



# REPORT ON THE HUMAN RIGHTS SITUATION IN UKRAINE

1 February – 31 July 2023



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER



**Photo cover page**

One of many destroyed houses in the village of Posad-Pokrovske, in areas of Kherson region over which Ukraine regained control in November 2022. © OHCHR

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**1 February to 31 July 2023**

4 October 2023



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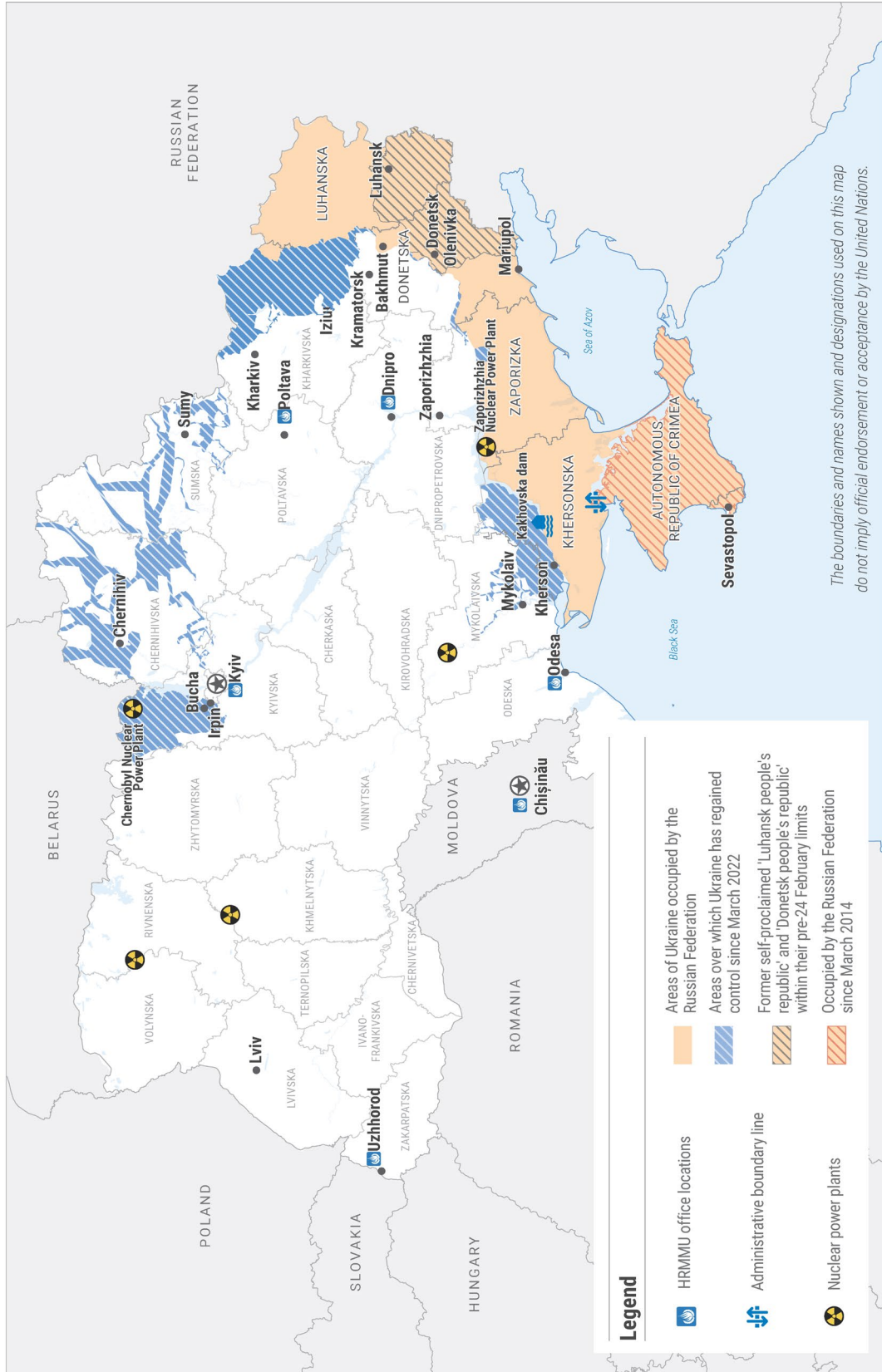
*Ukraine*

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# UKRAINE: UN HUMAN RIGHTS MONITORING MISSION IN UKRAINE

As of 31 July 2023



Creation Date: 30 September 2023 Source: OHCHR

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## I. EXECUTIVE SUMMARY

1. This thirty-sixth report by the Office of the High Commissioner for Human Rights (OHCHR) on the human rights situation in Ukraine covers the period from 1 February 2023 to 31 July 2023. It is based on the work of the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU).<sup>1</sup>
2. The ongoing full-scale armed attack by the Russian Federation against Ukraine resulted in severe and widespread harm to civilians throughout the reporting period, including death; life-changing injuries; loss of homes and livelihoods; displacement; infrastructure destruction; deprivation of access to basic services; and trauma. Between 1 February and 31 July 2023, OHCHR recorded 4,621 civilian casualties, with 1,028 persons killed and 3,593 injured (1,883 men, 1,294 women, 139 boys, 94 girls, and 1,195 adults and 16 children whose sex is not yet known). Actual casualty numbers are likely higher. As military operations continued in southern and south-eastern Ukraine, civilians who remained in areas affected by hostilities faced daily attacks by explosive weapons with wide area effects: for example, 64 per cent of civilian casualties caused by shelling and multiple launch rocket system attacks recorded during the reporting period occurred in communities on or near the frontline, mainly in Donetsk, Kherson, Zaporizhzhia and Kharkiv regions.
3. Missiles, air strikes and loitering munitions launched by the Russian Federation resulted in at least 262 civilians killed and 990 injured, and inflicted broad economic and social harm. Notably, following its withdrawal from the Black Sea Grain Initiative in July 2023, the Russian Federation launched missile strikes targeting the Odesa region, causing civilian casualties, large-scale damage to historic buildings, port facilities and surrounding civilian infrastructure, and the destruction of grain and other products destined for export. These strikes may not only cause greater instability in the global food market, but will also significantly affect the livelihoods of persons working in the agricultural sector, with compound effects on the right to an adequate standard of living in rural communities.
4. The breach of the dam at the Kakhovska Hydroelectric Power Plant in June 2023 resulted in massive flooding downstream, triggering an environmental disaster that has already had catastrophic effects on communities across the region. The incident is expected to have long-term implications for a wide range of human rights, in particular the rights to health, water and an adequate standard of living. The Russian Federation denied the international community humanitarian access to areas under its occupation on the left bank of the Dnipro River. OHCHR also documented instances of Russian armed forces restricting access to volunteers engaged in urgent emergency relief, further exacerbating the devastation experienced by affected communities.
5. OHCHR documented that between 1 February to 31 July 2023, members of Russian armed forces<sup>2</sup> and Russian penitentiary services committed acts of conflict-related sexual violence against four men and one woman. OHCHR also documented 35 additional cases that occurred before the reporting period. These cases are consistent with previously documented patterns of sexual violence by members of Russian armed forces, law enforcement officials and penitentiary staff. Sexual violence was often reported in the context of deprivation of liberty. In residential areas where they were stationed, members of Russian armed forces also committed sexual violence against civilian women and one girl.
6. Arbitrary detention and incommunicado detention of civilians continued in Russian-occupied territory of Ukraine, with a recorded 35 men and 8 women arbitrarily detained by Russian armed forces during the reporting period. OHCHR documented that 996 civilians were subjected to arbitrary detention since

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<sup>1</sup> 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.

<sup>2</sup> OHCHR refers to Russian armed forces as comprising all actors fighting on behalf of the Russian Federation, including the Armed Forces and National Guard Forces of the Russian Federation, as well as affiliated armed groups of the former self-proclaimed 'republics' and Wagner Group military and security contractors. In the same way, OHCHR refers to Russian prisoners of war (POWs) in relation to all individuals from the above-mentioned forces who fell into the hands of the belligerent party, regardless of their nationality.

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February 2022. Eighty of them died in detention or were found dead with signs of violence on their bodies, and 468 remain in arbitrary or incommunicado detention. Many of the cases also amounted to enforced disappearances.

7. OHCHR documented six cases of arbitrary detention (against four women and two men) by Ukrainian security forces, mainly law enforcement authorities, that took place during the reporting period. OHCHR also documented an additional 27 cases (15 men and 12 women) of arbitrary detention by Ukrainian security forces which occurred before February 2023. Ukrainian security forces violated procedures for arrest and detention, as set out in the national law, mostly by exceeding the maximum period of arrest without court warrant or by holding detainees in unofficial places of detention. Most detainees had been arrested on suspicion of collaborating with, or providing other forms of aid to, Russian armed forces.
8. OHCHR documented six additional cases of summary executions of Ukrainian prisoners of war (POWs), all of which occurred before the reporting period. The Office also continued to document accounts of torture and ill-treatment of Ukrainian POWs held by the Russian Federation and appalling conditions of detention, including forced labour. Of the 56 Ukrainian servicemen interviewed by OHCHR during the reporting period, 51 described being subjected to various forms of torture and ill-treatment.
9. OHCHR also interviewed 26 Russian POWs (all men). Twelve of them said they were subjected to torture or ill-treatment during interrogation at unofficial places of internment and evacuation, before they were brought to official places of internment. Finally, OHCHR observed marked improvement in the treatment of POWs in the POW camp in Lviv, notably increased portions of food and the discontinuation of physical exercise as a punishment.
10. With respect to the explosions which killed at least 51 Ukrainian POWs and injured at least 139 during the night of 28–29 July 2022 at the penal colony near Olenivka, in Russian-occupied Donetsk region, OHCHR assessed that the incident was not the result of HIMARS rockets launched by Ukrainian armed forces. Analysis of available photographic and video footage found that the damage to the barracks appeared consistent with a projected ordnance originating from the east. The Russian Federation held POWs in the colony in close proximity to the frontline, exposing them to dangers of the hostilities contrary to international humanitarian law (IHL) provisions relating to security of POWs. A comprehensive and impartial investigation is required, including necessary access by international investigators to the site.
11. Since 24 February 2022, OHCHR has documented several cases of children and groups of children from Donetsk, Kharkiv, Kherson, and Kyiv regions being transferred to other regions in Russian-occupied territory, or deported to the Russian Federation or Belarus. Many of these children were in institutionalised care, for instance in institutions for children with physical or intellectual disabilities. Some children who had been sent to summer camps in the Russian Federation in summer and autumn 2022, with the purported consent of their parents, did not return to their parents at the end of the agreed period. Among the children who reunited with their family after their parents or relatives travelled to the Russian Federation to retrieve them, some described experiencing or witnessing psychological or physical violence by educational staff there.
12. OHCHR documented the intimidation of men residing in occupied parts of Donetsk and Luhansk regions in order to pressure them to serve in Russian armed forces. Women relatives of men who had deserted the armed forces were also threatened by members of Russian armed forces to reveal the men's whereabouts.
13. The policy of mass conferral of Russian citizenship to residents of occupied areas of Kherson, Zaporizhzhia, Donetsk, and Luhansk regions exacerbated the coercive environment there. Those who refused Russian passports were denied access to public services, notably social security, healthcare, and education, and risked unemployment. They also faced a heightened risk of arbitrary detention when crossing checkpoints.
14. In the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine (Crimea), occupied by the Russian Federation,<sup>3</sup> the occupying authorities continued to prosecute individuals on the grounds of "public actions

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<sup>3</sup> See General Assembly resolutions 68/262, 71/205, 72/190, 73/194, 73/263, 74/17, 74/168, 75/29, 75/192, 76/179 and 77/229.

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directed at discrediting” and “obstructing” the Russian armed forces. In March 2023, the Russian Federation broadened the relevant legislation, further constraining the ability of Crimean residents to freely express their opinions.

