

12 December 2023

English only

Human Rights Council
Fifty-fifth session

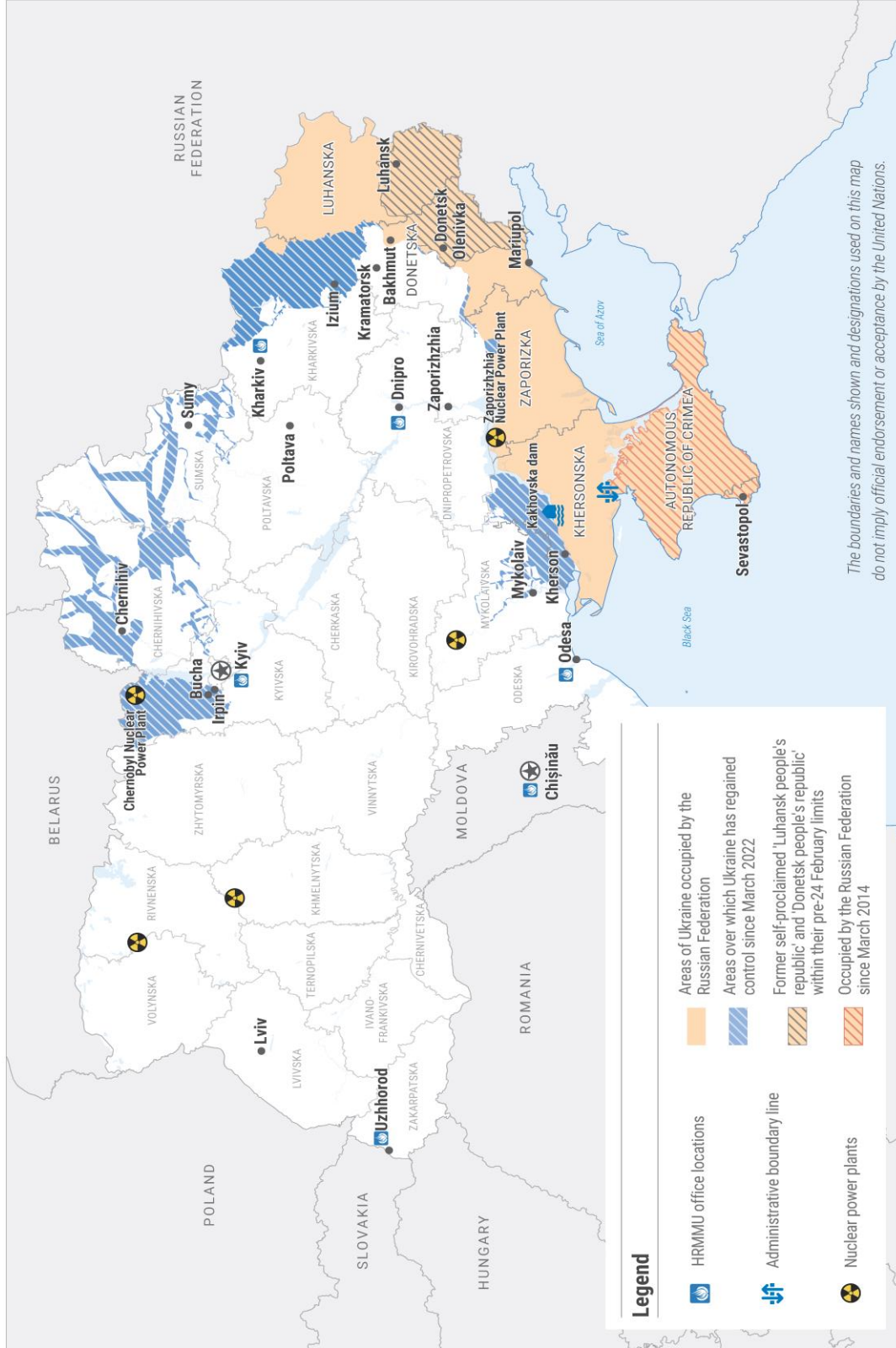
**Situation of human rights in Ukraine: 1 August to 30
November 2023**

Office of the United Nations High Commissioner for Human Rights



UKRAINE: UN HUMAN RIGHTS MONITORING MISSION IN UKRAINE

As of 30 November 2023



Creation Date: 1 December 2023. Source: OHCHR HRMMU.

I. Executive Summary

1. This thirty-seventh report by the Office of the High Commissioner for Human Rights (OHCHR) on the human rights situation in Ukraine covers the period from 1 August to 30 November 2023. It is based on the work of the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU).¹

2. The war in Ukraine continued to generate severe and far-reaching violations of human rights and international humanitarian law in the reporting period. From 1 August to 30 November, OHCHR documented 2,440 civilian casualties (576 killed and 1,864 injured), with the majority (86 per cent) occurring in territory under the control of Ukraine, particularly in Donetsk, Kharkiv, Kherson, and Zaporizhzhia oblasts.

3. The majority of civilian casualties and damage resulted from shelling and multiple-launch rocket system (MLRS) attacks near the frontline. Avdiivka, a city in Donetsk oblast controlled by Ukrainian armed forces, is an example of a frontline community that was severely affected in the reporting period. Areas near current and past frontlines were also affected by the ongoing threat of explosive remnants of war (ERW) and mines. The frontline remained relatively stable in south and south-eastern Ukraine in the reporting period.

4. More than 24 per cent of civilian casualties, however, occurred far from the frontline from attacks with missiles and loitering munitions, predominantly launched by Russian armed forces. In the deadliest such attack this year, a missile launched by Russian armed forces struck a funeral reception in Hroza village, Kharkiv oblast, on 5 October, killing 59 civilians in violation of international humanitarian law (IHL). The attack in Hroza village, although more lethal, aligns with a pattern of several attacks in the reporting period, where powerful missiles struck populated areas under the control of Ukraine, resulting in multiple civilian casualties and significant damage to civilian property and infrastructure.

5. Russian armed forces also targeted grain-related facilities in territory under the control of Ukraine, which are civilian objects. OHCHR has documented 31 attacks affecting grain-related facilities in territory under the control of Ukraine since 11 July. The attacks started shortly before the Russian Federation withdrew from the Black Sea Grain Initiative. The attacks have caused damage and destruction to port facilities, grain silos, and grain transport vehicles.

6. Hostilities continued to affect the delivery of basic services, with 83 educational facilities and 20 healthcare establishments damaged or destroyed in the reporting period. Ukrainian children continued to face disrupted schooling: as of 15 October, only 51 per cent of the 3.9 million schoolchildren in Ukraine attended in-person classes full-time, while 23 per cent attended on-line, and 25 per cent attended in a hybrid modality.

7. The administrative and governance structures imposed by the Russian Federation in occupied territory became increasingly entrenched, with Russian authorities holding local 'elections', appointing Russian judges, and applying Russian law, even retroactively, contrary to obligations of the occupying Power under IHL. Furthermore, the inclusion of occupied regions in Russian military conscription efforts subjected young men to armed service against their own country. OHCHR documented instances of forced conscription involving threats and pressure, including intimidation of family members. Compelling a protected person to serve in the armed forces of the occupying Power constitutes a grave breach of the Geneva Conventions.

8. OHCHR documented the wilful killing of eleven civilians in two incidents in occupied territory that occurred during the reporting period. In both cases, there are indications that members of Russian armed forces were responsible and that Russian authorities have launched investigations. Consistent with previously documented patterns, OHCHR documented eight cases of summary executions which occurred in parts of Kyiv, Sumy, and

¹ HRMMU was deployed on 14 March 2014 to monitor and report on the human rights situation throughout Ukraine, with particular attention to the Autonomous Republic of Crimea, eastern and southern regions of Ukraine, and to propose recommendations to the Government and other actors to address human rights concerns. For more information, see A/HRC/27/75, paras. 7-8.

Kharkiv oblasts while they were controlled by Russian armed forces or occupied by the Russian Federation.

