Crimean Tatars, who inhabit the Crimea and the northern Black Sea region. The second group includes immigrants from the Muslim regions of the Russian Federation, the Central Asian republics of the former USSR, as well as the countries of the Near and Middle East.

Due to the ongoing conflicts in Syria and Iraq, as well as due to the difficult socio-economic situation in the country, radical Islam has also manifested itself in Ukraine. Prior to the start of a full-scale invasion, Ukraine was actively used as a transit zone for the transfer of militants from Central Asia and the Caucasus to the Middle East, Syria and Iraq.

After the start of the war in Ukraine, most Islamic countries, having officially condemned the war, took a wait-and-see attitude.

The head of Chechnya, Ramzan Kadyrov, proposed sending 300-400 thousand inhabitants of the republic to the war in Ukraine - this is about a quarter of its population. Since the beginning of the invasion, he and the muftiate of the republic under his control have repeatedly explained the need for war by "jihad" - against "Western values" standing, in their opinion, behind Ukraine. The lava of Chechnya is actively used by Russian propaganda as an element of intimidation, and thanks to this, Kadyrov himself is engaged in personal PR.

Kadyrov's units is recorded, which are primarily used for administrative formations. It is likely that the Russian authorities plan to use the experience and power of the Chechen Republic under its control to establish total control over the occupied territories of Ukraine, experts at the Institute for the Study of War say <sup>92</sup>.

At the beginning of the war, the Ukrainian General Staff announced that Russia was recruiting reinforcements from Hezbollah, a movement that quite officially sits in the Lebanese parliament, but is recognized as a terrorist organization in many Western countries. Hezbollah itself denied any involvement in the fighting in Ukraine <sup>93</sup>.

In general, the Islamic world does not have a single attitude towards the war in Ukraine. For some residents, support for Ukraine is a form of condemnation of Russia for what they believe to be anti-Islamic actions in Chechnya, Afghanistan, and Syria. Another part of the population, for the same reason, supports Russia, believing that in Ukraine it is at war with the "big shaitan" - with the collective West. The vast majority of countries in the Islamic world do not take a stable pro-Ukrainian or pro-Russian position - each of them pursues its own interests. Food security, which directly depends on supplies from Russia and Ukraine, is of direct practical importance for the Islamic world. Due to the war in Ukraine, the lack of grain can

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<sup>92</sup>Russian authorities are increasingly importing Chechen elements into occupied Ukraine to shape administrative regimes of occupied areas <https://www.understandingwar.org/backgrounders/russian-offensive-campaign-assessment-december-10>

<sup>93</sup>Kyiv stated that Hezbollah was going to help Russia. Did the group really send its fighters to Ukraine? <https://headtopics.com/ru/10501080107710792703-33053995>

destabilize the situation in Egypt and Lebanon, so they are directly interested in the soonest cessation of hostilities and the establishment of peace <sup>94</sup>.

The Spiritual Administration of Muslims "Umma" operates in Ukraine. For 13 years, Said Ismagilov was the mufti of the Spiritual Board of Muslims of Ukraine "Umma". He resigned in June 2022 and went to serve in the Armed Forces of Ukraine, becoming an imam-chaplain. His successor was the imam of the Muslims of Lvov and Galicia, Sheikh Murat Suleymanov (born in the Crimea in a family of Crimean Tatars). <sup>95</sup>. He said that after the start of the war, a lot of Muslims take part in the hostilities in different battalions of the Armed Forces of Ukraine <sup>96</sup>, but he does not have information about the exact number. In the first months of the war, activities in many mosques stopped, especially in those regions where there were strong battles: these are Kyiv, Kharkov, Zaporozhye. In Severodonetsk, which is currently under occupation, there is no more mosque: it came under fire and completely burned down. The course of work has changed somewhat. At the moment it is more of a volunteer activity <sup>97</sup>.