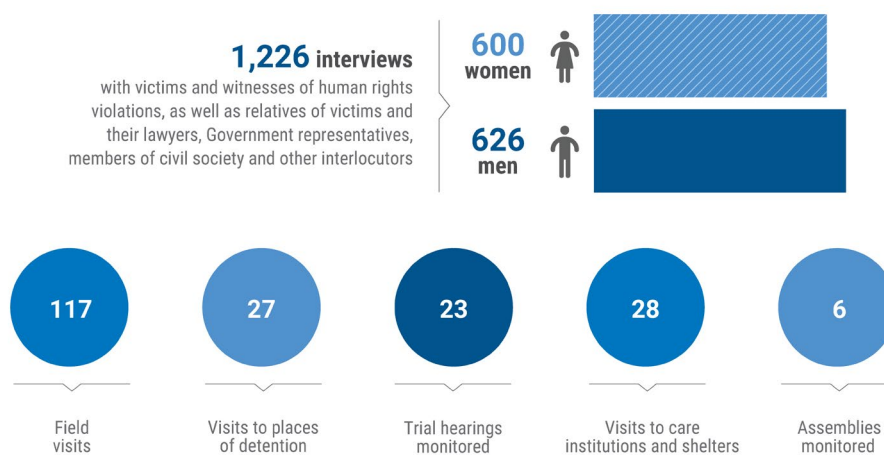
15. Millions of people remained below the poverty line, as the armed attack by the Russian Federation continued to severely undermine the right to an adequate standard of living, in particular the right to adequate housing. OHCHR acknowledges the sharp constriction of the fiscal space in Ukraine and concerted efforts by the Government of Ukraine to meet its social security obligations. It encourages the Government to allocate more resources to social protection, which at current levels remains insufficient to effectively protect people in need in a context of increased poverty. Moreover, OHCHR documented cases in which persons with disabilities who previously lived independently in the community were institutionalised as a direct result of hostilities.
16. In territory under control of Ukraine, the Government and local authorities took several measures against the Ukrainian Orthodox Church (UOC), including the termination of the lease agreement of the State-owned Kyiv Pechersk Lavra. OHCHR documented 10 cases of physical violence and 6 cases of threats resulting from conflicts between parishioners of different Orthodox Christian communities, with tensions particularly high in March and April 2023. In occupied territory, Russian armed forces detained a clergyman belonging to the UOC whose whereabouts remained unknown as of 31 July 2023. In Crimea, occupying authorities evicted the Orthodox Church of Ukraine (OCU) from the Cathedral of the Holy Equal-to-the-Apostles Prince Volodymyr and Princess Olga in Simferopol. They also continued to prosecute Jehovah’s Witnesses based on their religious practices.
17. Russian authorities in the occupied parts of Donetsk and Luhansk regions, as well as in the Russian Federation, convicted 37 Ukrainian POWs on various criminal charges, including terrorism. In these cases, the POWs were essentially tried for acts that appeared to amount to legitimate conduct of hostilities under IHL. In territory under control of Ukraine, 15 Russian servicemen were sentenced *in absentia*, including one man POW who was released before his trial concluded. In some cases, defendants were not duly notified about their trial, nor had they waived their right to be present, which is contrary to fair trial guarantees under international human rights law (IHRL). Ukrainian authorities also convicted some Russian POWs for acts that appeared to constitute mere participation in hostilities.
18. In criminal cases related to the law on collaboration activities, Ukrainian courts continued to render guilty verdicts in all cases except one. This law criminalised a wide range of conduct and actions that civilians carried out while they lived under Russian occupation. Those accused were often charged for conduct that could, in principle, be lawfully compelled by the occupying Power under IHL.
19. On 10 June 2023, the Parliament of Ukraine extended until 1 September 2024 a transitional period to implement provisions of the law ‘On education’ relating to the use of the state language in secondary schools. OHCHR reiterates its concern that the law ‘On national minorities (communities) of Ukraine’ limits the use of national minority languages in various fields and restricts certain rights of minorities “belonging to the aggressor state”, which may constitute violations of several provisions of the International Covenant on Civil and Political Rights (ICCPR).
20. The law ‘On peculiarities of criminal liability of individuals participating in the special military operation’, adopted by the Russian Federation in June 2023, effectively grants amnesty to Russian servicepersons for an overly broad range of crimes, including gross violations of IHRL or serious violations of IHL, reinforcing impunity and contributing to an enabling environment for further human rights violations and harm.



## II. OHCHR METHODOLOGY

21. The report is based on information gathered during 117 field visits, 27 visits to places of detention and 28 visits to care institutions or shelters, 23 trial hearings, 6 assemblies and 1,226 interviews<sup>4</sup> 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 right situation in occupied parts of the country remotely, given continued denial of access by the Russian Federation.

### OHCHR ACTIVITIES IN THE REPORTING PERIOD



Creation Date: 30 September 2023 Source: OHCHR HRMMU

22. Findings are based on verified information collected from primary and secondary sources that were assessed as credible and reliable. They are included in the report where the “reasonable grounds to believe” standard of proof is met, 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. Legal conclusions are drawn when there are reasonable grounds to conclude that these facts meet all the elements of a human rights violation.
23. OHCHR applies the same standard of proof when documenting conflict-related civilian casualties and related harm.<sup>5</sup> In some instances, it may take time before conclusions can be drawn, meaning that the numbers of civilian casualties are revised as more information becomes available. It should be noted that not all civilian casualties amount to a violation of IHL.
24. Information in this report is included with full respect for informed consent by all sources as to its use, as well as OHCHR assessment of any risk of harm that such use may cause. This may entail removing identifying details to ensure the confidentiality of sources. Survivors and witnesses in Ukraine often face multiple intersecting barriers to sharing information, including risks of reprisal, restrictions on movement or stigma. These barriers may be compounded for survivors of conflict-related sexual violence, as well as children and other persons in situations of vulnerability, which may result in underreporting of violations affecting these persons.
25. OHCHR shared the draft report with the concerned States for factual comments, as per usual practice.

<sup>4</sup> With 626 men and 600 women.

<sup>5</sup> OHCHR, *Report on the human rights situation in Ukraine, 16 February to 15 May 2019*, June 2019, para. 20.

### III. IMPACT OF HOSTILITIES ON THE CIVILIAN POPULATION

#### A. Civilian casualties

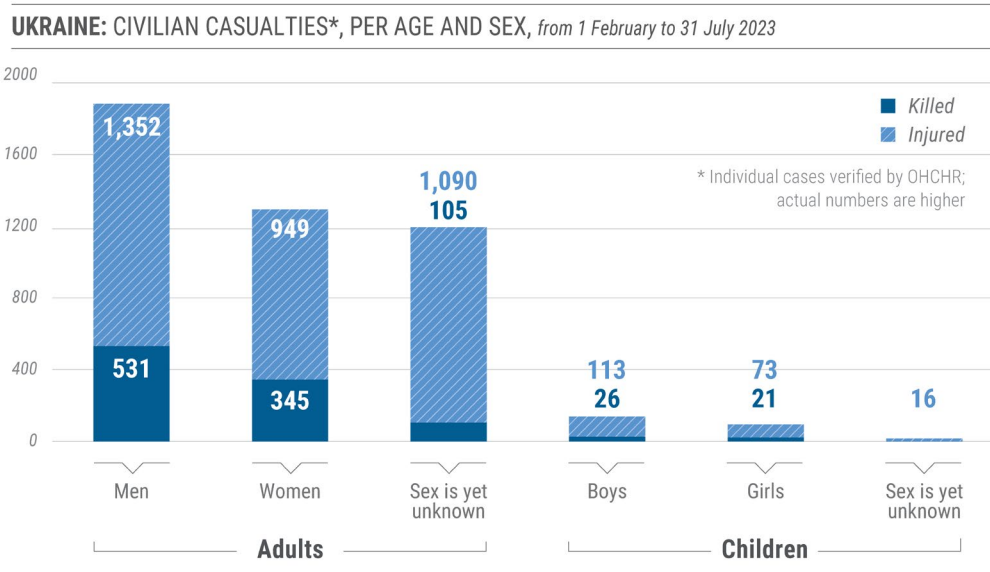
*"We didn't receive our pensions and there was no humanitarian aid. We had to rely on our garden and the potatoes we planted in the spring, not knowing if they would grow. And they did grow. But when it was time to harvest them, these things came flying into our garden [referring to remotely delivered antipersonnel landmines]. My son had to remove them on his own. What else could we do? We still want to eat even during war time."*

– An 82-year-old woman from Kamianka village, Kharkiv region

26. Hostilities killed hundreds of civilians and injured thousands more during the reporting period. Shelling and attacks with multiple launch rocket system (MLRS) inflicted stark suffering, particularly on people living in frontline communities: in six months, there were only 11 days on which shelling or MLRS attacks did not kill a civilian. Missile strikes and loitering munitions attacks often resulted in multiple casualties. The Russian Federation launched the vast majority of these missile strikes and loitering munitions attacks that resulted in civilian casualties, with missiles frequently striking densely populated areas far from the frontline. With up to a third of Ukrainian territory exposed to kinetic operations and potentially contaminated by explosive remnants of war and mines, civilians face life-threatening risks now and in the long term, with children, and particularly boys, disproportionately affected.

#### Civilian casualties during the reporting period

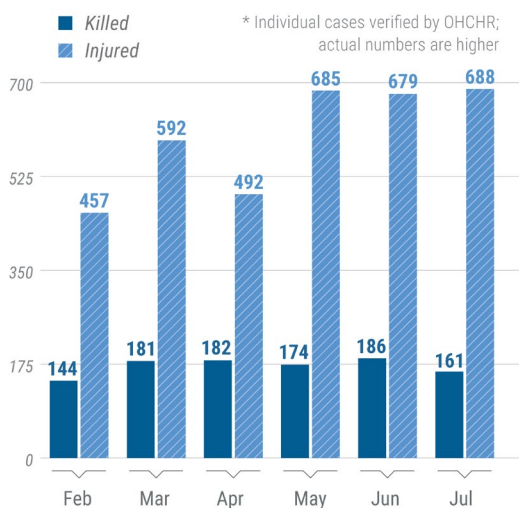
27. OHCHR recorded that 4,621 civilians were killed or injured in Ukraine from 1 February to 31 July 2023:
- 1,028 persons killed (531 men, 345 women, 26 boys and 21 girls, as well as 105 adults whose sex is not yet known);
  - 3,593 persons injured (1,352 men, 949 women, 113 boys and 73 girls, as well as 1,090 adults and 16 children whose sex is not yet known).



Creation Date: 30 September 2023 Source: OHCHR HRMMU

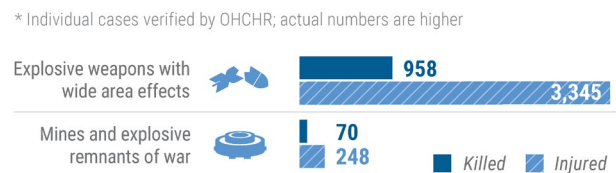
28. This is a 24 per cent decrease compared with the preceding six months, during which 6,047 casualties were recorded, with 1,652 persons killed and 4,395 injured. The actual figures are likely higher, as many reports of civilian casualties are still pending corroboration and OHCHR does not have access to the occupied territory of Ukraine and limited access to the areas close to the frontline.
29. Civilian casualties were documented as follows during the reporting period:
- 3,959 were recorded in 334 villages, towns and cities in areas under Government control, constituting 86 per cent of civilian casualties documented, with 868 civilians killed and 3,091 civilians injured;
  - 662 were recorded in 55 villages, towns and cities in territory occupied by the Russian Federation, constituting 14 per cent of civilian casualties documented, with 160 civilians killed and 502 injured.
30. The use of explosive weapons with wide area effects in populated areas, including shelling from heavy artillery, MLRS, missiles and air strikes, caused 93 per cent of civilian casualties, killing 958 persons and injuring 3,345. Explosive remnants of war (ERW) and mines caused 7 per cent of civilian casualties, killing 70 civilians and injuring 248.<sup>6</sup>

**UKRAINE: CIVILIAN CASUALTIES\*, PER MONTH, from 1 February to 31 July 2023**



Creation Date: 30 September 2023 Source: OHCHR HRMMU

**UKRAINE: CIVILIAN CASUALTIES\*, PER TYPE OF WEAPON/INCIDENT from 1 February to 31 July 2023**



Creation Date: 30 September 2023 Source: OHCHR HRMMU

### Impact of shelling and MLRS attacks on frontline communities

31. Shelling and MLRS attacks heavily impacted civilians residing in communities located on or near the frontline: 64 per cent of all civilian casualties recorded by OHCHR during the reporting period occurred near the frontline, both in Government-controlled territory (80 per cent) and in Russian-occupied territory (20 per cent).

Shelling and MLRS attacks near the frontline killed on average 4 civilians and injured 13 every day. For example, in the Government-controlled town of Avdiivka in Donetsk region, 27 civilians were killed and 56 injured during the reporting period (41 men, 26 women, 1 boy, and 15 civilians whose sex is not yet known). On 13 May alone, shelling killed four men and one woman there. In the Russian-occupied town of Horlivka, Donetsk region, 15 civilians were killed and 53 injured (40 women, 26 men, and 2 girls). On 25 May, a MLRS attack in Horlivka injured three women, two girls and two men.

### Impact of missiles, loitering munitions and air strikes

32. Missiles, air strikes and loitering munitions often resulted in multiple civilian casualties, creating significant civilian harm and causing fear. OHCHR recorded 212 such incidents. The Russian Federation launched 94 per cent of these attacks, which mainly struck objects in densely populated areas, usually far from the frontline, and particularly in Donetsk, Kherson, Kharkiv and Zaporizhzhia regions. For example, on 2 March 2023, a missile hit a residential building in Voznesenivskiyi district, in Government-controlled Zaporizhzhia. The strike killed 13 civilians, including an eight-month-old girl, her mother and her father, and injured another

<sup>6</sup> These incidents involve civilians who were killed or injured by mines (antipersonnel or anti-vehicle), other explosive devices such as booby traps, or unexploded ordnance which inadvertently detonated when touched.