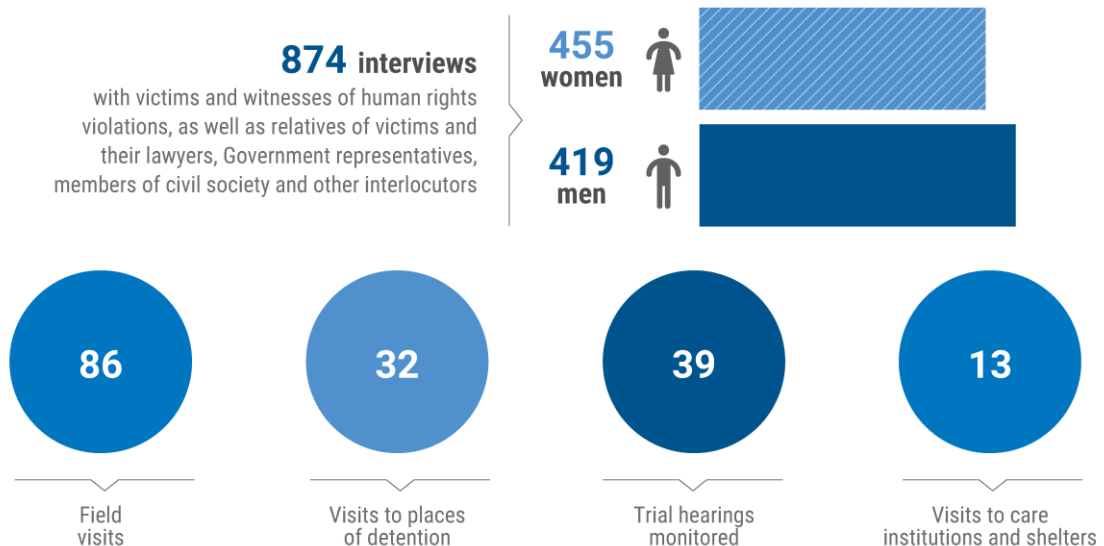
9. OHCHR also continued to document cases of torture, practice of which has been widespread in the context of arbitrary detention in occupied territory. In the reporting period, OHCHR documented 112 additional cases (82 men, 29 women, 1 boy) of arbitrary detention by Russian authorities which occurred before the reporting period. These cases were consistent with previous patterns of torture, including sexual violence.

10. In territory under the control of Ukraine, Ukrainian authorities continued to prosecute and convict individuals from areas that are or were under occupation for alleged collaboration with the occupying Power and related crimes. In a significant number of cases, people were prosecuted and convicted for actions that may be lawfully compelled by the occupying Power under IHL. The current definition of “collaboration” risks exacerbating social divisions, making it more difficult to re-build functioning communities in the areas that were under occupation.

II. OHCHR Methodology

11. The report is based on information gathered during 86 field visits, 32 visits to places of detention and 13 visits to care institutions or shelters, 39 trial hearings and 874 interviews² with victims and witnesses of human rights violations, as well as their relatives and lawyers, Government representatives, members of civil society and other interlocutors. It also draws from information obtained from court documents, official records, and other relevant material, including open-source reporting. OHCHR conducted its monitoring of the human rights situation in occupied territory remotely since the Russian Federation has not granted it access.

OHCHR ACTIVITIES IN THE REPORTING PERIOD



Creation Date: 1 December 2023. Source: OHCHR HRMMU.

12. Information obtained through interviews was cross-checked and corroborated by onsite observations in places of detention, geographic data, official records, open-source information, court documents, trial monitoring, and other relevant information assessed as credible and reliable. Where OHCHR was not able to corroborate information through witnesses or other sources, it reached conclusions by comparing information received with

² With 455 women and 419 men.

sets of similar allegations giving rise to substantiated patterns of consistent conduct in specific areas or places of detention.

13. Findings are included in the report where they meet the “reasonable grounds to believe” standard: namely where, based on a body of verified information, an ordinarily prudent observer would have reasonable grounds to believe that the facts took place as described, and where legal conclusions are drawn, that these facts meet all the elements of a violation.

14. Information in this report is used with the full and informed consent of all sources as to its use. At all stages, OHCHR strictly adhered to the “do no harm” principle and took all appropriate measures to prevent re-traumatization and protect individuals.

15. Prior to publication, OHCHR shared the draft report with the concerned States for factual comments, as per standard practice.

III. Impact of hostilities on the civilian population

16. The ongoing hostilities continue to inflict daily devastation upon civilians, leading to deaths, life-changing injuries, widespread suffering and the destruction of civilian infrastructure.

A. Civilian casualties

17. Between 1 August and 30 November, conflict-related violence caused 2,440 civilian casualties (576 killed and 1,864 injured).³ This is a 25 per cent decrease compared with the previous four months and a 46 per cent decrease compared with the same period in 2022.⁴ The decline in civilian casualties observed in 2023 can be attributed to several factors, including the stabilization of the frontline, evacuation of civilians from conflict zones, and strengthened air defence systems in certain areas, particularly Kyiv.

18. The majority of civilian casualties (86 per cent) occurred in territory controlled by Ukraine, while the remaining 14 per cent occurred in territory occupied by the Russian Federation. Hostilities heavily impacted civilians residing in communities located near the frontline: 68 per cent of all recorded civilian casualties resulted from shelling, multiple-launch rocket systems (MLRS), and air strikes near the frontline, mainly in Donetsk, Kharkiv, Kherson and Zaporizhzhia oblasts.

19. Nearly a third of civilian casualties (27 per cent or 127 killed and 527 injured) occurred in the areas of Kherson oblast under the control of Ukraine. For example, on 13 August, an MLRS attack killed an entire family, including a newborn girl, a 12-year-old boy, and their parents in their home in Shyroka Balka.

20. Another area severely affected was Avdiivka, Donetsk oblast, where fighting intensified, particularly in October, as Russian armed forces tried to take control of the city. OHCHR documented 59 civilian casualties (15 killed and 44 injured; 32 men, 19 women and 8 adults whose sex is unknown), the majority between 1 October and 30 November. As of November 2023, the city has been without water supply, electricity, and centralised heating since the beginning of 2023. Following the evacuation of numerous residents, out of the pre-2022 population of over 30,000 people, approximately 1,300 individuals remained as of 30 November. This group primarily comprised older persons and those with limited mobility who found themselves unable to abandon their homes due to the lack of alternative accommodation.

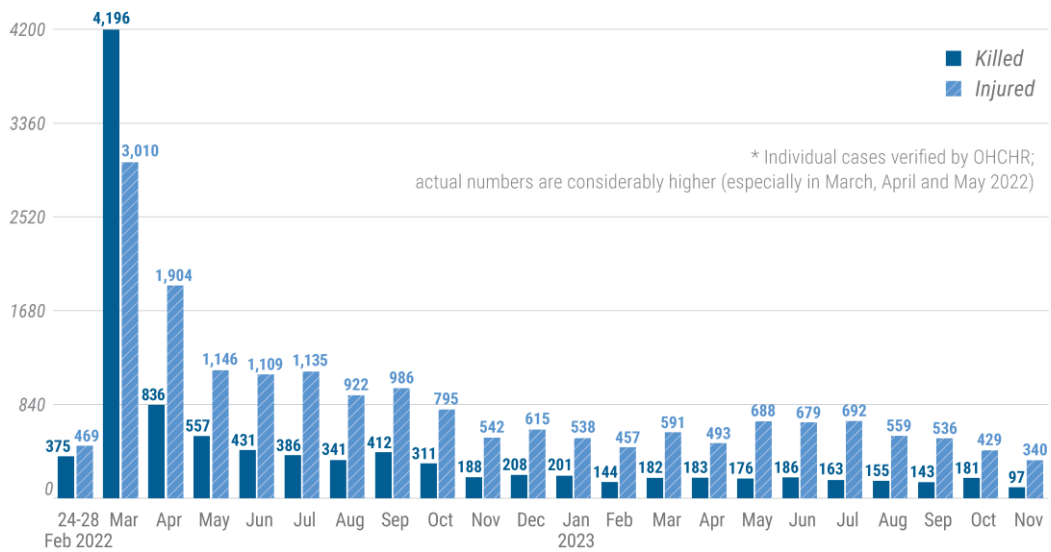
³ 557 killed and 1,783 injured adults, and 19 killed and 81 injured children. The actual number is likely higher, as some reports of civilian casualties are still pending corroboration and OHCHR does not have access to areas under the control of the Russian Federation.

⁴ OHCHR documented 708 civilians killed and 2,552 injured between 1 April and 31 July 2023 and 1,252 civilians killed and 3,245 injured between 1 August and 30 November 2022.

21. In territory occupied by the Russian Federation, the majority of civilian casualties occurred in Donetsk, Luhansk, Kherson and Zaporizhzhia oblasts and were caused by shelling and MLRS strikes. Sixty-four per cent of them occurred in the occupied city of Donetsk. For instance, on 9 August, shelling killed a four-year-old girl and a woman, and injured the girl's mother and another man. On 1 September, an MLRS attack hit Donetsk and killed a six-year-old girl and injured five women and two men.