## **8. Activities of radical groups. Leftist groups and parties:**

After the start of a full-scale invasion in 2022, the so-called. The "left" party field turned out to be completely illegal, which was mainly justified by ensuring national security, in particular, the leaders or a number of representatives of these parties were accused of having links with the Russian Federation. On March 20, 2022, President Volodymyr Zelenskyy signed the decision of the National Security Council (NSDC), which suspended the activities of 11 political parties for the duration of the war. Later, the Ministry of Justice filed lawsuits to ban 12 parties <sup>98</sup>: Opposition Platform - For Life, Opposition Bloc, Sharia Party, Ours, Left Opposition, Union of Left Forces, State, Progressive Socialist Party of Ukraine", "Socialist Party of Ukraine", "Socialists", "Vladimir Saldo Bloc", "United Russia" <sup>99</sup>. Also July 5, 2022 The panel of judges of the Eighth Administrative Court of Appeal of the AAC completed the consideration of administrative cases on the ban of the party "Happy Ukraine" ("Successful Ukraine") and the Communist Party of Ukraine (No. 826/9174/18 and No. 826/9751/14, respectively) and satisfied the

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<sup>94</sup>War in Ukraine: on whose side is the Islamic world? <https://www.kavkazr.com/a/voyna-v-ukraine-na-chjey-storone-islamskiy-mir/31790032.html>

<sup>95</sup>Imam of Lvov and Galicia became the new mufti of Ukrainian Muslims <https://www.ukrinform.ru/rubric-society/3610248-novym-muftiem-ukrainskih-musulman-stal-imam-lvova-i-galiciny.html>

<sup>96</sup>"Tyrants will always have people who will justify them." Ukrainian mufti about the Russian clergy who supported the war <https://ru.krymr.com/a/ukraina-muftiy-musulmane-voyna-krym-murat-suleymanov/32141434.html>

<sup>97</sup>Victor Yelensky: The contribution of Muslims to the overall victory of Ukraine is invaluable [https://risu.ua/ru/viktor-elenskij-vklad-musulman-v-obshchuyu-pobedu-ukrainy-neocenim\\_n137187](https://risu.ua/ru/viktor-elenskij-vklad-musulman-v-obshchuyu-pobedu-ukrainy-neocenim_n137187)

<sup>98</sup>12 pro-Russian parties finally banned in Ukraine <https://www.pravda.com.ua/rus/news/2022/10/22/7373035/>

<sup>99</sup>The National Security and Defense Council has suspended any activity of a number of political parties during martial law <https://zn.ua/POLITICS/snbo-priostanovil-ljubuju-deyatelnost-rjada-politicheskikh-partij-vo-vremja-voennoho-polozhenija-zelenskij.html>

claims of the Ministry of Justice of Ukraine . The Communist Party of Ukraine was banned by the Kyiv District Administrative Court back in December 2015, but it continued to exist due to a judicial conflict. The CPU itself, for a long time, was in close alliance with the former "Party of Regions" - On February 21, 2023, it was officially banned by the decision of the Eighth Administrative Court of Appeal (AAC) of Ukraine <sup>100</sup>. The ban on “pro-Russian parties” is an important symbolic step, which is primarily aimed at once again demonstrating to the Ukrainian society the patriotism of the current government. At the same time, it is possible that in this way the field is being cleared for new parties of the left type, but already under the control of the Office of the President.