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4 men and 4 women. On 27 June, a missile hit a crowded restaurant in the centre of Kramatorsk, killing 13 civilians, including 4 girls, and injuring another 38 civilians, including an eight-month-old girl. On 6 July, a missile strike killed 10 civilians and injured 42, including 2 girls, when it hit a residential building in Lviv.

### Explosive remnants of war and mine-related incidents

33. Approximately 30 per cent of Ukraine's territory has been exposed to intense and, in many areas, prolonged fighting, according to Ukrainian authorities.<sup>7</sup> Mines and ERW killed 70 civilians and injured 248 during the reporting period (254 men, 25 women, 25 boys, 7 girls, as well as 7 adults, whose sex is not yet known). The number of civilian casualties remained similar to the number recorded in the preceding six months. ERW and mine-related incidents disproportionately affected men and boys (90 per cent of all cases). The majority of civilian casualties were recorded in March and May, in Kharkiv, Donetsk and Kherson regions. Most mine-related incidents occurred during the spring while civilians were working their land on a tractor, walking or driving in forests or other rural areas, repairing roads, or demining a contaminated site. They also occurred when civilians brought home, stored, or tried to dismantle explosive ordnances they had found, or when children picked them up. For example, on 3 February, four girls and three boys were injured near Iziurm, Kharkiv region, when one of the boys picked up and threw a remotely delivered anti-personnel mine.<sup>8</sup> On 3 June, a car ran over a mine between Morozova Dolyna and Lemishchyne, Kharkiv region, controlled by Ukraine. The blast killed one woman on the spot as well as her 12-year-old son, who died from his injuries four days later in the hospital. Her husband, 15-year-old daughter and 12-year-old niece all sustained severe injuries. On 9 June, a mine exploded and seriously injured a 14-year-old boy and a man in the city of Donetsk. ERWs and mines have a disproportionately harmful impact on children, especially boys, who often underestimate the threats that they pose and try to play with or dismantle them.

### Journalists and media workers

34. During the reporting period, four journalists (three men, one woman) were killed, three by shelling and one by firearms. Seven media professionals (six men, one woman) were also injured, five by shrapnel and two by concussion. Of these casualties, seven (three deaths and four injuries) occurred in territory under control of Ukraine, and four (one death and three injuries) in territory occupied by the Russian Federation. In total, since 24 February 2022, OHCHR documented that 22 journalists and media professionals were killed (17 men and 5 women) and 29 more were injured (25 men and 4 women).

### Conflict-related civilian deaths since 2014

35. From 14 April 2014 to 31 July 2023, OHCHR recorded 12,619 conflict-related civilian deaths. In total, 6,259 men, 3,708 women, 389 boys, 283 girls, and 1,951 adults and 29 children whose sex is not yet known, were killed. Taking into account the 298 people on board Malaysian Airlines flight MH17, which Russian-affiliated armed groups shot down on 17 July 2014, the total civilian death toll since 2014 has reached at least 12,917.

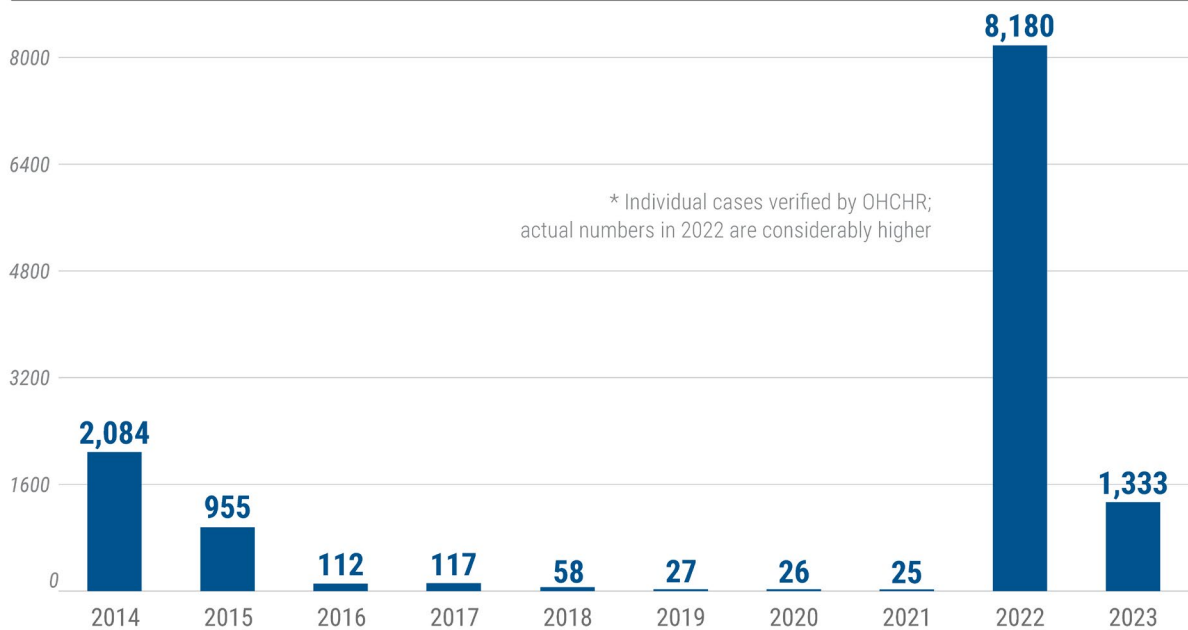
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<sup>7</sup> Government of Ukraine, *Up to 30 per cent of Ukrainian territory might be contaminated by mines and unexploded ordnance*, 4 April 2023, at <https://war.ukraine.ua/war-news/up-to-30-percent-of-ukrainian-territory-might-be-contaminated-by-mines-and-unexploded-ordnance/> (accessed on 26 August 2023).

<sup>8</sup> OHCHR has identified the type of mine as a PFM-1 mine. Also known as butterfly mines, PFM-1 mines are Russian or Soviet made high explosive anti-personnel land mines. OHCHR is following up on all reported cases of the use of PFM-1 mines in Ukraine, both in Government-controlled territory and in territory occupied by the Russian Federation. The use of PFM-1 mines, especially when they are planted in populated areas, may amount to an indiscriminate attack and therefore a violation of IHL.



## UKRAINE: CIVILIAN CASUALTIES (TOTAL NUMBERS OF KILLED)\*, PER YEAR, from 2014 to 2023



Creation Date: 30 September 2023 Source: OHCHR HRMMU

## B. Destruction and damage to civilian objects

### Breach of the dam at the Kakhovska Hydroelectric Power Plant

36. On 6 June 2023, the dam at the Kakhovska Hydroelectric Power Plant was entirely breached. It had been under the control of Russian armed forces since 24 February 2022. Its destruction led to the release of a vast quantity of 18 cubic kilometres of water over three to four days, which flooded at least 80 downstream communities adjacent to the Dnipro river.<sup>9</sup> OHCHR established the identities of 15 civilians (8 women, 7 men)<sup>10</sup> who were killed during the flooding, mainly as a result of drowning, hypothermia or physical injuries, in occupied communities of Kherson region, including Oleshky, Hola Prystan, Korsunka, Solontsi and Kardashynka.<sup>11</sup> OHCHR is corroborating civilian casualties on territory under control of Ukraine. Older persons and persons with disabilities were disproportionately affected by the disaster because of their reduced mobility. Some died because they were unable to leave their home.
37. The breach of the dam, the full impact of which is yet to be assessed, will severely undermine the enjoyment of a broad range of human rights in nearby communities for many years to come. According to a needs assessment,<sup>12</sup> the breach damaged over 37,000 homes, 37 educational institutions and an estimated 11 health facilities, and disrupted the provision of drinking water and sanitation services to one million people, impacting their rights to housing, education, health and water. The disappearance of the reservoir, which was the water source for a vast agricultural irrigation network, will sharply reduce food supply and decrease income for farmers in the long term. The breach of the dam prevents restoration of hydroelectric power production and caused the disappearance of the reservoir that acted as a source of water for the cooling

<sup>9</sup> Government of Ukraine and United Nations, *Post-Disaster Needs Assessment: 2023 Kakhovka Dam Disaster, Ukraine*, October 2023. The assessment was conducted by the Government of Ukraine supported by an all-UN approach, using the United Nations-European Union-World Bank methodology.

<sup>10</sup> According to the Ministry of Interior of Ukraine, the flooding killed 34 civilians (32 in Kherson region and 2 in Mykolaiv region) in areas over which the Government of Ukraine regained control in autumn 2022. According to the occupying authorities in Kherson region, the flooding killed 55 civilians in occupied territory.

<sup>11</sup> Civilian casualties caused by shelling and other exchanges of fire in flood-affected areas are not included.

<sup>12</sup> Government of Ukraine and United Nations, *Post-Disaster Needs Assessment: 2023 Kakhovka Dam Disaster, Ukraine*, October 2023.

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pools of the Zaporizhzhia nuclear power plant. The flooding destroyed over 11,000 hectares of forest and damaged natural habitats, chemically polluting them and causing irreversible consequences for biological diversity. The damaged areas included critical ecosystems, including five sites on the Ramsar List (List of Wetlands of International Importance) and 12 sites under the Emerald Network (under the Berne Convention on the Conservation of European Wildlife and Natural Habitats). All these consequences will severely impair the rights to an adequate standard of living and to a clean, healthy, and sustainable environment, both in the short and long term.

38. The Russian Federation denied the international community necessary humanitarian access to areas under its occupation on the left bank of the Dnipro River.<sup>13</sup> Moreover, OHCHR documented that the occupying authorities did not take necessary measures to evacuate people in need. Four women and one man from different Russian-occupied towns in Kherson region told OHCHR that the occupying authorities did not help them and their neighbours evacuate after their villages were flooded. OHCHR also received accounts that Russian armed forces restricted volunteers from carrying out urgent emergency relief, exacerbating the devastation experienced by communities. For example, on 9 June, representatives of the occupying authorities blocked access to volunteers carrying medical and food supplies to about 600 persons taking shelter in central Oleshky, a town about 70 kilometres downstream from the dam. Moreover, Russian forces arrested three volunteers near Oleshky on 6 June and another volunteer on 9 June and threatened to detain them in a basement as they were carrying food and medical supplies to assist evacuations.
39. A prompt, thorough and impartial investigation conducted in accordance with international standards is required to determine the cause of the destruction of the dam, hold those responsible to account, and provide remedy and reparations.

### Attacks on Odesa region

40. Between 11 and 31 July 2023, following its withdrawal from the Black Sea Grain Initiative, the Russian Federation launched numerous missiles and loitering munitions attacks targeting Odesa region. These strikes killed 4 civilians (3 men and 1 woman) and injured 43 (18 women, 18 men, 5 boys and 2 girls). OHCHR documented 14 such attacks, striking grain terminals, warehouses, port infrastructure, industrial equipment and administrative buildings. Moreover, the attacks have disrupted the global food supply lines of Ukraine.
41. The attacks also damaged the Historic Centre of Odesa, which is on the UNESCO World Heritage List, impeding the ability to enjoy cultural heritage.<sup>14</sup> As a result of severe damage to the Ukrainian Orthodox Church's Transfiguration Cathedral in the centre of Odesa, religious believers lost access to an important place of worship. The attacks also damaged eight educational institutions.
42. The attacks resulted in large-scale damage to port facilities and civilian infrastructure associated with grain export. According to the World Food Programme, an estimated 66 million people would have been fed for one day with the grain that was destroyed.<sup>15</sup> With reduced ability to export their crops, farmers in Ukraine risk loss of livelihoods, with a compound effect on the right to an adequate standard of living across rural communities. Moreover, as the trade disruption leads to greater instability in the global food market, increased prices for essential food items could make food less accessible and affordable, particularly for persons with low incomes, with a negative impact on the right to food worldwide.

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<sup>13</sup> Statement by the Humanitarian Coordinator for Ukraine, Denise Brown, on humanitarian access to areas under Russian control, 18 June 2023, at [www.un.org/sg/en/content/sg/note-correspondents/2023-06-18/statement-the-humanitarian-coordinator-for-ukraine-denise-brown-humanitarian-access-areas-under-russian-control](http://www.un.org/sg/en/content/sg/note-correspondents/2023-06-18/statement-the-humanitarian-coordinator-for-ukraine-denise-brown-humanitarian-access-areas-under-russian-control) (accessed on 17 August 2023).

<sup>14</sup> According to information provided to OHCHR by UNESCO on 14 August 2023, at least 52 buildings were damaged, notwithstanding damage to the historic urban fabric, which is inscribed as "The Historic Centre of Odesa" on the list of World Heritage Sites.

<sup>15</sup> The strikes destroyed about 40,000 tons of grain, according to information provided to OHCHR by the World Food Programme on 15 August 2023.