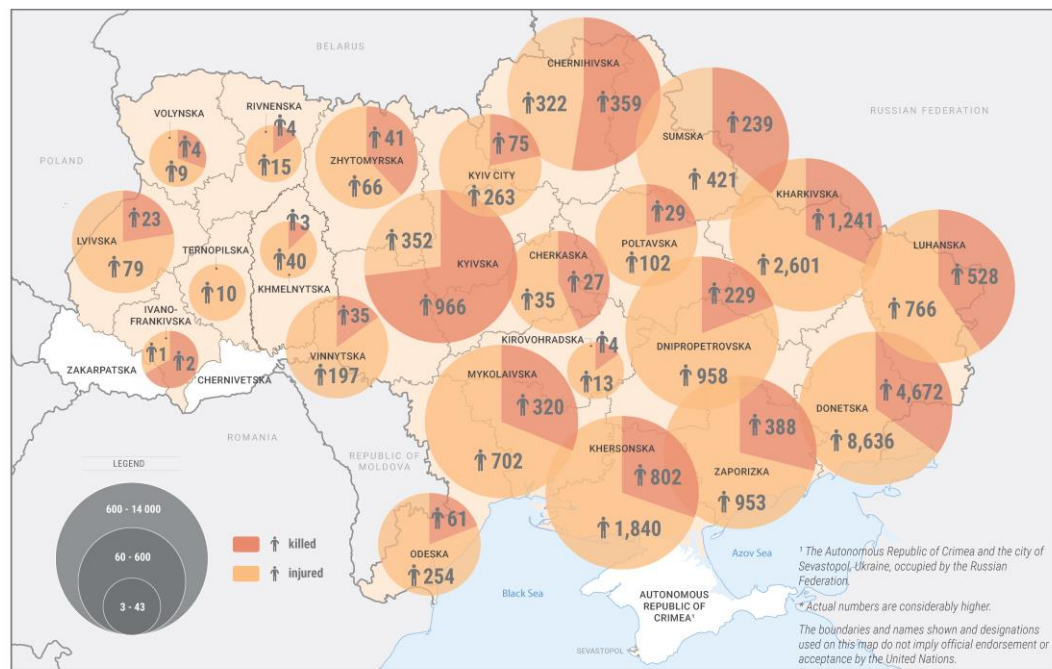
22. OHCHR documented 13 civilians killed and 45 injured due to cluster munitions (33 men, 23 women, 1 boy and 1 girl). These casualties occurred in both territory under the control of Ukraine and occupied territory. As an example, an attack with cluster munitions injured two civilian men in the occupied city of Makiivka, Donetsk oblast, on 3 September.

UKRAINE: TOTAL CIVILIAN CASUALTIES*, PER MONTH, from 24 February 2022 to 30 November 2023



Creation Date: 1 December 2023. Source: OHCHR HRMMU.

UKRAINE: TOTAL CIVILIAN CASUALTIES, BY REGION*, from 24 February 2022 to 30 November 2023



Creation Date: 1 December 2023. Source: OHCHR HRMMU.

B. Attacks affecting residential areas

23. OHCHR continued to document attacks by Russian armed forces that resulted in significant casualty numbers in residential areas. At least 68 missile and loitering munition strikes launched by the Russian Federation against targets in Odesa, Zaporizhzhia, Donetsk, Mykolaiv, Chernihiv, Cherkasy, Sumy, Kyiv, Lviv, Khmelnytskyi and Poltava oblasts resulted in civilian casualties, with multiple civilians killed and injured at once in several of these instances.⁵

24. A notable instance occurred on 5 October when a missile launched by the Russian armed forces struck a café in the village of Hroza, Kharkiv oblast. The attack killed 59 civilians (36 women, 22 men and an eight-year-old boy), making it the deadliest single incident of 2023 recorded by OHCHR. OHCHR findings indicate that the Russian armed forces either failed to do everything feasible to verify that the target to be attacked was a military objective or deliberately targeted civilians or civilian objects.⁶

25. The attack in Hroza village, although deadlier, aligns with a pattern of several attacks in the reporting period, where powerful missiles struck populated areas under the control of Ukraine, resulting in multiple civilian casualties and significant damage to civilian property and infrastructure. For example:

(a) On 18 October, a missile hit a five-storey residential building in Zaporizhzhia, killing five civilians (two couples and one man) and injuring at least three. The missile also damaged a healthcare facility located on the ground floor of the building, disrupting the work for one day.

(b) On 6 October, the day after the attack on Hroza, two missiles struck Kharkiv city centre, killing two civilians (a 67-year-old woman and her 10-year-old grandson) and injuring 23. The attack demolished at least one café, four private homes, a clinic, and an office, and blew out most windows of buildings within 100 metres of the impact site.

(c) On 7 August, a missile struck Pokrovsk city centre in the Donetsk oblast, killing seven civilians (five men and two women) and injuring 43 people, emergency and police workers among them. The attack also caused extensive damage to a five-story building, a hotel and a local restaurant.

(d) On 19 August, a missile hit the Drama Theatre in Chernihiv city, killing six civilians, including a six-year-old girl, and injuring at least 52 people, including five children.

C. Media workers

26. OHCHR documented that the hostilities killed one male journalist and injured another in the reporting period. On 19 September, a remotely controlled and allegedly Russian-made drone attacked the car of three media workers accompanied by two police officers a few kilometers from the frontline in Zaporizhzhia oblast in an area under the control of Ukraine. At the time of the attack, the media workers were standing with a camera about 10-15 meters from the car, wearing civilian clothes and vests and helmets with “Press” signs. Another journalist died from his injuries after a drone attack in occupied part of Zaporizhzhia oblast on 22 November. Since 24 February 2022, OHCHR has recorded the death of 23 journalists and media workers (18 men, 5 women) from hostilities while 30 have suffered injuries (26 men, 4 women).⁷

⁵ A loitering munition is an unmanned aerial vehicle with a built-in munition that can wait passively (loiter) around a target area until a target is located.

⁶ OHCHR, *Attack on Funeral Reception in Hroza*, 5 October 2023.

⁷ According to the Ministry of Culture and Information, 23 media workers have been killed in territory under the control of Ukraine, excluding media workers who had joined the Ukrainian armed forces.

D. Explosive remnants of war (ERW) and mines

27. During the reporting period, of the overall civilian casualties, ERW and mines killed 31 civilians (26 men, 3 boys and 2 women) and injured 98 more (80 men, 11 boys, 4 women, 2 girls and 1 adult whose sex is not yet known), causing five per cent of the total casualties. The majority of these casualties were documented in the Kharkiv, Donetsk, and Kherson oblasts.

28. Notably, tractor drivers (all men) accounted for at least 12 per cent of these casualties, with four civilian men losing their lives and twelve others sustaining injuries while operating tractors on their land when the mines detonated. For example, on 27 September, a 61-year-old man lost his life when his tractor triggered a mine near Novoberyslav in the part of Kherson oblast under the control of Ukraine. The following day, on 28 September, three tractor drivers suffered severe injuries due to mine explosions in various areas within the Kharkiv and Kherson oblasts under the control of Ukraine.

E. Attacks against ports and grain facilities

29. Since 11 July, OHCHR has recorded 31 attacks that damaged or destroyed facilities related to grain production and export in territory under the control of Ukraine. These attacks hit port facilities, grain silos and vehicles for transporting grain. For example, in Cherkasy oblast, a grain-producing region, several loitering munitions targeted a grain elevator, damaging its administrative building and five grain silos storing sunflower seeds and soya, and injuring one employee on his night shift. OHCHR could not identify any potential military targets in the vicinity.

30. Twenty-six of the attacks affected infrastructure in Odesa oblast where the Black Sea and Danube River ports are located. Based on site visits to several ports and interviews with witnesses, OHCHR noted that the damage specifically affected the port's administrative buildings and areas related to agricultural exports, such as grain storage and sunflower oil depots.⁸

31. The attacks started shortly before the Russian Federation withdrew from the Black Sea Grain Initiative.⁹ The timing, number and precision of the attacks appear to indicate that the Russian Federation targeted Ukrainian civilian infrastructure necessary for the export of food. Combined with the end of the Black Sea Grain Initiative, these attacks substantially reduced the practical capacity of Ukraine to export food.¹⁰ With so many facilities damaged¹¹ and export routes curtailed, the cost of logistics is rising. This may make the cultivation of some crops unprofitable and jeopardize livelihoods in the agricultural sector, which employs 15 per cent of Ukrainians. Given the importance of agricultural exports to the Ukrainian economy (40 per cent of total export revenues), reduced export volumes, particularly of wheat, threaten “shockwaves across the entire Ukrainian economy”.¹²

⁸ The Ukrainian Ministry for Communities, Territories and Infrastructure Development reported that the attacks destroyed 300,000 tons of grain.

⁹ This agreement facilitated the safe export of grain from Ukraine. The Russian Federation withdrew from the Black Sea Grain Initiative on 17 July 2023; see UN News, *UN chief regrets Russia's decision to withdraw from grain deal*, 17 July 2023, at <https://news.un.org/en/story/2023/07/1138752> (last accessed on 7 November 2023).