Since 2014, after the Maidan, radical left groups and parties in Ukraine have been gradually forced out of the political space. During this period, two powerful parties of the "left" spectrum - the CPU and the SPU - fell into decline. The CPU, although it had strong electoral support and an extensive network of party organizations, could not withstand or somehow reformat during the period of decommunization . The CPU ban <sup>101</sup>was justified by ensuring the national security of the country, since the communist local centers allegedly actively help the self-proclaimed "DPR" and "LPR" in eastern Ukraine. The information campaign against the communists and their followers led to the fact that the brand itself - social democracy and socialism - became largely unpopular, and the lion's share of the communist electorate was concentrated in the territories of Donbass and Crimea that are now not controlled by Ukraine. The decline of the SPU began even earlier. Voters could not forgive the socialists for a sharp turn from the " Orange " to an alliance with the same "Party of Regions". However, unlike the CPU, since 2014 the socialists had one significant trump card: their activities were not subject to a direct ban. Representatives of the so-called “new left” support the integrity of Ukraine, criticize Russian imperialism, and some take an active part in hostilities in the ATO zone. The socialist organization "Left Opposition" is one of the successors of the Organization of Marxists, mainly from its Trotskyist wing; its representatives create a new left party "Social Rukh" <sup>102</sup>. The presence of Social Movement activists on the Maidan then became a guarantee of the loyal attitude of the Ukrainian society, without associations with pro-Russian separatism, in which communists from the Communist Party took part, as well as Borotba - this organization was created <sup>103</sup>by people from the Communist Party to become a political alternative to the latter. However, the events of the Maidan, and after the events in eastern Ukraine, turned into a war, showed that, despite the declared ideological differences between the “Trotskyist” “ Borotba ” and the outdated KPU, there is no difference between them. Members of both organizations took part in the confrontation on the pro-Russian

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<sup>100</sup>Party of Regions banned in Ukraine: all property will be transferred to the state

<sup>101</sup>Ukraine banned the Communist Party <https://www.kommersant.ru/doc/2878933>

<sup>102</sup>The phenomenon of left-wing politics in Ukraine: the pro-Russian trace and Akhmetov <https://bykvu.com/ua/mysli/30273-phenomen-levoj-politiki-v-ukraine-prorossijskij-sled-i-akhmetov/>

<sup>103</sup>There.

side. Borotba activists actively tried to proclaim "people's republics" in Kharkov and Odessa, and also beat pro-Ukrainian activists. Members of Borotba turned out to be participants in the conflict on Kulikovo Field on May 2, 2014, and after that two of them died in the Odessa House of Trade Unions <sup>104</sup>.

After the departure of the old communists and socialists, no one occupied this ideological niche. But several political parties will try to use their rhetoric. The most notable are the two political forces that are represented in the parliament. These are "Opposition Platform - For Life" and "Fatherland" <sup>105</sup>. Both parties have in their arsenal a number of "Left" preparations. Main themes: the launch of the land market, poverty, lack of progress in ending the war in eastern Ukraine, the mistakes of the pro-government team. The HSE will also actively use the theme of the need for rapprochement with Russia. The Opposition Platform - For Life, with 44 deputies, had the second largest faction in the Verkhovna Rada. All the time of its existence, it was reproached for pro-Russian sentiments. After the start of Russia's war against Ukraine, the parliamentary faction of the Opposition Platform for Life (OPPL) party began to lose its members. Subsequently, the National Security and Defense Council of Ukraine (NSDC) suspended the activities of several parties (including the Opposition Platform for Life) with ties to Russia. A month later, some of the deputies from this political force created a deputy group "Platform for Life and Peace." This step was criticized by the Secretary of the National Security and Defense Council Alexei Danilov, advising the "scoundrels from the Opposition Platform for Life" to quietly leave the Rada until they were taken out <sup>106</sup>. Already in wartime, in March 2023, the Security Service of Ukraine announced the exposure of underground cells of the so-called "Communist Party of the Soviet Union" in Kiev and six other regions of the state. Their "activists" were allegedly supposed to call for mass support of the Russian occupiers and equip "command's offices" to collect intelligence and prepare sabotage in Ukraine <sup>107</sup>.