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## Medical and educational facilities

43. Destruction of and damage to medical and educational facilities continued across the country during the reporting period, predominantly from explosive weapons with wide area effects in populated areas. These attacks resulted in 53 civilian casualties among patients, medical staff and educational staff, with 19 civilians killed (10 men and 9 women) and 34 injured (13 women, 12 men and 9 adults whose sex is not yet known).
44. OHCHR documented attacks that destroyed 6 healthcare facilities and damaged 52 more in the reporting period. Actual figures are higher. This represents a 27 per cent decrease compared with the previous six months. Of these destroyed and damaged healthcare facilities, 37 are in areas under control of Ukraine and 21 in territory occupied by the Russian Federation. OHCHR recalls that medical objects enjoy special protected status under IHL and, in principle, cannot be targeted and must be protected at all times.<sup>16</sup>
45. OHCHR documented attacks that destroyed 32 educational facilities and damaged 121 more in the reporting period. Actual figures are higher. This represents a 20 per cent decrease compared with the previous six months. Of these destroyed and damaged educational facilities, 109 are in areas under control of Ukraine and 42 in territory occupied by the Russian Federation, with 2 locations pending verification. The scope of destruction and damage has hindered children's access to in-person schooling on a wide scale in several regions of Ukraine.
46. In total, between 24 February 2022 and 31 July 2023, OHCHR documented the destruction of 48 medical facilities and 192 educational facilities, and the damage of 347 medical facilities and 628 educational facilities.

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<sup>16</sup> Additional Protocol I, arts. 12 and 13. While medical objects cannot be attacked in principle, there are limited exceptions which must be preceded by a warning.

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## IV. RIGHT TO LIBERTY AND SECURITY OF PERSONS

### A. Killings of civilians

47. During the reporting period, OHCHR documented 28 cases of summary executions (24 men, 3 women and 1 girl) and 31 killings through attacks on individual civilians (22 men, 6 women, 1 boy and 2 girls) that occurred in 2022.<sup>17</sup> OHCHR also recorded credible allegations of some civilian casualties from attacks on individual civilians in Russian-occupied territory that took place during the reporting period, but has not yet been able to verify them. The killing of civilians by Russian armed forces is a pattern documented in every region over which Ukrainian armed forces regained control in 2022. Many interlocutors told OHCHR that no one felt safe under occupation or during the time Russian armed forces were in control of their region. They also feared that anyone could be detained, killed or disappeared.
48. The 2022 killings documented during the reporting period took place either in areas of northern Ukraine controlled by Russian armed forces until April 2022 (15 cases in Chernihiv region, 7 in Kyiv region, 1 in Sumy region) or in Russian-occupied territory over which the Government regained control in autumn 2022 (18 cases in Kharkiv region, 17 in Kherson region, 1 in Mykolaiv region).
49. For example, in February 2022, Russian armed forces opened fire on a family of five in a vehicle at a checkpoint. Due to safety concerns, the family was relocating from the village of Vesele to Nova Kakhovka in Kherson region, then both controlled by Russian armed forces. The three adults (two men and one woman) were killed instantly, and the two children (a six-year-old girl and new-born baby boy) died from their injuries shortly thereafter. Also in February 2022, in Bazaliivka, Kharkiv region, Russian armed forces shot at a car, instantly killing a 10-year-old girl and injuring her grandparents. The family was driving to a local hospital to obtain medical treatment for the girl, who had been injured by gunshot earlier that day by another group of Russian armed forces in Novyi Burluk.
50. On 1 April 2022 in Haivoron, Chernihiv region, Russian armed forces detained three men on suspicion of cooperation with Ukrainian armed forces. Later that day, they released one and summarily executed the two others. The father of one of the victims found the bodies the following morning in a swamp on the outskirts of the village.
51. In total, since 24 February 2022, OHCHR documented the killing of 521 civilians (404 men, 85 women, 23 boys, and 9 girls) by Russian armed forces, either through summary executions or attacks on individual civilians.

### B. Conflict-related sexual violence

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*"The guards shocked me with tasers when I was just out or in a shower, targeting my groin. They would then say: 'Your testicles, aren't they cooked yet?'"*

– A Ukrainian POW on practices of sexualised torture by guards in a penal colony in the Russian Federation

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52. OHCHR documented that members of Russian armed forces, law enforcement officials, and penitentiary staff perpetrated conflict-related sexual violence against four men and one woman during the reporting period. These cases occurred in occupied parts of Donetsk and Kherson regions, Crimea, and the Russian Federation.

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<sup>17</sup> OHCHR, *Killings of civilians: summary execution and attacks on individual civilians in Kyiv, Chernihiv and Sumy regions in the context of the Russian Federation's armed attack against Ukraine*, December 2022.



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53. OHCHR also documented 35 additional cases of sexual violence (23 men, 11 women, 1 girl) perpetrated by members of Russian armed forces, law enforcement officials, and penitentiary staff, which occurred before the reporting period in the occupied areas of Donetsk, Kherson, Zaporizhzhia and Kharkiv regions, Crimea, and the Russian Federation. They are consistent with patterns of conflict-related sexual violence that OHCHR has been documenting since 24 February 2022.
  54. In most cases documented during the reporting period, sexual violence was used as a form of torture or ill-treatment against men in detention (15 POWs, 12 civilians). The men suffered instances of rape, electric shocks and beatings to genitals and buttocks, forced nudity and beatings while naked, unjustified cavity searches, homophobic slurs, threats of castration, and threats of rape against the detainee or their loved ones.
  55. OHCHR documented the case of a man POW who surrendered to Russian armed forces in Donetsk region in April 2022. He was detained in multiple facilities in the Russian Federation for more than a year. In February 2023, Russian authorities interrogated him and threatened to rape him with a rubber baton.
  56. In another case, members of Russian armed forces detained a gay man at a checkpoint in 2022. They held him for several weeks in a temporary detention facility where they beat him, subjected him to homophobic slurs and degrading treatment, and questioned him about his sexual orientation and alleged LGBTI+ advocacy. One guard raped him orally.
  57. Moreover, two women POWs and six civilian women told OHCHR that sexual violence was used as a form of torture or ill-treatment against them in detention. They suffered rape, electric shocks to nipples, forced nudity and unjustified strip searches, including in the presence of men, sexual touching, requests to perform sexual acts in coercive circumstances, threats of rape, and having to use the toilet in the presence of men.
  58. In one case, two armed men repeatedly asked a woman POW who had been captured by Russian armed forces in May 2022 to sexually “serve” the soldiers in the facility where she was detained in Lyman, Donetsk region. On a later occasion, another member of the Russian armed forces intervened to protect her from being beaten by his colleague, and then asked her for sexual acts in return. On both occasions, she dissuaded them by stating she had tuberculosis and was menstruating. After one week, she was forcibly transferred to Valuyki penal colony No. 9 in the Russian Federation where, along with other ill-treatment, staff forced her to do sit-ups while naked with men present, and only allowed her to use the toilet while observed by a man guard.
  59. OHCHR also documented sexual violence against four civilian women and one girl in residential areas where Russian armed forces were stationed. In July 2022, members of Russian armed forces abducted a woman from her home in occupied areas of Donetsk region and raped her at gunpoint. One of the men told her he would kidnap her to become his “third wife”.
  60. In total, since 24 February 2022, OHCHR documented that members of Russian armed forces, law enforcement officials or penitentiary staff in occupied territory or in the Russian Federation perpetrated 149 cases of conflict-related sexual violence (94 men, 51 women, 4 girls).
  61. In territory under control of Ukraine, OHCHR did not document cases of conflict-related sexual violence during the reporting period. In addition, the Government of Ukraine demonstrated commitment to addressing conflict-related sexual violence and to integrating a survivor-centred approach into investigations and prosecutions.<sup>18</sup> By the end of July 2023, the Office of the Prosecutor General had initiated investigations into 215 cases of conflict-related sexual violence committed by members of Russian armed forces, including violence against 12 girls and 1 boy.<sup>19</sup>

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<sup>18</sup> On 26 June 2023, the Prosecutor General signed a Strategic Plan on Implementation of Powers of the Prosecutor’s Office in the Field of Criminal Prosecution for Conflict-Related Sexual Violence. The draft Action Plan for Implementation of the Strategic Plan has been devised and is currently undergoing a consultative process.

<sup>19</sup> This number includes 68 cases in Kherson region, 54 in Donetsk region, 52 in Kyiv region, 19 in Kharkiv region, 7 in Zaporizhzhia region, 5 in Chernihiv region, 5 in Mykolaiv region, 3 in Luhansk region, 2 in Sumy region, committed against 131 women, 71 men, 12 girls and 1 boy since 24 February 2022.

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62. Since February 2022, OHCHR documented 24 cases (18 men, 6 women) of conflict-related sexual violence in territory under control of Ukraine, which occurred between February 2022 and January 2023. Members of Ukrainian armed forces, law enforcement officials, or penitentiary staff perpetrated 13 of them, and civilians and members of territorial defence forces perpetrated the remaining 11.<sup>20</sup>

## C. Conflict-related detention

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*"I've memorised every step of the stairs, as I was rushed to the interrogation room on another floor with a bag on my head every day."*

– A civilian man about his arbitrary detention by members of Russian armed forces and the Security Service of the Russian Federation in Kherson

*"I've spent almost six months in pre-trial detention, but all I have is just a note of suspicion. The investigator does not even disclose the documents on my charges."*

– A conflict-related detainee in the Lviv pre-trial detention facility

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63. OHCHR documented that Russian armed forces arbitrarily detained 43 civilians (35 men and 8 women) in occupied territory during the reporting period. OHCHR documented 375 additional cases (328 men, 44 women, 2 boys and 1 girl) of arbitrary detention by Russian armed forces which occurred before the reporting period.<sup>21</sup>
64. Many civilians have been subjected to arbitrary detention for over one year, during which time their families have suffered from a lack of information about the whereabouts and fate of their loved ones. Many of these cases may amount to incommunicado detention or enforced disappearances. For example, in February 2023, almost a year after her son was arrested by Russian armed forces, the mother of Mykyta Shkriabin, a 19-year-old student from Kharkiv region, received a letter from the Russian Ministry of Defence confirming that he was detained for "resisting the special military operation". The letter did not specify his whereabouts or the formal charges against him. As of 31 July, she had not received any additional information about him or the conditions for his release. OHCHR also documented five additional cases of civilian men who were forcibly disappeared by Russian forces in Kyiv, Chernihiv and Sumy regions in March 2022, and who have been held in the Russian Federation for more than a year. Relatives told OHCHR that the Russian Federation authorities did not acknowledge their detention. Their only source of information were former detainees who contacted them after their release.
65. The Security Service of the Russian Federation (FSB) arbitrarily detained 18 civilian men and 3 civilian women in Crimea during the reporting period. A number of these cases may amount to incommunicado detention or enforced disappearances. Moreover, three detained civilian men were forcibly transferred from Russian-occupied territory of Donetsk, Luhansk, Kherson and Zaporizhzhia regions to Crimea, across the Administrative Boundary Line (ABL) between Crimea and mainland Ukraine. OHCHR also documented 37 additional cases of arbitrary detention, incommunicado detention or enforced disappearance (all men) which occurred before the reporting period.
66. In one case, FSB officers apprehended a journalist who had reported on pro-Ukrainian demonstrations in Kherson on 7 March 2022. He was first detained in unofficial places of detention in Kherson. Nine days later, the FSB unlawfully transferred him to Crimea, where he was held in a pre-trial detention facility (SIZO) in Simferopol. FSB officers tortured him to force him to record a statement to the effect that the Ukrainian

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<sup>20</sup> The 11 cases committed by civilians and members of territorial defence forces consisted in forced public stripping against both men and women considered to be 'lawbreakers' in the first months after the armed attack. See OHCHR, *Report on the human rights situation in Ukraine, 1 February to 31 July 2022*, September 2022, para. 54.

<sup>21</sup> For more information on patterns of arbitrary detention of civilians, see OHCHR, *Detention of civilians in the context of the armed attack by the Russian Federation against Ukraine, 24 February 2022 – 23 May 2023*, June 2023.

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Security Service had financed pro-Ukrainian demonstrations in Kherson. During the period of detention, the man was held without charges and denied the right to challenge the lawfulness of the detention. His relatives tried to establish his fate and whereabouts, but the occupying authorities provided no information in response to their requests and concealed his location by categorically denying his presence in all places of detention visited by his relatives even though he had been present in one such location. He was eventually released after 11 months of unofficial and arbitrary detention.

67. OHCHR continued to receive complaints from legal representatives and relatives of detainees from Crimea regarding the inadequate provision of medical care in detention facilities in Crimea and the Russian Federation. In one case documented by OHCHR, the failure to provide medical assistance resulted in the death of a 60-year-old Crimean Tatar man on 10 February 2023 at the SIZO in the city of Novocherkassk, Russian Federation. The victim, a former resident of the Simferopol district of Crimea, was serving a 13-year prison sentence for his membership in Hizb ut-Tahrir.<sup>22</sup> He had multiple longstanding health conditions, including chronic kidney disease, and had suffered a stroke in 2017 while in detention. Eight days before his death, the head of the SIZO-5 in Rostov-on-Don, where he was being held at the time,<sup>23</sup> had rejected a request from the victim's lawyer for a medical examination at an external medical facility due to the significant deterioration of his client's health.<sup>24</sup> The official cause of the victim's death was recorded as heart failure caused by atherosclerotic heart disease.
68. On 24 June 2023, the President of the Russian Federation signed into law amendments to the Russian Code of Administrative Offences which provide for 30 days of administrative detention for violating martial law and allow for the transfer of violators to territories where martial law has not been imposed.<sup>25</sup> In practice, this means that persons in Russian-occupied territory of Ukraine who are accused of violating martial law can be detained for 30 days without a court order, and may be transferred to Crimea or to the Russian Federation.
69. In total, since February 2022, OHCHR documented that Russian security forces arbitrarily detained 996 civilians (872 men, 115 women, 8 boys and 1 girl). Many of these cases may amount to enforced disappearance. Of the total, 448 victims (365 men, 75 women and 8 boys) were released after various periods of detention usually lasting for several days or weeks. Eighty of the victims (74 men, 5 women and 1 girl) were found dead with signs of violence on their bodies or died in detention. Four hundred and sixty-eight victims (433 men and 35 women) remain disappeared or arbitrarily detained, usually in formal places of detention in the occupied territory of Ukraine and in the Russian Federation.