¹⁰ The World Food Programme (WFP) and Kyiv School of Economics (KSE), *Ukraine Food Balances in Times of Uncertainty: Scenario impact analysis of Black Sea Grain Initiative abandonment and infrastructure destruction on food balances in Ukraine*, September 2023.

¹¹ The damage to storage facilities also affects the quality of grain. WFP and KSE reported that while in 2019, 60 per cent of Ukrainian wheat was of export-grade quality; in 2023, only 25 per cent of grain met that standard.

¹² WFP and KSE, *Ukraine Food Balances in Times of Uncertainty*. WFP and KSE noted that in 2021, of the wheat WFP procured for delivery of humanitarian assistance globally, 55 per cent was procured in Ukraine. In 2021, 10 per cent of global wheat exports and 50 per cent of global sunflower exports were from Ukraine.

F. Educational facilities

32. For the third consecutive school year, the full-scale armed attack disrupted classes in Ukrainian schools, further impacting children’s right to education. During the reporting period, hostilities affected 83 educational facilities (14 destroyed and 69 damaged), bringing the total to 927 since 24 February 2022.¹³ Additionally, the nature of the conduct of hostilities, with munitions detonating in residential neighborhoods even far from the frontline, means that schools are no longer safe for children. In areas near the frontline, where shells can strike with little warning, many schools do not open to in-person classes.

33. As a result, many children living within 100 kilometers of the frontline started the school year remotely. In Kharkiv – a city known for its culture of education and home to 38 institutions of higher education – all schools operated online, with just one location offering in-person primary classes held underground in a metro station. One educator shared her observations regarding the four hours per day children spend in these classes: “Children are happier and more productive because they can be together again with their classmates whom they have not seen in months. The first week of school they spent most of the time hugging, chatting and playing.”

34. In another example, in Shevchenkivska community in Mykolaiv oblast, where all 24 educational facilities have been damaged to varying degrees, all children started the school year remotely. Local authorities said that nearly a third of the children encountered difficulties attending classes remotely, which was confirmed by several families who cited financial constraints preventing them from purchasing computers.

35. Further from the frontline, many schools lack bomb shelters spacious enough to accommodate the entire student population. As a result, children attend school on a staggered schedule, taking turns or alternating days to ensure their safety. According to the Ministry of Education, as of 15 October, only 51 per cent of the 3.9 million schoolchildren in Ukraine attended in-person classes full-time, while 23 per cent attended on-line, and 25 per cent attended in a hybrid modality.

G. Medical facilities and personnel

36. During the reporting period, OHCHR recorded attacks impacting 20 healthcare establishments (four destroyed and sixteen damaged), causing thirteen casualties (two men and two women killed and six women and three men injured) among healthcare workers. For example, on 1 August 2023, shelling killed a 25-year-old male doctor in a clinical hospital in Kherson on his first day of work and injured a 57-year-old female nurse.

IV. IHL and human rights violations in occupied territory

37. OHCHR continued its monitoring of the human rights situation in the territory occupied by the Russian Federation. Multiple challenges were encountered in documenting violations in occupied territory: the Russian Federation has not granted OHCHR access for independent monitoring; individuals face difficulty in moving from occupied territory to territory controlled by Ukraine due to the absence of crossing points, the vast distances that must be travelled through the Russian Federation and numerous internal checkpoints in occupied territory; and many people are hesitant to share their stories via telephone or messenger services, out of concern that conversations may be intercepted. Given these factors, it takes longer than usual to document violations. The scope of violations described below should be seen as indicative, rather than comprehensive.

¹³ According to the Ministry of Education and Science of Ukraine, 3,798 educational institutions (including 1,275 kindergartens) were damaged or destroyed as of 30 November 2023.

A. Application of Russian judicial and administrative systems in occupied territory

38. Under IHL, the occupying Power is responsible for restoring and ensuring, as far as possible, ordinary life, public order and safety, and has a duty to respect, unless absolutely prevented, the laws in force in the country.¹⁴ IHL provides that the occupying Power may not alter the status of public officials or judges,¹⁵ and the penal laws of the occupied territory shall remain in force, unless they constitute a threat to security or an obstacle to the application of the Fourth Geneva Convention.¹⁶ However, following the illegal so-called referendums¹⁷ organized in occupied areas of Donetsk, Kherson, Luhansk and Zaporizhzhia oblasts in September 2022, the Russian Federation unlawfully annexed these regions,¹⁸ and imposed Russian political, legal and administrative systems.

B. Purported local ‘elections’

39. From 31 August to 10 September 2023, the Russian Federation purported to conduct local ‘elections’ in the occupied territory, as a part of its nation-wide elections. Russian political parties presented slates of candidates, many of whom were from the Russian Federation, to run for positions in ‘local legislative councils’. By introducing its own electoral laws, parties and systems in occupied territory, the Russian Federation instituted far-reaching changes in the existing laws and administrative arrangements of the occupied territory, in violation of its obligations under IHL to treat occupation as a temporary *de facto* situation, which does not lead to a transfer of sovereignty.¹⁹

40. OHCHR documented multiple situations in which the occupying authorities attempted to coerce Ukrainians to cast votes in these ‘elections’. For example, armed men accompanied ‘election officials’ during house-to-house visits; some local institutions arranged for and pressured their employees to vote as a group and then boasted about the high turnout.

C. Imposition of Russian legal and judicial authority

41. IHL prohibits the occupying Power from altering the status of judges and obliges the occupying Power to respect existing laws, as far as possible. However, the Russian Federation has imposed its own legal and judicial system on the occupied territory.²⁰ On 19 September, the Supreme Court of the Russian Federation announced the operationalization of the Russian court system in the occupied territory of Donetsk, Luhansk, Zaporizhzhia and Kherson oblasts of Ukraine, including the appointment of many judges from the Russian Federation.

42. The establishment of Russian courts presided over by Russian judges applying Russian law resulted in residents of occupied territory facing prosecution for activities that are legal in Ukraine, involve the legitimate exercise of rights, and do not appear to pose a threat to the occupying Power. For example, a court in Donetsk oblast imposed a fine on a woman for posting on social media a video of herself dancing to popular Ukrainian songs; the court deemed this to be “public calls for the commitment of acts aimed at violating the territorial integrity of the Russian Federation”. Another Donetsk court fined two priests for

¹⁴ 1907 Hague Regulations, arts. 42-56; Fourth Geneva Convention, arts. 27-34 and 47-78; Additional Protocol I, arts. 63, 69, 72-79; and customary IHL.

¹⁵ Fourth Geneva Convention, art. 54.

¹⁶ Fourth Geneva Convention, art. 64.

¹⁷ See General Assembly resolution ES-11/4.

¹⁸ *Ibid.* Annexation is defined as a unilateral act of a State through which it proclaims its sovereignty over the territory of another State.

¹⁹ International Committee of the Red Cross (ICRC), Commentary of 1958 relative to the Fourth Geneva Convention, art. 47.

²⁰ Under article 66 of the Fourth Geneva Convention, the occupying Power may establish military courts to sit in occupied territory and apply penal measures adopted in accordance with article 64; however, with regard to all other offences, it should ensure the functioning of regular courts.

mere membership in the Orthodox Church of Ukraine (OCU), which it deemed to have an “anti-Russian and extremist character” and ordered the priests’ deportation. Additionally, in Kherson oblast, a man was arrested and charged for a non-violent protest held in 2016 based on Russian law applied retroactively. As a part of a Crimean Tatar group that the Russian Federation considers to be an extremist organization, he participated in a protest to halt the transfer of goods from mainland Ukraine to occupied Crimea.

D. Conscription in occupied territory

43. IHL provides that the occupying Power may not compel persons living in occupied territory to serve in its armed or auxiliary forces, nor may it use pressure or propaganda to secure their voluntary enlistment.²¹ Compelling a protected person to serve in the armed forces of the occupying Power constitutes a grave breach of the Geneva Conventions.²²

44. In violation of these provisions, on 1 October, Russian authorities launched their annual fall military conscription campaign. For the first time, the campaign included occupied parts of Donetsk, Luhansk, Kherson, and Zaporizhzhia oblasts. This meant that men in the occupied territory aged 18-27 were subjected to conscription for a period of 12 months into an armed force at war with their own country.