It is worth noting that the left mainly advocates support for economic equality between people, social assistance, free healthcare and education, high taxes, protection of workers' rights, and active state intervention in the economy, for example, through price regulation or the creation of state-owned enterprises. In its extreme form, this is a planned economy and the absence of private property <sup>108</sup>. Most Ukrainians, having experience of living in the USSR, consider it necessary for the state to intervene in the economy and social assistance. But at the same time state

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<sup>104</sup>victims of the tragedy of May 2, 2014 are remembered in Odessa <https://bykvu.com/ua/bukvy/29953-segodnya-v-odesse-vspominayut-zhertv-tragedii-2-maya-2014-goda/>

<sup>105</sup> Paternalists or new communists: what happened to the "left" parties

<sup>106</sup>What will the ban on pro-Russian parties in Ukraine bring <https://www.dw.com/ru/chto-prineset-zapret-prorossijskih-partij-v-ukraine/a-61642097>

<sup>107</sup>SBU found underground cells of the "Communist Party of Bolsheviks" in Ukraine <https://www.pravda.com.ua/rus/news/2023/03/20/7394189/>

<sup>108</sup>Left and centre-left: what ideology do Ukrainian parties actually adhere to <https://delo.ua/economyandpoliticsinukraine/realnaja-ideologija-ukrainskih-partij-analiz-355928/>

intervention in economic processes should be minimal, while restraining consumer prices and tariffs <sup>109</sup>.

Post-Information Society Institute analyzed the programs of Ukrainian political parties running for the Verkhovna Rada of Ukraine in terms of their real ideology, and not the one declared by their key speakers. According to the results of the study, only left and center-left forces announced their intention to win the parliamentary elections in 2019. In particular, they included the parties "Servant of the People" and "Voice" <sup>110</sup>. This is due to the strong ideological differences between the party programs and the words of the speakers. For example, the Svoboda party, which should position itself ideologically as a right-wing party, uses exclusively authoritarian-left, socialist slogans.

President V. Zelensky is also increasingly shifting to the right-wing political segment (more politically passionate) and focuses more on the needs of this electorate, competing with the head of European Solidarity P. Poroshenko and Kyiv Mayor V. Klitschko. Two laws have been submitted to Parliament that prohibit persons who were members of banned parties or factions of banned parties from running for electoral office. Draft Law No. 9081 on amendments to certain laws of Ukraine <sup>111</sup>(on limiting the participation of persons associated with political parties whose activities are prohibited in government). alternative to it. No. 9081-1 <sup>112</sup>Draft Law on Amendments to Certain Legislative Acts of Ukraine on Limiting the Participation in State Administration of Persons Associated with Political Parties, whose Activities Are Prohibited by Law. This law prohibits not only running for office, but also holding positions of category "A" of the civil service to persons who were in parties or factions of banned parties not as of February 24, 2022, but as of February 19, 2014, when, according to the authors, and Russian aggression against Ukraine began.

These two bills violate two basic principles of democratic law. The first is the collective punishment. According to democratic law, it is forbidden to punish collectives. Any punishment should be individual and relate to specific actions and specific people. That is, it is impossible to punish all members of any party at once. The second problem of a legal nature is that it is proposed to punish people for actions that they committed before the criminalization of the act. The law is not retroactive. That is, it is proposed to punish people for being members of once legitimate parties. In this case, all officials and institutions of various levels that ensured and recognized the functioning of these parties in the period before their ban by the court should be subject to punishment. At the same time, these laws can be

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<sup>109</sup>A third of Ukrainians believe that state intervention in economic processes should be minimal <https://www.epravda.com.ua/rus/news/2021/06/16/675062/>

<sup>110</sup>Left and centre-left: what ideology do Ukrainian parties actually adhere to <https://delo.ua/economyandpoliticsinukraine/realnaja-ideologija-ukrainskih-partij-analiz-355928/>

<sup>111</sup>Draft law on the introduction change to last laws Ukraine ( chodo obmezhenya fate osib , pov'yazanih z political parties , activity some fenced, under the control of the state) <https://itd.rada.gov.ua/billInfo/Bills/Card/41482>

<sup>112</sup>Draft law on the introduction change to last legislators assets Ukraine shodo obmezhenya participation in the management of a state of affairs related to political parties , activity any fenced according to the law <https://itd.rada.gov.ua/billInfo/Bills/Card/41499>

adopted in the future, against the background of the radicalization of public sentiment. But it is most likely that, like the previous lustration laws about the cleansing of power, they will be challenged in the ECHR (for which monetary compensation may even be awarded). And will not function properly or not performed and falsified.