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<sup>22</sup> A religious group considered a terrorist organization under Russian law but not under Ukrainian law.

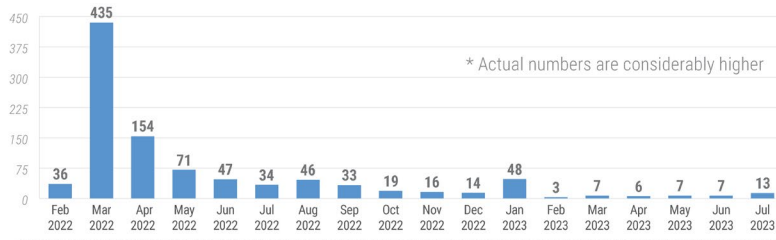
<sup>23</sup> On an unspecified date between 2 and 10 February 2023, the victim was apparently transferred from the SIZO in Rostov-on-Don to the SIZO in Novocherkassk.

<sup>24</sup> The lawyer informed the head of the SIZO that the victim experienced acute pain in heart area, breathing problems and hypertension. All services in the external medical facility had been already pre-paid by the victim's family.

<sup>25</sup> Federal Law of 24 June 2023 No. 265-FZ "On Amendments to the Russian Federation Code of Administrative Offences", art. 20.5.1., at <http://publication.pravo.gov.ru/document/0001202306240002?index=1> (accessed on 17 August 2023). As of 31 July, the Russian Federation had announced the application of martial law in all parts of Ukraine which it occupied, with the exception of Crimea.

ARBITRARY DETENTIONS BY THE RUSSIAN FEDERATION, DOCUMENTED BY OHCHR\*, from 24 February 2022 to 31 July 2023

1. By month of initial apprehension



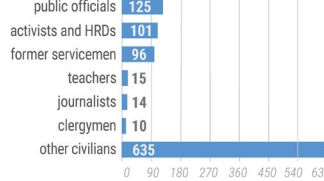
2. By region



3. By gender



4. By affiliation



Creation Date: 30 September 2023 Source: OHCHR HRMMU

70. In territory under control of Ukraine, OHCHR documented that Ukrainian security forces, mainly law enforcement authorities, arbitrarily detained four civilian women and two civilian men during the reporting period. OHCHR also documented an additional 31 cases (22 men and 9 women) of arbitrary detention by Ukrainian security forces which occurred before February 2023.
71. In total, since February 2022, OHCHR documented that Ukrainian authorities arbitrarily detained 98 civilians (75 men and 23 women). Some of these cases may amount to incommunicado detention or enforced disappearance. The vast majority of these civilians were arbitrarily detained in connection with criminal prosecution for conflict-related conduct. About one-fifth of these individuals were detained from one to three days in unofficial places of detention (for instance hotels and administrative buildings of law enforcement agencies) or unregistered detention, before being brought before a court. However, 21 persons were held incommunicado in unofficial places of detention for more than four days. In two different cases, two men were subjected to enforced disappearance for more than five months in 2022.



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## D. Prisoners of war and persons hors de combat

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*“Each POW was beaten until losing consciousness, begging for mercy or pissing himself. One of the guards whispered to me: ‘Scream, it will help to stop the beating’. There was a woman in the room. I think she was a nurse. She stayed in the room the whole time and said: ‘He has not passed out yet’. It was a signal for the guards to continue the beatings.”*

– A Ukrainian POW about how he was tortured during his ‘admission’ to a SIZO in Donetsk

*“There were several kinds of ‘sports’ that guards played. One was ‘football’ – they took a sledge-hammer and hit POWs on their legs.”*

– A Russian POW on torture in a garage in Kramatorsk

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### Summary executions of POWs

72. During the reporting period, OHCHR documented the summary execution of six men Ukrainian POWs, all of which occurred before the period covered by this report. No executions of Russian POWs during the reporting period were documented.
73. In September 2022, a member of a Russian-affiliated armed group shot dead a Ukrainian POW whose leg was wounded after stepping on a mine while he was forced to perform dangerous labour near a frontline position. Another Ukrainian POW was shot dead when he refused to carry out the same dangerous labour. Both POWs were part of a group of Ukrainian POWs (all men) captured by Russian-affiliated armed groups in Donetsk region in August 2022. For three months, they were forced to carry heavy loads of ammunition and supplies to Russian frontline positions and to retrieve wounded Russian combatants. The POWs were exposed to mines and shelling without protection or body armour. POWs told OHCHR that at least five of them were injured while performing this labour. Forcing POWs to carry out dangerous labour is a violation of the Third Geneva Convention’s prohibition on engagement of POWs in works of military and dangerous nature.<sup>26</sup>
74. On 9 March 2022, after taking control over the village of Sloboda, in Chernihiv region, Russian armed forces captured two Ukrainian servicemen hiding in a civilian building. On 31 March 2022, the bodies of the two servicemen were found with gunshot wounds.
75. In addition to these cases, in two videos that appeared online on 6 March and 11 April 2023, members of Russian armed forces are seen torturing and summarily executing two Ukrainian POWs. In the first video, Russian servicemen shot dead a Ukrainian POW after he said “Glory to Ukraine”. In the second video, a Russian serviceman beheaded a Ukrainian serviceman. OHCHR has reasonable grounds to believe that both videos, which were likely recorded before the reporting period, are authentic.<sup>27</sup>
76. Summary executions of POWs are grave breaches of the Geneva Conventions and war crimes. In total, since 24 February 2022, OHCHR documented the summary execution or torture to death of 25 Russian POWs and 21 Ukrainian POWs (all men).

### Treatment of POWs

77. During the reporting period, OHCHR interviewed 56 Ukrainian POWs (all men) who were released from captivity during prisoner exchanges between Ukraine and the Russian Federation, as well as 26 Russian

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<sup>26</sup> Authorised types of work are spelled out in article 50 of the Third Geneva Convention.

<sup>27</sup> HRMMU, *Update on the Human Rights Situation in Ukraine, 1 February to 30 April 2023*, June 2023.

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POWs (all men) in official places of internment in Ukraine.<sup>28</sup> OHCHR was provided confidential access to POWs interned by Ukraine and was able to conduct interviews in recognised places of internment. No access was provided to Ukrainian POWs in the hands of the Russian Federation.

78. Most Ukrainian POWs interviewed by OHCHR spent in average six to seven months in captivity, with 22 of them interned for over 13 months. Out of 56, 51 were subjected to various forms of torture, ill-treatment, or sexual violence such as forced nudity and threats.<sup>29</sup> Although OHCHR received reports about minor improvements, including an increase in the amount and quality of food provided to POWs, the overall conditions of internment remained dire.
79. The Russian Federation continued to intern POWs in makeshift places of internment in Russian-occupied territory of Ukraine and in the Russian Federation.<sup>30</sup> For instance, OHCHR documented the transfer of five Ukrainian servicemen to Chechnya, Russian Federation, where they were interned in police stations.
80. With regard to Russian POWs, 12 of those interviewed were tortured during interrogations and evacuation before being brought to official places of internment. Moreover, Ukrainian authorities continued to use unofficial places of internment in violation of the obligation to officially record all POWs and give access to independent monitors. OHCHR received credible information that the Main Intelligence Department of the Ministry of Defence of Ukraine continued to run an unofficial place of internment for POWs in its quarters on Rybalskyi island in Kyiv.<sup>31</sup> Three POWs told OHCHR that they had been held there for various periods of time between March 2023 and July 2023.<sup>32</sup> OHCHR recalls that all POWs must be officially recorded, and independent monitors should have access to them. Ukrainian authorities did not respond to OHCHR's queries regarding this facility, nor its requests to visit it.
81. OHCHR recognises the efforts of the Government to improve the conditions of internment of Russian POWs. OHCHR observed that the administration of the POW camp in Lviv had addressed the concerns raised through public reporting and improved the treatment of POWs. In particular, the administration increased the portions of food and ceased former practices of using physical exercises as disciplinary sanctions and forcing POWs to sing Ukrainian songs before meals.

### Update on the explosions at the penal colony near Olenivka

82. OHCHR continued to collect and analyse information regarding the explosions which killed at least 51 Ukrainian POWs and injured at least 139 (all men) during the night of 28–29 July 2022 at Volnovaska penal colony No. 120 near Olenivka<sup>33</sup> in Russian-occupied territory of Donetsk region.<sup>34</sup> More information is needed to establish the precise circumstances of and attribute responsibility for this incident, and OHCHR reiterates its calls to the Russian Federation to provide independent monitors access to the penal colony.<sup>35</sup>

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<sup>28</sup> OHCHR, *Treatment of Prisoners of War and Persons Hors de Combat in the Context of the Armed Attack by the Russian Federation against Ukraine: 24 February 2022 – 23 February 2023*, March 2023. Since February 2022, OHCHR interviewed 251 Ukrainian POWs (227 men, 24 women) and 249 Russian POWs (248 men, 1 woman).

<sup>29</sup> *Ibid.*, paras. 59 and 62.

<sup>30</sup> *Ibid.*, para. 42.

<sup>31</sup> OHCHR has previously reported about this place. See OHCHR, *Report on the Treatment of Prisoners of War and Persons Hors De Combat in the Context of the Armed Attack by the Russian Federation against Ukraine – 24 February 2022 to 23 February 2023*, March 2023, para. 110.

<sup>32</sup> After several days or weeks in this place, POWs were transferred to official places of detention. In some cases, however, the whereabouts of POWs who had allegedly been interned there could not be tracked.

<sup>33</sup> The facility is located in Molodizhne village, near Olenivka town, in Volnovaskyi district of Donetsk region.

<sup>34</sup> OHCHR previous findings can be found in OHCHR, *Treatment of Prisoners of War and Persons Hors de Combat in the Context of the Armed Attack by the Russian Federation Against Ukraine*, 24 March 2023, paras. 66-76. See also OHCHR, *Türk decries lack of accountability for Olenivka killings*, statement by the High Commissioner Volker Türk, 25 July 2023, at <https://www.ohchr.org/en/press-releases/2023/07/turk-decries-lack-accountability-olenivka-killings> (accessed on 15 September 2023).

<sup>35</sup> OHCHR gathered detailed information through interviews with POWs who were present in the impacted barracks or elsewhere in the colony on the night of the incident, and from satellite imagery, video and photographic footage, media, government statements and open sources.

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83. Based on interviews with more than 50 witnesses and survivors, as well as analysis of available video and photographic footage, OHCHR concluded that the explosions were not caused by HIMARS rockets, launched by Ukrainian armed forces. The degree of damages to the walls, ceiling, roof and windows of the barracks, the condition of the bunk beds inside, the size of the residual crater, and the impact radius are not characteristic of impacts by HIMARS ammunition.<sup>36</sup> Even a single HIMARS rocket would likely have caused damage and destruction of the barracks and surrounding area of a significantly larger and more severe scale. In addition, witnesses described to OHCHR hearing multiple explosions.
84. Video and photographic footage from the destroyed barracks appeared to show a point of impact on the interior of the western wall and two possible points of penetration through the roof. While the precise type of weapon and its point of origin could not be determined, the pattern of structural damage appeared consistent with a projected ordnance having travelled with an east-to-west trajectory.
85. OHCHR recalls that under international law, a Detaining Power has a fundamental obligation to ensure humane treatment of POWs.<sup>37</sup> Any act or omission by the Detaining Power causing death or seriously endangering a POW in its custody is prohibited and a serious breach of the Geneva Convention.<sup>38</sup> Russian armed forces began holding Ukrainian POWs at the colony in March 2022<sup>39</sup> which, at that time, was located 4.6 kilometres from the frontline.<sup>40</sup> While the frontline shifted slightly over the next few months, it remained relatively close to the colony. On 28 July 2022, the colony held thousands of Ukrainian POWs<sup>41</sup> and conflict-related detainees,<sup>42</sup> and the distance to the frontline was approximately 14 kilometres.<sup>43</sup> The close proximity of the colony to the frontline exposed POWs to dangers of the hostilities, contrary to the primary IHL provision on security of POWs.<sup>44</sup>
86. Under IHL, in the event of any death or serious injury of a POW in their captivity, a Detaining Power has an obligation to carry out an immediate official investigation, which is effective, thorough and transparent.<sup>45</sup> Should the inquiry indicate individual criminal responsibility for the death or injury of a POW, the Detaining Power must take all measures to ensure those persons are prosecuted.<sup>46</sup>
87. The Office has not received information that the Russian Federation has carried out these obligations of investigation and prosecution.
88. In particular, the scene of the explosions was not preserved in order to allow for a full and proper inspection and investigation by experts. Instead, the scene was contaminated and the physical evidence disturbed. Starting at 9:00 a.m. on 29 July, POWs were ordered to remove debris and dead bodies from the barracks and to clear pieces of corrugated tin sheets which had been blown from the roof.<sup>47</sup> Further, at 11:00 a.m., members of the self-proclaimed 'Donetsk people's republic' walked Russian journalists around the inside of

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<sup>36</sup> HIMARS ammunition (M31) is a high calibre (227 mm) weapon. It contains a 90 kg high explosive warhead with 23 kg of explosive content. Due to its explosive power, a single HIMARS rocket is highly devastating, significantly more than most rocket systems.