45. Furthermore, OHCHR has documented pressure on men in occupied territory to enlist in the Russian armed forces. In seven cases, men from the former self-proclaimed ‘Donetsk people’s republic’ and ‘Luhansk people’s republic’ were conscripted into the people’s militias organized by the self-proclaimed republics in February 2022 and deployed to the frontline. Following the illegal annexation of these areas by the Russian Federation, the Russian armed forces absorbed the militias and initiated the signing of contracts with their members. As these seven men did not wish to sign contracts, their commanders questioned their masculinity and patriotism and threatened to assign them to frontline assault units. Upon leaving their units, the occupying authorities considered them to be deserters. In five cases, the Military Prosecutor’s Office of the Russian Federation and Military Administration searched the men’s homes and ordered their female relatives to disclose their whereabouts or face consequences. For example, the authorities made ten visits to the relatives of one man and threatened them with criminal prosecution if they did not say where he was. In another case, men in military uniforms made three visits to the mother of a man who had left his unit. They threatened to confiscate her house and car and to deny her underage relative the opportunity to enroll in school unless she revealed her son’s location.

E. Killings

46. OHCHR recorded allegations of six cases in which soldiers from Russian armed forces killed civilians in occupied territory during the reporting period and is currently trying to verify them. In one verified case, OHCHR documented the killing of a family of nine people in the Russian-occupied city of Volnovakha, Donetsk oblast. On 28 October, seven adults (three women and four men) and two children (a girl and a boy) were found dead in their home with gunshot wounds to their heads and backs. In another verified case, a group of armed men detained a man and a woman in their home in Maly Kopani, Kherson oblast, in the early hours of 16 September and led them away. Their bodies were found in different places nearby later the same day. The Russian Investigative Committee announced that two soldiers from the Russian armed forces had been arrested in connection with the first case and there are indications that an investigation was opened also in the second case.

47. Additionally, OHCHR documented eight cases of summary executions (all men) that took place before the reporting period in territory controlled by the Russian armed forces or occupied by the Russian Federation in Kyiv, Kharkiv, and Sumy oblasts. These cases are

²¹ Fourth Geneva Convention, art. 51; 1907 Hague Regulations, art. 52.

²² Fourth Geneva Convention, art. 147.

consistent with patterns described in earlier reports.²³ In total, OHCHR has documented 142 cases of summary executions (119 men, 18 women, 3 boys and 2 girl) in territory occupied by the Russian Federation or controlled by Russian armed forces since 24 February 2022.

F. Torture in places of detention and arbitrary detention

48. During the reporting period, OHCHR documented 112 cases (82 men, 29 women, 1 boy) of arbitrary detention by Russian authorities in occupied territory. Twenty-nine of these cases (all involving men in Crimea) occurred within the reporting period. Eighty-five per cent of former civilian detainees interviewed by OHCHR in the reporting period said they had been subjected to torture and ill-treatment during detention. This is consistent with previous patterns of the use of torture in the context of detention and arbitrary detention.

49. In one case of torture, verified during the reporting period, members of Russian armed forces detained a man in the Kherson oblast in October 2022 on suspicion of sharing information with Ukrainian authorities. While in confinement at two unofficial places of detention, Russian security forces subjected him to prolonged beatings, electric shocks, mock executions, cigarette burns, and mutilation, including the carving of the letters "RF" on his body with a knife. He was held in severely overcrowded cells and denied adequate food and health care. He was released in May 2023 after seven months in detention.

50. In another case, Russian authorities on 19 November detained a 28-year-old man in Hornostaiivka, Kherson oblast, accusing him of passing information to the Ukrainian armed forces. Nine days later, the local police informed the detained man's mother that he had died in detention.

51. OHCHR has documented that at least one hundred civilians (88 men, 11 women, and 1 girl) have died after having been taken into detention by Russian authorities since 24 February 2022. These people died from execution, injuries sustained during torture, inhumane detention conditions, or lack of medical assistance. For at least 39 of those who died (38 men and 1 woman), medical records and witness accounts indicate that they were subjected to torture before their deaths.

52. Since 24 February 2022, OHCHR has recorded the arbitrary detention of 1,118 civilians (964 men, 144 women, 9 boys, and 1 girl) by Russian authorities in the occupied territory. Among them, at least 514 individuals (413 men, 92 women, and 9 boys) were eventually released after various periods of detention.

G. Sexual violence

53. OHCHR continued to document sexual violence in the context of detention, with many cases amounting to torture as the violence was used to obtain information, extract confessions, punish, intimidate or humiliate the detainees.²⁴ Since 24 February 2022, OHCHR has documented 169 cases of sexual violence (101 men, 63 women, 4 girls, 1 boy) perpetrated by members of the Russian armed forces, law enforcement officials or penitentiary staff. Of these cases, 135 occurred within the context of detention, affecting 56 civilians (37 men, 18 women, 1 boy) and 79 prisoners of war (POWs) (63 men, 16 women).

54. In the reporting period, OHCHR documented 20 cases of sexual violence that occurred before the reporting period in occupied territory or in the Russian Federation or Belarus. In 14 cases, sexual violence was used as a form of torture within the context of detention, affecting 13 civilians (5 men, 7 women, 1 boy) and one POW (man). OHCHR also

²³ OHCHR, *Killings of civilians: summary executions and attacks on individual civilians in Kyiv, Chernihiv, and Sumy regions in the context of the Russian Federation's armed attack against Ukraine*, 7 December 2022; and OHCHR, *Report on the human rights situation in Ukraine*, 1 February to 31 July 2023, 5 October 2023, paras. 47-51.

²⁴ See General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85, art. 1(1).

documented six cases of sexual violence (five women, one man) in residential areas where Russian armed forces were present.

H. Transfer and deportation of children

55. In the reporting period, OHCHR documented the return of two children from the Russian Federation to Ukraine; both returns showed the considerable challenges involved in bringing children back. In one case, a woman learned from social media that her 8-year-old grandson had been transferred first to Crimea and then later to an institution in the Russian Federation. After she contacted the Russian authorities, her grandson was transferred yet again to the occupied territory of Ukraine without her being informed. When she went to collect him in occupied territory, the Russian authorities refused to let her leave with the child, stating that as a Ukrainian citizen she could not take custody of her grandson who had been given Russian citizenship. She was eventually allowed to take her grandson with her after the intervention of a senior Russian official.

56. In the second case, a teenage boy tried to leave the Russian Federation on his own but was prevented from departing. After several appeals, he was allowed to leave as his 18th birthday approached so he could be reunited with his relatives in Ukraine. This boy was one of 31 children deported from the occupied city of Donetsk to the Russian Federation in May 2022. With the latest return, OHCHR is aware of six children from this group who have returned to Ukraine or rejoined their families.

57. According to the Office of the Ukrainian Parliament Commissioner for Human Rights, 19 children were returned in the period from 1 August to 30 November 2023, 11 of them from the occupied territory and 8 from the Russian Federation.

I. Arbitrary detention in and deportation from the Autonomous Republic of Crimea and city of Sevastopol (Crimea)

58. Arbitrary detention continued in Crimea, which has been occupied since 2014.

59. On 24 August 2023, Russian authorities arrested six Crimean Tatar men in Bakhchisarai town, Crimea, on suspicion of being associated with Hizb ut-Tahrir, a religious group considered a “terrorist organization” under Russian law but not under Ukrainian law. The men were activists of the public movement “Crimean Solidarity”. The following day, police apprehended and held 22 Crimean Tatar men who had gathered at the court in Simferopol to show support for the detained individuals. They were detained for a period of up to seven days for “mass simultaneous gathering of people in public places causing a violation of public order or hindrance to the movement of pedestrians”.²⁵

60. On 13 October, Russian authorities apprehended a Russian lawyer in Simferopol. Subsequently, a court imposed a fine of 45,000 rubles on him for “discrediting” the Russian armed forces due to a social media post in which he condemned the use of cluster munitions. He also served 14 days under administrative arrest for “dissemination of extremist symbols” for a social media post in 2018 depicting the Ukrainian coat of arms. The so-called supreme court of Crimea upheld the decision of the first-instance court. During a prior search of his house, security forces had confiscated materials pertaining to his clients, all of which were protected by attorney-client privilege. They had additionally sought to deprive him of his right to practice law. These actions may impede the lawyer’s ability to effectively represent his clients, many of whom are from the Crimean Tatar community.

61. IHL prohibits individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying Power or any third country unless the safety of the population or imperative military reasons demand evacuation.²⁶ Despite this, during the reporting period, Russian authorities deported at least

²⁵ Russian Federation, Code of Administrative Offences, art. 20.2.2.

²⁶ Fourth Geneva Convention, art. 49. Unlawful deportation or transfer of a protected person constitutes a grave breach of the Geneva Convention (Fourth Geneva Convention, art. 147).

13 civilian detainees from Crimea to penal colonies in the Russian Federation.²⁷ For example, in August 2023, Russian authorities deported Amet Suleymanov, a Crimean Tatar activist and journalist, from the pre-trial detention facility in Simferopol to a penal colony in Vladimir in the Russian Federation, far from his community and family.²⁸

J. Accountability

62. OHCHR has recorded that Russian authorities have launched criminal investigations in three cases of alleged wrongdoing (two cases involving killings and one of torture) but is otherwise not aware of any measures taken by the Russian Federation to hold its own forces accountable for violations.