## **9. Hate crimes (statistics of productions), actions of law enforcement agencies, criminal cases, racist attacks, violence and terror over the period (data from government agencies and public organizations)**

According to the data of the State Judicial Administration <sup>113</sup>in 2022, there were 28 cases pending in court against 29 persons under article 161 of the Criminal Code of Ukraine "Violation of the equality of citizens depending on their race, nationality or attitude to religion." At the same time, 19 of them were received during the year. Of these, 16 proceedings were considered in court, of which 11 were sentenced, where 12 people appear. In 7 proceedings a guilty verdict was passed; 1 - returned to the prosecutor in respect of one person; 3 cases were closed against 3 persons. A total of 12 people were convicted. It is noted that 9 persons were not punished, but a probationary period was appointed. A fine was imposed on 2 persons, 2 persons were sentenced, and a special confiscation was applied to the 1st person . At the end of the reporting period, 12 proceedings against 12 persons remained pending in court.

Unfortunately, the Office of the Prosecutor General of Ukraine did not provide us with information on how many cases under this article were registered and taken into account. But if we consider the results of statistics over the past years, when in more than 90% of cases no decisions were made regarding criminal offenses under Article 161 of the Criminal Code of Ukraine "Violation of the equality of citizens depending on their race, nationality or attitude to religion". It can be assumed that the situation has not improved significantly.

### **Anti-Semitism in Ukraine.**

In Ukraine, at the legislative level, responsibility for the manifestation of anti-Semitism has been tightened. The Verkhovna Rada of Ukraine adopted Law No. 5109 <sup>114</sup>on preventing and combating anti-Semitism. The bill defines anti-Semitism, prohibits anti-Semite phobia and its manifestations, and provides for liability for violating the law on anti-Semitism. According to the document, the main manifestations of anti-Semitism are the denial of the right of self-identification of persons of Jewish origin; inciting, covering up or justifying killing or harming such persons; expression of false information, hateful statements about them; denial of the persecution and mass extermination of Jews during World War II (the

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<sup>113</sup>Reply of the State Judicial Administration dated March 8, 2023 No. inf . /B 294-23-305/23

<sup>114</sup>The Verkhovna Rada adopted a law on the prohibition of anti-Semitism in Ukraine



Holocaust); production, distribution of any materials containing anti-Semitic statements, and their public use; deliberate damage or destruction of buildings, other structures belonging to persons of Jewish origin, Jewish communities and public Jewish organizations, as well as religious or places of worship, destruction or desecration of burial places of persons of Jewish origin, monuments, memorial signs, <sup>115</sup>etc.

**Also in Ukraine there will be criminal liability for anti-Semitism.** The Verkhovna Rada adopted Law No. 5110 " On Amendments to Article 161 of the Criminal Code of Ukraine to implement the provisions of the Law of Ukraine "On Preventing and Combating Anti-Semitism in Ukraine" <sup>116</sup>.

The changes introduced by the new law relate to Article 161 of the Criminal Code on the violation of the equality of citizens depending on their race, nationality, religious beliefs, disability and other characteristics. Now the article should be supplemented with the words and for "manifestations of anti-Semitism." At the same time, it remains unclear whether the law was signed by the President after it was adopted; nothing is said about this in the bill's passage map <sup>117</sup>. And accordingly, this law has not yet entered into force. What is possibly due to the fact that in the conditions of war, the authorities do not want to additionally "irritate" the so-called. national - patriotic part of society.