<sup>37</sup> Third Geneva Convention, arts. 12(1) and 13(1).

<sup>38</sup> Third Geneva Convention, art. 13(1).

<sup>39</sup> Media Initiative for Human Rights, *Crimes in Olenivka: Chronology, Testimonies and Names of Those Involved*, 1 December 2022, at <https://mipl.org.ua/en/crimes-in-olenivka-chronology-testimonies-and-names-of-those-involved/> (accessed on 15 September 2023).

<sup>40</sup> Live Map Ukraine, 1 March 2022, at <https://liveuamap.com/en/time/01.03.2022> (accessed on 15 September 2023).

<sup>41</sup> Mainly Ukrainian servicepersons who were captured or surrendered during the siege of Azovstal in Mariupol. The barracks impacted by the explosions housed around 193 Ukrainian POWs.

<sup>42</sup> Mainly people who did not pass 'filtration'. See OHCHR, *Detention of civilians in the context of the armed attack by the Russian Federation against Ukraine, 24 February 2022 – 23 May 2023*, June 2023, paras. 57-65.

<sup>43</sup> Live Map Ukraine, 27 July 2022, at <https://liveuamap.com/en/time/27.07.2022> (accessed on 15 September 2023).

<sup>44</sup> ICRC Commentary of 2020 to Convention (III) relative to the Treatment of Prisoners of War, para. 23.

<sup>45</sup> Third Geneva Convention, art. 121(1). For the investigation to be effective, the Detaining Power must take appropriate steps, employing all feasible means to establish the circumstances and cause of a POW's death or injury. ICRC Commentary of 2020, para. 4661.

<sup>46</sup> Third Geneva Convention, art. 121(3); General Assembly resolution 60/147 on "Remedy and Reparation for Victims of Gross Violations of IHL and Serious Violations of IHL" (2005), para. 4; ICRC Commentary of 2020, paras. 4679-4681.

<sup>47</sup> The POWs also described being ordered to keep silent about what they had seen in the barracks.

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the barracks to film. The journalists were shown fragments of purported HIMARS ammunition displayed on a bench outside the barracks. However, no such fragments were shown *in situ*.<sup>48</sup>

89. The Russian Investigative Committee arrived at around 11:00 a.m. and at 12:17 p.m. announced it had opened a criminal case<sup>49</sup> against Ukraine for carrying out the strike, allegedly with purported HIMARS rockets. This announcement was made before any expert analyses or autopsies could be performed or witnesses interviewed. Since 8 August 2022, no information has been published on the investigation by the Committee or other investigatory body of the Russian Federation.
90. On 3 August 2022, upon request of both Ukraine and the Russian Federation, the United Nations Secretary-General established a Fact-Finding Mission (FFM) tasked with ascertaining the facts of the incident. On 5 January 2023, the Spokesperson of the Secretary-General announced the decision to disband the FFM, noting the absence of conditions required for the deployment of the Mission to the site.<sup>50</sup> The Russian Federation provided neither satisfactory assurances about secure access for the United Nations to visit the particular site, nor granted general requests by the UN Human Rights Office to access occupied areas of Ukraine.<sup>51</sup>

## E. Transfers and deportations

91. Since 24 February 2022, OHCHR has collected information about eight situations in which some 200 children from Donetsk, Kharkiv, Kherson, and Kyiv regions were transferred to other regions in Russian-occupied territory, to the Russian Federation, or to Belarus. Many of these children were in institutionalised care, for instance in institutions for children with physical or intellectual disabilities. Some children were also orphaned or deprived of parental care, rendering the process of tracing them once transferred more difficult. Many parents or legal guardians have faced significant difficulties in reuniting with their children.<sup>52</sup>
92. In one situation, verified by OHCHR during the reporting period, 28 children from an institution for children with disabilities in Oleshky, Kherson region, were transferred in two groups to Crimea in October and November 2022. A group of 55 residents of the institution, some of them older than 18, were later transferred to another city in Kherson region.<sup>53</sup> For at least some of these children, parents only learned about the transfer after the fact. For two of the children whose cases were documented by OHCHR, parents or grandparents were able to travel to Crimea or other occupied territory via Poland to pick up their children.
93. OHCHR also documented that Ukrainian children from Russian-occupied territory in Kharkiv and Kherson regions were taken to summer camps in Crimea and the Russian Federation, with the purported consent of their parents, in the summer and autumn 2022, but were not returned home at the end of the originally agreed period of two or three weeks.<sup>54</sup> Some of them still remain in the Russian Federation. Only parents or relatives who could make the trip were able to reunite with their children and bring them home, in some cases after seven months of separation. Some children who returned told OHCHR that they experienced or

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<sup>48</sup> For proper investigation, any fragments should have been left intact and exactly as they had impacted the site. M31 HIMARS rockets produce a large amount of fragments spread over a considerable area of their impact. First-hand accounts from Ukrainian POWs regarding the characteristics of fragments they collected from inside the barracks further challenge the assertion that HIMARS rockets were used.

<sup>49</sup> Under article 356 ("use of prohibited means and methods in armed conflict") of the Criminal Code of the Russian Federation.

<sup>50</sup> Statement by Stéphane Dujarric, Spokesman for the Secretary-General at the daily press briefing on 5 January 2023, at <https://press.un.org/en/2023/db230105.doc.htm> (accessed on 15 September 2023).

<sup>51</sup> OHCHR, *Türk decries lack of accountability for Olenivka killings*, statement by the High Commissioner Volker Türk, 25 July 2023.

<sup>52</sup> According to the Office of the Ombudsperson of Ukraine, 386 children have been returned to Ukraine, either through Government efforts or NGOs assisting parents. See Ukrinform, *A total of 386 Ukrainian children who were taken to Russia have been returned to Ukraine*, 14 September 2023, at <https://www.ukrinform.net/rubric-ato/3761395-ukraine-returns-386-children-deported-to-russia-lubinets.html> (accessed on 15 September 2023).

<sup>53</sup> According to a letter received by OHCHR from the Kherson regional state administration, as of 24 February 2022, there were 104 children (61 boys and 43 girls) in the facility.

<sup>54</sup> OHCHR, *The situation of human rights in Ukraine, 1 August 2022 to 31 January 2023*, March 2023, para. 69.



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witnessed psychological or physical violence, often as a punishment for expressing pro-Ukrainian views or refusing to participate in pro-Russian activities, such as singing the Russian anthem or attending a flag ceremony. In some cases, educational staff in the camps also threatened the children that they would be given up for adoption or sent to orphanages in the Russian Federation if they were not picked up by their parents. These cases may amount to mental torture<sup>55</sup> and endangerment of the mental health and integrity<sup>56</sup> of the children under IHL, and constitute violations of the rights to respect of family life<sup>57</sup> and to know the fate and whereabouts of missing relatives,<sup>58</sup> as well as the rights of children to preserve their identity and to family reunification<sup>59</sup> under IHRL.

94. People forcibly transferred within Russian-occupied territory or deported to the Russian Federation continued to face significant obstacles when trying to exercise their right to return. In one documented case, around 170 residents, including young people with disabilities, of a care home for older persons in Kakhovka, Kherson region, were deported to Voronezh oblast, in the Russian Federation, on 5 November 2022.<sup>60</sup> The evacuation occurred soon after Russian armed forces had dismissed the former director and installed a new director in the facility. When some residents refused to leave, Russian servicemen came to the facility and threatened to bring them to the frontline where they would be shot. Once deported and placed in new facilities, all transferred residents had their identification documents seized by the administration. Residents were pressured into accepting Russian citizenship. One man told OHCHR that when he went to the administration and asked for his passport, he was told that he had no right to return to Ukraine, and that he would be put in jail if he did not acquire Russian citizenship. Residents were not allowed access to the Internet, and at one facility, residents were not allowed to leave the premises.
95. Civilian prisoners deported to the Russian Federation, and who completed their sentences there, face significant obstacles to return to Ukraine, in particular due to the lack of valid travel documents. Although the State Migration Service of Ukraine can issue a certificate of return to citizens who were deported or forced to leave their place of residence, the provisions relating to this certificate of return explicitly exclude people whose freedom of movement is or was restricted, including in the Russian Federation.<sup>61</sup>
96. OHCHR also received credible allegations that a group of civilian prisoners who had been serving sentences in Kherson region before the armed attack, and were deported to the Russian Federation in November 2022,<sup>62</sup> were further transferred in May 2023 to colony No. 126 in Kerch, Crimea. There, penitentiary staff subjected them to severe beatings. Many relatives have no communication with their loved ones and no information as to their current whereabouts.
97. OHCHR recalls that IHL prohibits forcible transfers and deportations, and only permits evacuations in strict circumstances if the security of the population or imperative military reasons so demand. IHL also requires an occupying Power to return any evacuated persons back to their homes as soon as conditions permit.<sup>63</sup> It further requires an occupying Power to take specific measures concerning children, including providing information to their family, taking measures to facilitate their return, and refraining from changing their personal status.<sup>64</sup>

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<sup>55</sup> Additional Protocol 1, art. 75(2)(a)(ii).

<sup>56</sup> Additional Protocol 1, art. 11.

<sup>57</sup> International Covenant on Civil and Political Rights (ICCPR), art. 23, and Convention on the Rights of the Child (CRC), art. 16.

<sup>58</sup> International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), art. 24, and Additional Protocol 1, art. 32.

<sup>59</sup> CRC, arts. 8 and 10.

<sup>60</sup> According to official data shared by the Kherson regional authority, there were 189 residents (120 men and 69 women) in the facility on 24 February 2024.

<sup>61</sup> Resolution of the CMU of 18 April 2023 No. 339, para. 5.

<sup>62</sup> Approximately 1,600 civilian prisoners (all men), who had been serving sentences in different penal colonies in Kherson region before February 2022, were deported by Russian armed forces to facilities in the Russian Federation in November 2022. See OHCHR, *Report on detention of civilians in the context of the armed attack by the Russian Federation against Ukraine*, June 2023, para. 80.

<sup>63</sup> Fourth Geneva Convention, art. 49.

<sup>64</sup> Fourth Geneva Convention, art. 50; Additional Protocol I, art. 78.

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## F. Forced conscription

98. OHCHR documented the intimidation by the occupying Power of men and their relatives residing in occupied parts of Donetsk and Luhansk regions to pressure the men to serve in the Russian armed forces, which is a violation of IHL.<sup>65</sup> In one case, men in civilian and military clothing claiming to be from the Military Prosecutor's Office and the Military Administration (*komendatura*) came to a woman's home four times starting in June 2023. They interrogated her and her child without her permission, and threatened her husband with jail or death if she did not give his location. They also attempted to force her and the child into a vehicle to take them to his location. Following the Russian Federation's unlawful annexation of the occupied parts of Donetsk and Luhansk regions on 30 September 2022, Russian armed forces began using coercive tactics to compel men residing in former self-proclaimed 'republics' to enlist in the Russian armed forces, especially those who had been forcibly conscripted to the armed groups after the announcement of a 'mass mobilisation' in February 2022. These tactics included preventing conscripts on the frontline from rotating unless they signed a contract with the Russian armed forces, not allowing men who had reached retirement age or would be normally exempt from service<sup>66</sup> to leave the armed forces, and threatening women relatives of men who had deserted the armed forces to reveal their whereabouts.

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<sup>65</sup> Compelling protected persons to serve in the armed forces of the occupying Power is prohibited under article 51 of the Fourth Geneva Convention. It is also a grave breach of the Convention (article 147).

<sup>66</sup> Such as persons with a disability or with more than two minor children.