V. Prisoners of war (POWs)

A. Treatment and conditions

63. Throughout the reporting period, Russian authorities continued to deny OHCHR and other independent monitors access to Ukrainian POWs. In addition, there was reportedly only one instance of a limited number of POWs being exchanged. For these reasons, OHCHR has been unable to obtain updated information regarding the treatment and conditions of Ukrainian POWs.

64. The Russian authorities also continued to deny the right of Ukrainian POWs to communicate with their families in many cases, raising concerns about their conditions and treatment. Relatives of Ukrainian POWs told OHCHR that many of them had still not received letters or messages from their loved ones, even though some were captured more than a year ago. In a few cases where relatives were able to communicate with their loved ones, they mentioned that the POWs had not been visited by independent monitors.

65. In the reporting period, OHCHR continued to document the situation of Russian POWs, enjoying full access to the POW camp in Lviv oblast and penitentiary facilities where they are interned throughout Ukraine. Through more than 50 interviews with Russian male POWs in seven places of internment, OHCHR documented that previously noted improvements in the conditions of internment have been sustained.²⁹ In August, Ukrainian authorities adopted a decision to establish mixed medical commissions that will examine sick and wounded Russian POWs and recommend repatriation to the Russian Federation or treatment in a neutral country if necessary.

66. While cases of torture during initial capture decreased, OHCHR documented 13 cases of torture of POWs in transit places during their evacuation and transfer.

67. OHCHR documented two cases of conflict-related sexual violence against male POWs perpetrated by members of the Ukrainian armed forces before their transfer to established places of internment. These cases occurred before the reporting period. OHCHR also documented one case of sexual violence against a male POW that occurred during the reporting period.

B. Fair trial concerns and prosecution for participation in hostilities

68. Under IHL, combatants enjoy combatant immunity and cannot be prosecuted for mere participation in hostilities, or for lawful acts of war committed in the course of the armed

²⁷ The Fourth Geneva Convention provides that protected persons accused of offences shall be detained in the occupied country, and if convicted, shall serve their sentences therein (arts. 66 and 76).

²⁸ Committee against Torture, letter to complainant dated 22 February 2023. Because he has a life-threatening heart disease and is in urgent need of heart surgery, the Committee called on the Russian Federation to suspend his sentence.

²⁹ OHCHR, Report on the human rights situation in Ukraine, 1 February to 31 July 2023, para. 81.

conflict, even if such acts would otherwise constitute an offence under domestic law. Furthermore, wilfully depriving a POW of the rights to a fair and regular trial constitutes a grave breach of the Third Geneva Convention.³⁰

69. Despite these provisions, Russian-appointed courts in the occupied territory convicted Ukrainian POWs for what appeared to be mere participation in hostilities. In at least six cases in the reporting period, the Russian-appointed supreme court in the so-called ‘Donetsk people’s republic’ sentenced Ukrainian POWs to 22 years or life in prison for being members of the Azov battalion, a military unit part of the Ukrainian armed forces that the Russian Federation has designated as a terrorist organization. Convicting a POW purely for being part of a particular battalion of the enemy’s armed forces is inconsistent with the principle of combatant immunity.

70. OHCHR also documented that Russian-appointed courts in occupied parts of both Donetsk and Luhansk oblasts convicted a significantly higher number of Ukrainian POWs (151 men) on various charges during the reporting period than in the previous three-month period.³¹ Given its lack of access to the occupied territory, OHCHR has limited information about the proceedings and convictions in these cases. Accounts from Ukrainian POWs who were tried or convicted before being released indicate widespread use of torture to extract confessions and testimony. They also reported lack of access to legal counsel, visible bias from judges, and lack of adequate time and facilities to prepare their defence. These factors raise concerns that the right to a fair trial was also violated for recently convicted POWs. In one such case during the reporting period, an appeal court in Moscow, Russian Federation, upheld in August the 13-year prison sentence of Ukrainian POW Maksym Butkevych for alleged war crimes. OHCHR documented that he did not have access to a lawyer of his choosing during the first instance trial and that his defence lawyer was only able to meet with him immediately before the appeal hearing. As of 30 November, OHCHR was aware of 42 more Ukrainian POWs (32 men, 9 women, and 1 person whose sex is unknown) who were awaiting trial in Rostov-on-Don, the Russian Federation, on various charges.³²

71. OHCHR also analysed 92 Ukrainian court verdicts against Russian servicepersons and POWs (48 of them *in absentia*), including 10 verdicts for war crimes, rendered during the reporting period. In 81 cases, POWs were convicted for having joined Russian-affiliated armed groups.³³

C. Medical personnel

72. During the reporting period, OHCHR documented that Russian authorities continued to retain Ukrainian military medical personnel, potentially in violation of IHL which only permits such retention in so far as the state of health and number of prisoners so require.³⁴ For example, in April-May 2022, Russian armed forces captured at least 42 permanent medical personnel (23 men, 19 women) from Military Hospital No. 555 in Mariupol who were exclusively engaged in the treatment of the wounded and sick. As of 30 November, 15 of these medics (all men) remained in captivity. OHCHR has not received information

³⁰ Third Geneva Convention, art. 130. For further background on trials of POWs, see OHCHR, *Treatment of Prisoners of war and persons hors de combat in the context of the armed attack by the Russian Federation against Ukraine*, March 2023, paras. 82-85 and 120-124.

³¹ Between 1 May and 31 July, Russian courts convicted 25 Ukrainian POWs, 22 in courts in occupied territory and three in Rostov-on-Don.

³² Authorities in occupied territory do not publish hearing schedules.

³³ OHCHR analysis of the court decision. Ukraine, Court Registry, Case No. 760/21341/23, published on 21 September 2023, <https://reyestr.court.gov.ua/Review/113597959> (last consulted on 23 November 2023). These are POWs from armed groups of self-proclaimed ‘Donetsk people’s republic’ and ‘Luhansk people’s republic’. In December 2022, the Russian Federation asserted control over them and issued legal acts on their incorporation in the Russian armed forces. Most combatants from these groups are citizens of Ukraine from Donetsk and Luhansk oblasts. See OHCHR, *Treatment of Prisoners of war and persons hors de combat*, para. 121.

³⁴ Medical personnel, including military, who are exclusively engaged in the treatment of wounded and sick are not considered POWs, but can be retained only to give medical care to POWs. See First Geneva Convention, arts. 24 and 28.

indicating that these medical personnel were involved in providing medical care to wounded and sick POWs in any place of internment in 2023.³⁵ If captured medical personnel are not utilized for providing medical care to POWs, they should be released and repatriated.

D. Exposure to public curiosity

73. The Geneva Convention prohibits the exposure of POWs to public curiosity,³⁶ including by disseminating their photographs or any other private data. Despite this provision, both Ukrainian and Russian authorities have allowed videos of POWs to be published on the internet and continued to do so in the reporting period.³⁷

74. In October, Russian authorities also referred in an official statement to a book published on the internet describing alleged human rights violations by Ukraine. The book contains the names, ages and photographs, along with self-incriminating statements, of 24 Ukrainian POWs (all men) in the hands of the Russian Federation. The reference to this book at the UN Security Council and on the website of the Permanent Mission of the Russian Federation further exposed these POWs to public curiosity.³⁸

75. OHCHR interviewed two male POWs whose statements are included in the book. Both men said they had been tortured during their internment and were put under duress before speaking to someone they perceived as a civilian journalist. One man said that guards told him and other POWs to “say what interviewers want to hear so as not to complicate your lives”. In addition, a former POW told OHCHR that he saw one of the men whose picture appears in the book at a penal colony near Olenivka in April 2022. He said that guards at the penal colony beat this man heavily and held him in a pit.³⁹ Considering the previously-documented pattern of widespread torture of POWs,⁴⁰ OHCHR emphasizes the high risk that the self-incriminating statements of Ukrainian POWs contained in the book have been extracted under duress.

VI. Administration of justice and accountability

A. Prosecutions for collaboration and related activities by Ukrainian authorities

76. Legitimate and significant national security concerns exist in Ukraine, especially in territory over which Ukraine regained control. While it is essential to address serious violations that occurred in occupied areas and hold those responsible accountable, OHCHR continues to document instances where Ukrainian authorities initiated criminal cases and

³⁵ OHCHR documented that some of the medical personnel from Military Hospital No. 555 treated wounded and sick POWs in a penal colony near Olenivka but has not recorded reports that they have been involved in providing medical care in the penal colony or elsewhere after the penal colony ceased to be used as a major place of internment in January 2023.