Israeli Ambassador Joel Lyon has long called on Ukraine to legislate the legal definition of "anti-Semitism" developed by the International Holocaust Remembrance Alliance (IHRA). The organization's working definition of anti-Semitism is: "*Anti-Semitism is a particular perception of Jews that can be expressed as hatred of Jews. Rhetorical and physical manifestations of anti-Semitism directed against Jews or non-Jews and/or their property, in relation to Jewish community institutions and religious objects*" <sup>118</sup>. Today, such a definition is accepted in Germany, Great Britain, Austria, Romania, Lithuania, Bulgaria and Israel.

Minister of Internal Affairs of Ukraine Igor Klymenko said that over the past three years, the number of proceedings regarding manifestations of anti-Semitism in Ukraine has been decreasing. "*In 2020, it was 18 productions. In 2021, the pre-war year, there were 13 of them. In 2022, in the year of the war, 12 of them were recorded. I can say that the reaction to such manifestations is instant on the part of all law enforcement agencies, primarily the Ministry of Internal Affairs,*" <sup>119</sup>I. Klymenko emphasized.

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<sup>115</sup>There.

<sup>116</sup>RADA ADOPTED A BILL ON THE INTRODUCTION OF THE PHRASE "MANIFESTATION OF ANTISEMITISM" IN ART. 161 of the Criminal Code of Ukraine <https://jewishnews.com.ua/society/rada-prinyala-zakonoproekt-o-vnesenii-frazyi-proyavlenie-antisemitizma-v-st-161-uk-ukrainyi>

<sup>117</sup>Draft law on the introduction change to article 161 of the Criminal Code of Ukraine for implementation regulation of the Law of Ukraine "About the destruction of that protidium anti-Semitism in Ukraine" <https://itd.rada.gov.ua/billinfo/Bills/CardByRn?regNum=5110&conv=9>

<sup>118</sup><https://debaty.sumy.ua/ukraine-and-world-news/shtraf-do-17-tysyach-i-tyurma-do-vosmi-let-kak-v-ukraine-budut-karat-za-antisemitizm>

<sup>119</sup>The head of the Ministry of Internal Affairs of Ukraine told how anti-Semitism is decreasing in Ukraine

There are about 1,000 Jews in the Ukrainian army among 800,000 serving soldiers.<sup>120</sup> The Armed Forces of Ukraine have appointed a chief rabbi. They became Rabbi Hillel Cohen, who had previously been engaged in intensive volunteer work. The rabbi conducted traditional Jewish ceremonies for the Jewish military (such as brit-mila and the imposition of tefillin), made kippahs for them with the inscription "Jews defend Ukraine."

The report of the World Zionist Organization says<sup>121</sup> that information about anti-Semitic incidents comes to local Jewish communities, does not always reach the police and government agencies. In some cases, victims need time to process what has happened. About 80% of Jews affected by anti-Semitic attacks did not report them to the authorities. According to the World Zionist Organization<sup>122</sup>, there has also been a slight increase in the number of anti-Semitic manifestations in Ukraine in recent years, but since the outbreak of the war, the number of such reports has decreased and it is now impossible to assess the full picture of the state of anti-Semitism in the country. But in general, the war is accompanied by both anti-Semitic statements and the spread of conspiracy theories on social networks regarding the "role" of Jews and Israel in these events and accompanied by traditional anti-Semitic claims that the Jews are plotting to take over the world. A number of Arab users of social networks also, as noted in the report, spoke impartially about Ukrainian President Volodymyr Zelensky, mentioning his Jewish origin. At the same time, according to the authors of the report, Israel was unreasonably criticized for refusing to supply weapons to Ukraine - without mentioning other assistance provided to Ukraine from the very beginning of the war.

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<sup>120</sup>CHIEF RABBI APPEARED IN THE ARMED FORCES OF UKRAINE <https://jewishnews.com.ua/society/v-vooruzhyonnyix-silax-ukrainyi-poyavilsya-glavnyij-ravvinsmi>

<sup>121</sup>World Zionist Organization Report: For the first time in 10 years, the growth of anti-Semitism has slowed down, but the situation remains alarming -no-situations/

<sup>122</sup>There.