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## V. ECONOMIC AND SOCIAL RIGHTS

### A. Coercion to swear allegiance to an occupying Power: 'Passportisation' in occupied territory

99. During the reporting period, the Russian Federation intensified its policy of mass conferral of Russian citizenship to residents of occupied parts of Kherson, Zaporizhzhia, Donetsk, and Luhansk regions. Those who refused to receive Russian passports risked denial of access to employment, public services such as healthcare and education, and social security benefits. Those who do not have Russian passports also face an increased risk of arbitrary detention, enforced disappearance, and ill-treatment due to the proliferation of stationary and mobile checkpoints of the Russian armed forces throughout occupied territory.
100. OHCHR documented the cases of three public sector employees – one woman teacher, one woman medical worker and one man maintenance worker in a hospital – who were repeatedly pressured by their managers to obtain Russian passports. All three employees decided to leave their homes for areas under control of Ukraine in June and July 2023, two after threats of detention and ill-treatment, the third immediately after his release from a 36-hour long arbitrary detention.
101. Two women from Donetsk and Zaporizhzhia regions told OHCHR that each time they presented their Ukrainian passports at checkpoints, Russian soldiers behaved aggressively, made comments about their passports, and checked the contents of their mobile phones. Additionally, they saw persons detained at the checkpoints, allegedly for having Ukrainian passports.
102. OHCHR also documented that individuals receiving Ukrainian pensions or other social payments face difficulties in receiving them, either due to the non-functioning of banks and post offices or substantial fees and an unfavourable exchange rate when attempting to receive these funds directly on their bank accounts. Moreover, they cannot receive any Russian State benefits, such as pensions or social payments related to medical or disability conditions, without acquiring a Russian passport. In three cases, older persons from Kherson region were compelled to obtain Russian passports after their local post offices, through which they used to receive their Ukrainian pensions, ceased operations following the Russian occupation. Older persons and persons with disabilities are disproportionately affected as they often have a greater need of medical and public social services.
103. OHCHR recalls that imposing citizenship on the inhabitants of an occupied territory through pressure, threats or force amounts to compelling them to swear allegiance to the hostile power, which is forbidden by IHL.<sup>67</sup> IHL also requires the occupying Power to respect the laws in force in the occupied territory, unless absolutely prevented from doing so, and only pass legislation where it is necessary to maintain the orderly government of the territory, ensure the security of the occupying power, or enable it to fulfil its obligations under IHL.<sup>68</sup> The occupying Power also has the responsibility to satisfy the needs of the population in occupied territory, including education and medical care.<sup>69</sup> Denying access to employment, health care, education and social security benefits to those who refuse to receive Russian citizenship also violates obligations of the Russian Federation under the International Covenant on Economic, Social and Cultural Rights to persons under its effective control.

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<sup>67</sup> 1907 Regulations respecting the Laws and Customs of War on Land, art. 45.

<sup>68</sup> 1907 Regulations respecting the Laws and Customs of War on Land, art. 43, and Fourth Geneva Convention, art. 64.<sup>69</sup> Fourth Geneva Convention, arts. 50, 55 and 56, and Additional Protocol I, arts. 14(1) and 69.

<sup>69</sup> Fourth Geneva Convention, arts. 50, 55 and 56, and Additional Protocol I, arts. 14(1) and 69.

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## B. Rights to social security and an adequate standard of living

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*“Despite our best efforts, it is difficult for us to provide adequate care for the most vulnerable elderly in our town. They have been left behind by their younger relatives who fled due to the hostilities.”*

– A woman village representative in Kharkiv region

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104. The armed attack by the Russian Federation has affected the income or means of subsistence of millions of people in Ukraine. Combined with significant inflation rates and mass displacement,<sup>70</sup> this has resulted in poverty soaring, especially in rural areas. According to the World Bank, poverty rates increased from 5 to 24 per cent in 2022, pushing 7.1 million Ukrainians below the poverty line.<sup>71</sup> Moreover, because of extensive damage to homes and increased rents, many people have been forced to live in inadequate conditions for prolonged periods of time. Older persons who depend on low (non-contributory) social pensions, especially women,<sup>72</sup> are particularly affected. For instance, two older women living in a collective centre in Dnipro told OHCHR in June 2023 that they had been living there for over a year because their individual monthly income, including IDP assistance, was lower than the average rent in the city.
105. Increased social needs, combined with the decrease in Government revenues and the prioritisation of defence spending, led to social protection gaps in the 2023 State budget.<sup>73</sup> OHCHR recognises the sharp constriction of the fiscal space in Ukraine and efforts by the Government to discharge its social security obligations during this crisis. However, OHCHR encourages the allocation of additional resources to effectively protect people in need in a context of increased poverty. In particular, the level of social assistance for persons with disabilities and older persons should be revised as they receive even lower benefits than people deemed able to work, despite having higher living costs.<sup>74</sup> OHCHR recalls that the cooperation and assistance of the international community and individual States are key to Ukraine meeting minimum core obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR).<sup>75</sup>
106. In June 2023, the Government announced that the planned reform of its social security system included “improvements in assistance targeting and verification mechanisms”.<sup>76</sup> OHCHR welcomes the reform, while cautioning that tighter eligibility requirements and complicated administrative procedures may exclude many of those in need. For instance, State social assistance to low-income families is often dependent on being registered as unemployed within six months of ending formal employment. However, certain groups, in

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<sup>70</sup> As of July 2023, there were 5.1 million IDPs registered in Ukraine and 6.2 million refugees from Ukraine. IOM, *Displacement Tracking Matrix - Ukraine*, at <https://dtm.iom.int/ukraine>; and UNHCR, *Operational Data Portal – Ukraine Refugee Situation*, at <https://data.unhcr.org/en/situations/ukraine> (accessed on 15 September 2023).

<sup>71</sup> World Bank, Government of Ukraine, European Union, United Nations, *Ukraine Rapid Damage and Needs Assessment: February 2022 - February 2023*, February 2023, page 21, at <http://documents.worldbank.org/curated/en/099184503212328877/P1801740d1177f03c0ab180057556615497> (accessed on 13 September 2023).

<sup>72</sup> Women are less likely to have contributed to the formal pension system for several reasons, including discrimination in the formal labour market and unpaid care work throughout their lives.

<sup>73</sup> In February and March 2023, the Parliament revised the 2023 State budget and increased its total annual expenditures by 495 billion UAH, an increase of 19.2 per cent. However, spending allocated to social security only increased by 1.8 billion UAH. The money was earmarked to increase contributory pensions but not all other social security benefits.

<sup>74</sup> According to estimates, disability-related extra costs for goods such as mobility aids, specific transport needs, or increased health care expenditures, among others, can constitute up to 30 or 40 per cent of an average income. See OHCHR, *Update on the human rights situation in Ukraine, 1 February 2023 – 30 April 2023*, June 2023.

<sup>75</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 3, para. 14. In this regard, the Committee emphasized that international cooperation is an obligation of all States under articles 55 and 56 of the Charter of the United Nations and the provisions of the ICESCR. See also HRMMU, *Update on the human rights situation of older persons in Ukraine in the context of the armed attack by the Russian Federation*, May 2023.

<sup>76</sup> Government of Ukraine, *IMF-Ukraine: Letter of Intent and Memorandum of Economic and Financial Policies*, 7 July 2023, at [https://mof.gov.ua/uk/news/imf-ukraine\\_letter\\_of\\_intent\\_and\\_memorandum\\_for\\_economic\\_and\\_financial\\_policy\\_19\\_june\\_2023-4097](https://mof.gov.ua/uk/news/imf-ukraine_letter_of_intent_and_memorandum_for_economic_and_financial_policy_19_june_2023-4097) (accessed on 15 September 2023).

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particular women, are more likely to find employment in the informal sector, and may therefore be unable to receive an unemployment certificate.<sup>77</sup>

107. On 29 June, the International Monetary Fund (IMF), in its First Review under the Extended Fund Facility Arrangement for Ukraine,<sup>78</sup> assessed that the Government did not meet the IMF's recommended social spending floor (the recommended minimum level of social spending) in 2023.<sup>79</sup> The Government also proposed to reduce social spending further in 2024.<sup>80</sup> With the growing number of people in need, these reductions may push more people into poverty, including older persons and persons with disabilities.

## C. Persons with disabilities

108. OHCHR documented that some persons with disabilities who were previously living independently were institutionalised as a direct result of hostilities. Plans for deinstitutionalisation, such as supported living arrangements and community-based services that ensure the right of persons with disabilities to live independently and be included in the community,<sup>81</sup> were also halted or delayed due to the war and related budgetary shortfalls. In addition, NGOs supporting persons with disabilities, which often are the ones providing community-based services, faced a sharp decrease in national governmental funding in 2023.<sup>82</sup>
109. In May 2023, the Cabinet of Ministers amended a decree establishing the rules and modalities for temporary housing for IDPs.<sup>83</sup> The amendment is welcome as it gives priority to IDPs in vulnerable situations, such as persons with disabilities and older persons, for temporary accommodation in newly constructed buildings. However, it does not require newly constructed housing to be made accessible for persons with reduced mobility.
110. The Ministry of Social Policy amended the translation of the Convention of the Rights of Persons with Disabilities (CRPD), which is expected to prompt legal amendments bringing Ukrainian legislation in line with the CRPD, notably by nullifying arrangements which remove legal agency from persons with intellectual or psychosocial disabilities.

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<sup>77</sup> Cabinet of Ministers, Decree No. 250 of 24 February 2003 on the procedure for the appointment and payment of state social assistance to low-income families.

<sup>78</sup> On 31 March 2023, to help mitigate the impact of the conflict on the economy, Ukraine and the International Monetary Fund (IMF) agreed on an Extended Fund Facility Arrangement. The agreement gives the Government access to 15.6 billion USD over four years, with funding delivered in tranches upon the implementation of key economic and financial policy reforms. Reforms also include policies linked to the right to social security, such as a recommended minimum level of social spending (a social spending floor). IMF, *First Review under the Extended Fund Facility (EFF) Arrangement for Ukraine*, 29 June 2023, at <https://www.imf.org/en/News/Articles/2023/06/29/pr23249-ukraine-imf-exec-board-completes-1st-rev-eff-arrangement> (accessed on 15 September 2023).

<sup>79</sup> The Government allocated 2.5 per cent less than the IMF's indicative target for the first quarter of 2023, and 3.5 per cent less than the targets for the second and third quarters of 2023.

<sup>80</sup> For instance, by March 2024, it suggested to reduce it to 172 billion UAH. Government of Ukraine, *IMF-Ukraine: Letter of Intent and Memorandum of Economic and Financial Policies*, 7 July 2023.

<sup>81</sup> Convention on the Rights of Persons with Disabilities (CRPD), art. 19.

<sup>82</sup> Art. 90 of the Budget Code says that the public costs for the institutions are in the regional budgets provided by the State, and art. 89 stipulates that the social services (community-based, including supported living) are in the local budgets.

<sup>83</sup> Cabinet of Ministers, Decree N° 429 introduced on 2 May 2023 and amending the modalities of Decree N° 495, adopted on 29 April 2022, at <https://zakon.rada.gov.ua/laws/show/429-2023-%D0%BF#Text> (accessed on 15 September 2023).



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## VI. CIVIC SPACE AND FUNDAMENTAL FREEDOMS

### A. Freedoms of opinion, expression, assembly and association

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*“The investigator told me: ‘This case does not look like a murder attempt now. However, we will change that, and it will look just as we need it to look.’”*

– A pro-Ukrainian activist arrested after a peaceful assembly in Sevastopol and charged with attempted murder

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111. Russian occupying authorities continued to prosecute individuals for “public actions directed at discrediting” the use of Russian armed forces.<sup>84</sup> In March 2023, the Russian Federation broadened the relevant legislation to encompass “actions... discrediting volunteer formations, organizations or individuals who perform tasks for the armed forces”. As a result, military and security contractors and other private formations are also protected under the law. The criminal punishment was also increased from 3 to 5 and 5 to 7 years imprisonment, depending on the offence. OHCHR is concerned that the amended legislation will lead to more prosecutions in breach of international standards and further constrain the ability of Crimean residents to freely express their opinions, particularly those which might be considered critical of the armed attack by the Russian Federation against Ukraine.
112. In one case, the FSB searched the house of a Crimean Tatar human rights defender and held him in an undisclosed location for one day. A local court in Bilohirsk subsequently sentenced him to 12 days of detention for allegedly disobeying the police during the search. The occupying authorities later filed two new charges of administrative offences against him for “discrediting the Russian army” and “abuse of freedom of expression” in connection to two Facebook posts.<sup>85</sup> On 7 July 2023, the Kyivskyi District Court of Simferopol fined him 45,000 roubles in relation to the first administrative offence. As of 31 July, the hearing concerning the second charge had not been scheduled.
113. On 25 June 2023, in Bilohirsk, police officers arrested two Crimean Tatar men for having Tatar flags mounted on their cars. According to the police, the men had organized a motor rally in violation of the procedure for holding a public gathering as they had not received prior authorization from the authorities, which constitutes an administrative offence.<sup>86</sup> Several hours later, the Bilohirsk city court convicted the individuals and fined each of them 20,000 roubles after a hurried trial lasting two minutes, raising serious concerns about respect for the right to a fair trial.<sup>87</sup> OHCHR also notes that the blanket requirement of prior authorisation of peaceful assemblies in Crimea maintained by the occupying authorities infringes on freedom of expression and constitutes an undue restriction on the right of peaceful assembly, at variance with IHRL.<sup>88</sup>

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<sup>84</sup> Punishable under the Russian Federation Code of Administrative Offences, art. 20.3.3; Russian Federation Criminal Code, arts. 207.3, 280.3.