³⁶ Third Geneva Convention, art. 13.

³⁷ The videos are described in OHCHR, *Treatment of Prisoners of war and persons hors de combat*.

³⁸ Statement by representative of the Russian Federation Mr. Stepan Kuzmenkov at UNSC Arria meeting on 27 October 2023. Further details about the book are omitted here in order to avoid further exposure of the POWs. POWs must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity, according to article 13 of the Third Geneva Convention. The prohibition also covers the disclosure of photographic and video images, recordings of interrogations or private conversations or personal correspondence or any other private data, irrespective of which public communication channel is used, including the internet... such disclosure could still be humiliating and jeopardize the safety of the prisoners' families and of the prisoners themselves once they are released. Accordingly, any materials that enable individual prisoners to be identified must normally be regarded as subjecting them to public curiosity and, therefore, may not be transmitted, published or broadcast. See also ICRC, Commentary of 2020 relative to the Third Geneva Convention, art. 13, paras. 1624-1627.

³⁹ OHCHR interview with released POWs, 30 May 2022.

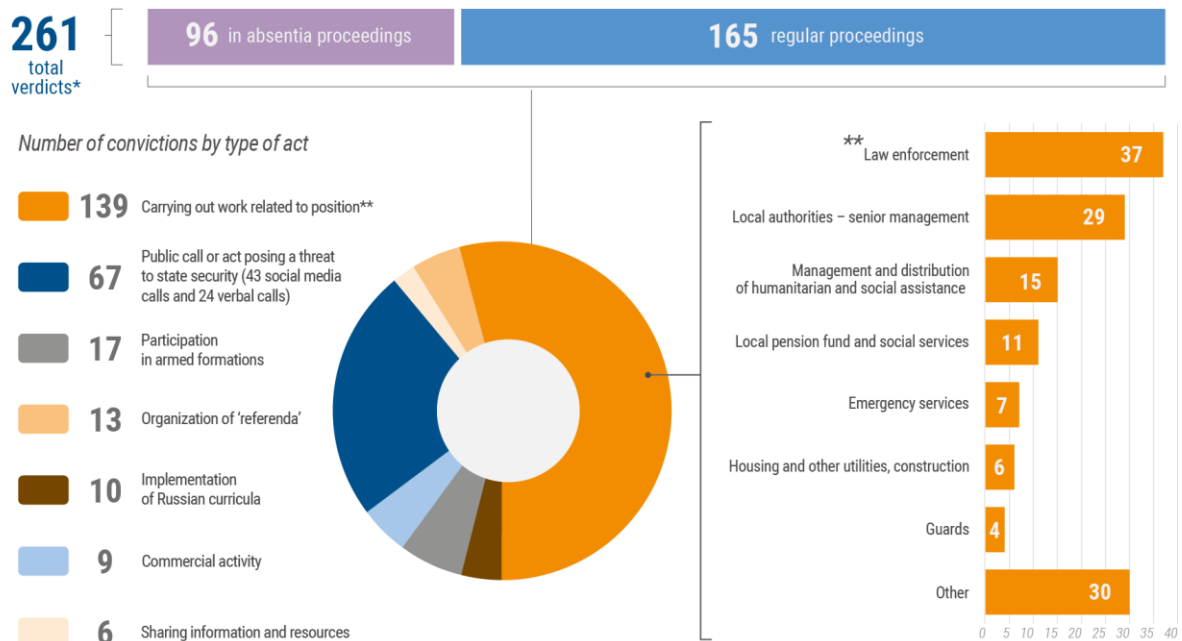
⁴⁰ OHCHR, *Treatment of Prisoners of war and persons hors de combat*, paras. 82-85.

issued verdicts against persons who worked for the benefit of the local population and helped to maintain normal life, even though such conduct can be lawfully required by the occupying Power under IHL.

77. As of 30 November, the Office of the Prosecutor General of Ukraine had initiated 6,672 criminal cases related to collaboration activities, along with approximately 2,000 cases on other similar charges. During the reporting period, 662 new collaborationism cases were opened, with courts ordering in most cases that the accused remain in custody pending trial. Courts rendered verdicts in 261 cases (against 167 men and 100 women),⁴¹ bringing the total to 941 verdicts thus far. In most cases, individuals received sanctions prohibiting them from holding public positions for up to a decade.

78. Of the 139 verdicts analysed by OHCHR, 36 per cent of individuals were convicted for conduct that could, in principle, be lawfully performed under IHL, such as work to ensure the continued functioning of social services. In one of many similar cases, a woman was sentenced for distributing social payments allocated by the occupation administration to local residents.

GUILTY VERDICTS IN COLLABORATIONISM CASES (ART.111-1): from 1 August to 30 November 2023



Creation Date: 5 December 2023.
Source: OHCHR HRMMU.

* OHCHR analysed relevant verdicts against 100 women, 167 men, available in the Unified State Register of Court Decisions as of 3 December 2023.

79. In another case, a man assumed the role of the head of the utility service sector within the temporary civil administration. His responsibilities included responding to service requests and providing instructions to workers for tasks such as park maintenance, garbage removal, and water pipe repairs.⁴² In another case, a man worked as a guard and was subsequently sentenced for "performing household functions and restricting access of strangers to the 'military-civil administration'."⁴³

80. Many of those interviewed by OHCHR also frequently said that they had agreed to work only after representatives of the occupying authorities had threatened them, noting an

⁴¹ One case included five male defendants; another case included three male defendants.
⁴² OHCHR analysis of the court decision. Ukraine, Court Registry, Case No. 183/8290/22, published on 4 October 2023, <https://reyestr.court.gov.ua/Review/113869316> (last consulted on 23 November 2023).
⁴³ OHCHR analysis of the court decision. Ukraine, Court Registry, Case No. 485/1113/23, published on 13 September 2023, <https://reyestr.court.gov.ua/Review/113384730> (last consulted on 23 November 2023).

overall atmosphere of fear. For example, in July 2023, Ukrainian authorities charged the director of a communal heating company with collaboration activities, specifically for her role in maintaining heating services for the local population, which involved conducting commercial activities. The director also reported that she had been subjected to repeated threats by the occupying authorities, including threats of detention and torture. Additionally, she received a letter instructing her that a refusal to cooperate would be considered a violation of the Geneva Conventions and could result in sanctions being imposed on her.

81. Applying a definition of collaboration that includes conduct that can be lawfully required by the occupying Power is not only inconsistent with IHL, but also risks exacerbating social divisions, making it more difficult to re-build functioning communities in the areas that were under occupation.⁴⁴

B. Accountability for violations of rights of conflict-related detainees

82. While Ukrainian authorities have initiated criminal investigations into various alleged violations by their own security forces, OHCHR has observed a lack of visible progress in the investigation or prosecution concerning reported cases of killings, torture, enforced disappearances and arbitrary detention.

83. As an illustrative case, OHCHR documented instances involving six individuals (five men, one woman) who were subjected to torture, incommunicado detention, and prolonged confinement in a detention facility located within the main office of the SBU in Kyiv. These incidents spanned various durations, occurring between March and November of 2022.⁴⁵

84. One of the victims filed a formal crime report with the State Bureau of Investigation (SBI) of Ukraine, the law enforcement agency entrusted with the responsibility of probing crimes, particularly those involving law enforcement personnel.⁴⁶ The SBI did not initiate a criminal investigation within 24 hours as required, but only five months later, in February 2023, disregarding two prior orders from investigative judges that had required them to act promptly. Following an additional five months of pre-trial investigation, the SBI closed the investigation, asserting a lack of evidence of criminal misconduct. This decision came despite the investigation's findings, which strongly suggested the victim's disappearance. On 28 September 2023, the Kyiv military prosecutor quashed the decision on closing the investigation, finding it unreasonable and unlawful.

85. Additionally, OHCHR documented five cases of sexual violence against civilians (three men, two women) perpetrated by Ukrainian law enforcement officials or penitentiary staff; these occurred before the reporting period.

VII. Civic space and fundamental freedoms

A. Freedom of religion or belief

86. Ukrainian authorities took further actions that impacted the Ukrainian Orthodox Church (UOC), alleging its affiliations with the Russian Federation and its promotion of the "Russian World", an ideology tied to actions by the Russian Federation against Ukraine.

87. On 7 August, the Vinnytsia city court sentenced Metropolitan Ionafan of the UOC to five years in prison and property confiscation for multiple conflict-related crimes. During the trial, the defence asserted that physical evidence had been planted during the search and that

⁴⁴ On 3 March 2022, the Parliament of Ukraine adopted Law No. 2108-IX "On amending several legal acts of Ukraine with regard to the introduction of criminal liability for collaboration activities".

Analysis of this law is available in OHCHR, *Report on the Human Rights Situation in Ukraine, 1 August 2022 – 31 January 2023*, March 2023, paras. 119-122.

⁴⁵ OHCHR, *Detention of civilians in the context of the armed attack by the Russian Federation against Ukraine from 24 February 2022 to 23 May 2023*, June 2023, paras. 116-117. OHCHR assessed that the total number of individuals detained in this location may exceed 100.

⁴⁶ Ukraine, Law "On the State Bureau of Investigation", art. 5; Criminal Procedure Code, art. 216.4.

incriminating files on the defendant's computer were created after the police had seized it. Both claims were dismissed by the prosecution and the court. This case involved numerous violations of fair trial principles, including the public dissemination of photographs taken during the search of the defendant's residence, the defendant's lack of access to legal counsel during the search, and the use of pressure to induce a confession and agreement to involvement in a prisoner exchange.

88. On 19 October, the Ukrainian Parliament passed a draft law in its first reading, outlining a procedure for dissolving religious organizations with ties to the Russian Federation, referring to them as “religious organizations affiliated with influence centres, the management of which is located outside Ukraine in the country which carries out armed aggression against Ukraine”.⁴⁷ These restrictions to the right to freedom of religion do not appear to comply with the tests of necessity and proportionality in article 18(3) of the International Covenant on Civil and Political Rights.

89. In addition, on 20 November, a group of unidentified individuals wearing camouflage without insignia forcefully evicted UOC clergy and parishioners from a UOC monastery in Cherkasy city, Cherkasy oblast. According to the UOC, at least four individuals were injured and hospitalized. OHCHR has previously documented that law enforcement agencies did not take appropriate measures to prevent and react to violence related to conflicts involving the UOC, particularly related to incidents in March and April 2023. OHCHR continues to monitor the authorities' reaction to the 20 November incident.

B. Law on minorities

90. On 21 September, the Parliament adopted amendments to the law on national minorities.⁴⁸ The law implements a number of recommendations made by OHCHR and the Venice Commission in its June 2023 opinion.⁴⁹ For instance, amended article 10(6) allows emergency services for victims of domestic violence to use minority languages. Furthermore, amended article 11(3) guarantees the provision of textbooks, free of charge, to general secondary education students belonging to national minorities and teachers.

91. The majority of the recommendations issued by OHCHR and the Venice Commission, however, have not been implemented, including those in the fields of governance and public services, elections and referendum, education, cultural activities and sporting events. Furthermore, two provisions suspend certain rights of those minorities who ‘identify their affiliation by ethnic origin’ with an ‘aggressor state’, as well as to the ‘language of an aggressor state’.⁵⁰ Some of these restrictions appear to be discriminatory and therefore not in line with article 18 (1) of the International Covenant on Civil and Political Rights.⁵¹ On 24 November, a draft law was registered in the Parliament of Ukraine that implements additional recommendations from the Venice Commission.⁵²

⁴⁷ Ukraine, Draft law No. 8371 “On amendments of certain laws of Ukraine concerning the activities of religious organizations in Ukraine”.

⁴⁸ Ukraine, Draft law No. 9610 “On amendments to the law of Ukraine ‘On national minorities (communities) of Ukraine’” regarding some issues of exercising the rights and freedoms of persons belonging to national minorities (communities) of Ukraine. The law on “On national minorities (communities) of Ukraine” was adopted on 13 December 2022.

⁴⁹ See Venice Commission, Opinion on the law on national minorities (communities), CDL-AD(2023)021, 12 June 2023, available at [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2023\)021-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2023)021-e) (last consulted on 23 November 2023). On 3 November, the President signed this law.

⁵⁰ Paragraphs 3(1) and (2) of the transitional provisions of the law. These restrictions are applicable during the martial law, and, respectively, six months and five years after the martial law is over.

⁵¹ See also the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

⁵² The Parliament of Ukraine approved the law on 8 December. OHCHR has not yet analyzed the implications of the law.

VIII. Technical cooperation and capacity-building

92. Through its public reporting, OHCHR has aimed to prevent further human rights and humanitarian law violations committed in Ukraine, and to promote the protection of civilians affected by armed conflict and the accountability of perpetrators. OHCHR engaged in advocacy efforts with the Government of Ukraine and participated in several meetings with key national actors, including the Coordination Headquarters on the Treatment of POWs, the Chief Justice of the Supreme Court, the Chairperson of the Committee on Law Enforcement, the Secretary of the Coordination Headquarters on Treatment of POWs, the Ombudsperson's representative on human rights in places of detention, and the State Service for Ethnopolitics and Freedom of Conscience.

93. OHCHR also offered its technical assistance and cooperation on various human rights issues, including the adoption of the Strategy for the Protection of Civilians in Armed Conflicts. For instance, OHCHR met with the Ombudsperson's representative on human rights in places of detention and the coordinator of the National Preventive Mechanism (NPM) to exchange findings and enhance cooperation on the monitoring of places of detention, notably regarding a pilot project of the NPM to conduct monitoring visits exclusively by monitors of NPM from civil society.

94. Furthermore, OHCHR, along with other members of the UN Country Team, participated in the preparation of the Joint Prevention Plan, signed on 18 August 2023, between the Government of Ukraine and the United Nations Taskforce on monitoring and reporting to end and prevent grave violations against children in Ukraine. These violations include their recruitment and use, killing and maiming, rape and other forms of sexual violence, abduction, attacks on schools and hospitals, and the denial of humanitarian access.

IX. Recommendations

95. In past reports, OHCHR has provided numerous recommendations, most of which are still relevant and merit implementation. The violations recorded in the current reporting period have highlighted the need to implement the following recommendations in particular:

96. To all parties:

(a) **Ensure full respect for IHL in the conduct of hostilities; take all feasible precautions to avoid and minimise civilian harm, including through the selection of means and methods of warfare; cease the use of explosive weapons with wide-area effects in populated areas; rigorously map the location of mines so that areas can be promptly cleared;**

(b) **Effectively protect POWs against torture, including sexual violence; ensure that POWs are not exposed to any form of public curiosity;**

(c) **Ensure timely and effective investigations into all allegations of IHL and human rights violations; ensure that alleged perpetrators, including members of the security forces and persons in positions of command, are duly prosecuted; provide reparations and support to victims, inclusive of medical, psychological and legal support services, with particular attention to survivors of sexual violence and the specific needs of men and women survivors;**

97. To the Russian Federation:

(d) **Immediately cease the use of force against Ukraine, as per UN General Assembly Resolution ES-11/1 on the "Aggression against Ukraine", adopted on 2 March 2022, and the ICJ's binding order on provisional measures of 16 March 2022;**

(e) **Cease immediately the targeting of civilian infrastructure, including facilities related to grain production and export;**

(f) **Immediately cease the practice of arbitrary detention and torture of civilians, including sexual violence;**

(g) Provide independent and impartial monitors full access to places of internment for Ukrainian POWs; cease the prosecution of POWs for acts which amount to mere participation in hostilities; respect the right of Ukrainian POWs to communicate with their families; release Ukrainian retained permanent medical personnel if they are not providing medical care to POWs;

(h) Respect in full applicable international humanitarian law in the territory under its occupation, including by respecting Ukrainian laws and ending the conscription of protected persons;

(i) Ensure the prompt return of all deported and transferred individuals, including children and persons with disabilities; refrain from changing the personal status of children displaced from Ukraine, including their nationality and their legal guardians;

(j) Strengthen cooperation and dialogue with OHCHR including by providing OHCHR meaningful access to the occupied territory.

98. To the Ukrainian authorities:

(k) Continue efforts towards the adoption of a national strategy for the protection of civilians;

(l) Align the “Law on Collaboration Activities” with international law; refrain from prosecuting individuals for collaboration when their cooperation with the occupying authorities adhered to IHL;

(m) Ensure that legislation protects freedom of religion and does not discriminate against any religious community; bring the law ‘On national minorities (communities) of Ukraine’ into line with international human rights norms and standards in accordance with previous recommendations of OHCHR and the opinion of the Venice Commission.

99. To the international community:

(n) Urge the parties to respect IHRL and IHL in Ukraine, and work collectively to ensure respect for IHL, including provision of remedy, redress and reparation for violations, and to prevent further violations;

(o) Call for OHCHR’s fullest possible access to all areas of Ukraine occupied by the Russian Federation to facilitate comprehensive monitoring, which is critical to ensuring accountability;

(p) Assist in enhancing the capacity for safe, efficient, and effective demining operations and support programs to educate civilians to the risks posed by mines and ERWs;

(q) Assist actors providing support to victims of grave human rights violations, inclusive of sexual violence with attention to the specific needs of men and women survivors;

(r) Sustain attention and humanitarian assistance to people impacted by the war, including those internally displaced.