<sup>85</sup> Respectively under article 20.3.3 and under article 13.15(9) of the Russian Federation Code of Administrative Offences. The first administrative charge relates to a post on the “Qirim Gayesi” Facebook page, dated 3 March 2023, which commented on the transfer and incommunicado detention of civilian hostages from newly Russian-occupied territory to Crimea. The second administrative charge similarly relates to a Facebook post issued by “Qirim Gayesi”, which commented on the sounds of explosions near the city of Feodosia on 8 April 2023, as well as the forced conscription of Crimean Tatars by the occupying authorities. The victim is related to the creation of Qirim Gayesi.

<sup>86</sup> Russian Federation Code of Administrative Offences, art. 20.2 (2).

<sup>87</sup> According to the official website of the court, the case was received and registered at 18:47, a hearing was scheduled at 18:48 and the judge convicted both men at 18:50. See OAO Neftyanaya Kompaniya Yukos v. Russia, § 540.

<sup>88</sup> The Human Rights Committee has noted that legislation requiring prior permission of State officials to hold any assembly “undercuts the idea that peaceful assembly is a basic right”. See General Comment 37 on the right of peaceful assembly, CCPR/C/GC/37 / para. 70.

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## B. Freedom of religion or belief

114. During the reporting period, the Government of Ukraine and local authorities took several measures against the Ukrainian Orthodox Church (UOC).<sup>89</sup> Authorities notably searched places of worship and other UOC facilities, issued notices of suspicion and imposed measures of restraint against clergymen, including one of the UOC's main hierarchs. Several city and regional councils also banned the "activities of the UOC" in the respective areas.<sup>90</sup> In addition, the Ministry of Culture and Information Policy prematurely terminated the agreement with the UOC on use of the State-owned Kyiv Pechersk Lavra, citing violations of the agreement. However, Authorities did not evict the UOC from the Lavra on the stated deadline for leaving the premises. As of 31 July 2023, UOC parishioners still had access to premises to attend worship meetings in some of the Lavra buildings.
115. Moreover, OHCHR documented 10 cases of physical violence and 6 cases of threats resulting from conflicts between parishioners of different Orthodox Christian communities during the reporting period. Tensions were particularly high in March and April 2023, with 50 per cent of documented cases occurring within those two months. For instance, on 28 March in Ivano-Frankivsk, perpetrators sprayed teargas into the premises of a church of the UOC, where clergymen and parishioners were gathered. Several people were injured, and at least one clergyman was hospitalised. Although the police were within five meters of the incident, they did not separate participants or prevent violence. In one incident, a woman suffered a miscarriage after a teargas attack.
116. The number of incidents decreased after April, with one case of violence documented in July. During this incident in Kyiv region, the police failed to prevent clashes. However, in several similar incidents documented by OHCHR, law enforcement on site took action to prevent the escalation of violence.
117. In occupied territory, OHCHR documented that Russian armed forces disappeared two clergymen belonging to the UOC. They detained one victim, a pro-Ukrainian priest, from August 2022 to May 2023 in three different facilities in Kherson region. In one of them, he was tortured and ill-treated. Russian armed forces detained the second victim, UOC archpriest Kostiantyn Maksimov, when he attempted to cross the ABL with Crimea in May 2023. As of 31 July 2023, his fate and whereabouts remained unknown despite multiple requests from his relatives to the occupying authorities and official institutions of the Russian Federation, raising serious concerns with respect to enforced disappearance.
118. In Crimea, the occupying authorities evicted in May 2023 the Orthodox Church of Ukraine (OCU) from the Cathedral of the Holy Equal-to-the-Apostles Prince Volodymyr and Princess Olga in Simferopol. As it was the only remaining OCU building in the city, parishioners lost access to their place of worship and were unable to exercise their faith in community with others. The occupying authorities reported that they had terminated the lease agreement with the OCU, concluded on 13 November 2002,<sup>91</sup> following the respective decision of the Arbitration Court of Crimea in 2019. The reason given for the termination was that the OCU had not brought their constituent documents into line with the Russian Federation legislation. The occupying authorities further reported that they would transfer the Cathedral to the Russian Orthodox Church for its exclusive use.
119. All congregations of the Jehovah's Witnesses religious group in Crimea remained under a blanket prohibition as "extremist organizations".<sup>92</sup> The occupying authorities continued to conduct criminal prosecutions against believers on the peninsula based on their religious practices, violating IHRL. On 27 February 2023, for

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<sup>89</sup> The Ukrainian Orthodox Church (UOC), often informally referred to as "Moscow Patriarchate, is one of the largest Orthodox Christian religious organizations currently active in Ukraine. After the armed attack by the Russian Federation, leaders of the UOC declared complete autonomy and independence from the Russian Orthodox Church and formally changed the organizational charter.

<sup>90</sup> HRMMU, *Update on the human rights situation in Ukraine, 1 February 2023 – 30 April 2023*, June 2023.

<sup>91</sup> The lease agreement had been concluded with the Ukrainian Orthodox Church of Kyiv Patriarchate. After 2019, the Orthodox Church of Ukraine became their legal successor.

<sup>92</sup> Report of the Secretary General, *Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, A/HRC/44/21*, para. 35.

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example, the city court in Yalta convicted three men and one woman with sentences ranging from a 3-year suspended sentence to 6.5 years in prison.

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## VII. ADMINISTRATION OF JUSTICE AND ACCOUNTABILITY

### A. Prosecution of conflict-related crimes

120. During the reporting period, OHCHR documented that the Southern Military District Court in Rostov-on-Don, in the Russian Federation, convicted one Ukrainian man POW. Courts in the occupied parts of Donetsk and Luhansk regions convicted 36 Ukrainian POWs. The defendants in these cases were sentenced to terms ranging from 12 to 22 years, with three men receiving life sentences. All the POWs sentenced in Donetsk and Luhansk were convicted on criminal charges of terrorism or attempted seizure of power based on alleged actions such as attacks on civilians or civilian objects, or killings of civilians. However, the majority were essentially tried for mere participation in hostilities.<sup>93</sup> As of 31 July, 38 more Ukrainian POWs (28 men, 9 women, and 1 person whose sex is unknown) were being tried on similar charges in Rostov-on-Don.
121. In April 2022, five Ukrainian men from Melitopol, Zaporizhzhia region, were tortured in detention by Russian armed forces who forced them to confess planning an attack on a Russian military convoy. As of 31 July 2023, their case was pending criminal trial in Rostov-on-Don. According to their relatives and lawyers, upon taking control of the city, Russian authorities detained the men in early April 2022, but refused to acknowledge their detention until 20 April 2022, when they were officially arrested in Crimea on terrorism charges. OHCHR recalls that IHL requires the occupying Power to respect the laws in force in the country, including the criminal laws, with the exception that they may be repealed or suspended by the occupying Power in cases where they constitute a threat to its security or an obstacle to the application of IHL. IHL also requires that the occupying Power continues the functioning of the local courts in respect of all offences covered by the said criminal laws.<sup>94</sup>
122. During the reporting period, Ukrainian courts rendered 1,087 verdicts in conflict-related cases against 1,106 persons (756 men, 349 women and 1 boy), which included 70 verdicts against Russian servicepersons and POWs. Sixteen Russian servicemen were convicted of violations of the rules and customs of war, with 15 of them sentenced *in absentia*, including one man POW who was released before his trial concluded. In some cases, defendants were neither duly notified about their trial, nor waived their right to be present, which raises concerns with respect to fair trial guarantees.<sup>95</sup> Ukrainian courts also continued to sentence some POWs for acts that may amount to mere participation in hostilities. According to OHCHR monitoring, Ukrainian courts rendered no verdicts against Ukrainian security forces on charges of war crimes.
123. Many Russian combatants were tried under article 438 of the Criminal Code of Ukraine, which refers to violations of the rules of warfare as contained in international treaties ratified by the Parliament. In certain cases, this requires the prosecution to refer to the specific rules and customs of war applicable. OHCHR notes that in at least three verdicts rendered *in absentia*, prosecutors referred to violations of common article 3 of the Geneva Conventions, which applies only to non-international armed conflict. Investigators and prosecutors also classified acts under article 438 of the Criminal Code as crimes against humanity, also without referencing the required contextual elements of such crimes.<sup>96</sup> Violations of the right to a fair trial, as well as misclassification of crimes, may jeopardise further accountability proceedings, including against commanders.

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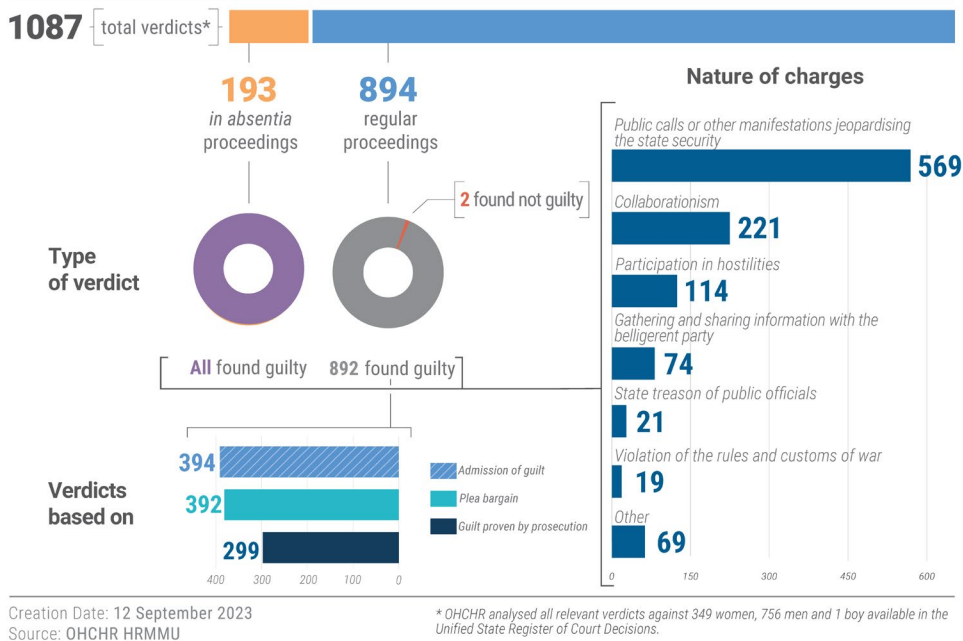
<sup>93</sup> OHCHR notes that the POWs were charged with terrorism for being servicemen of the Azov regiment or for participating in hostilities to seize or overthrow the 'state power in Donetsk people's republic'.

<sup>94</sup> 1907 Regulations respecting the Laws and Customs of War on Land, art. 43, and Fourth Geneva Convention, art. 64.

<sup>95</sup> See Human Rights Committee, general comment No. 32 on "Article 14: Right to equality before courts and tribunals and to a fair trial", para. 36.

<sup>96</sup> For example, see verdict in the case No. 367/3477/22.<sup>97</sup> OHCHR, *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.

VERDICTS OF TRIAL COURTS IN CONFLICT-RELATED CRIMINAL CASES  
from 1 February 2023 to 31 July 2023



124. OHCHR recalls that 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 conflict, even if such acts would otherwise constitute an offence under domestic law. Proceedings tainted by lack of respect for fair trial guarantees, such as the right to a legal counsel of one’s own choosing, the right to a trial by an independent and impartial tribunal, or the right not to be compelled to confess or testify, do not serve effectively to advance accountability. OHCHR recalls that willfully depriving a POW of the rights to a fair and regular trial constitutes a grave breach of the Third Geneva Convention.<sup>97</sup>

## B. Criminalisation of collaboration and related activities

*“If Kherson is a ‘hero city’, why do they treat the residents like traitors?”*

– A victim of torture and former state employee charged with collaborationism

125. As of 31 July 2023, the Ukrainian Office of the Prosecutor General reported that it had opened a total of 5,956 criminal cases for collaboration activities and about 2,000 cases on other charges<sup>98</sup> for cooperating with the ‘aggressor State’. Ukrainian courts tried 702 of these cases, almost all of which resulted in guilty verdicts.<sup>99</sup> In some cases, individuals were charged with conduct which may be lawfully compelled by the occupying Power under IHL, in particular with regard to the functioning of educational and care facilities for children and medical establishments. International law of occupation requires the occupying Power to administer the occupied territory for the benefit of the local population, and to ensure the continued

<sup>97</sup> OHCHR, *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.

<sup>98</sup> This includes charges under articles 111-2 (complicity with the ‘aggressor State’) and 436-2 (justification, glorification, denial of armed aggression) of the law ‘On amending certain legal acts of Ukraine on introducing criminal responsibility for collaboration activity’, which was adopted by the Parliament of Ukraine on 3 March 2022. The law punishes a wide range of conduct, including denying the existence of an aggression against Ukraine, working for and transferring property to occupying authorities, and holding positions in courts or law enforcement authorities of the occupying Power.

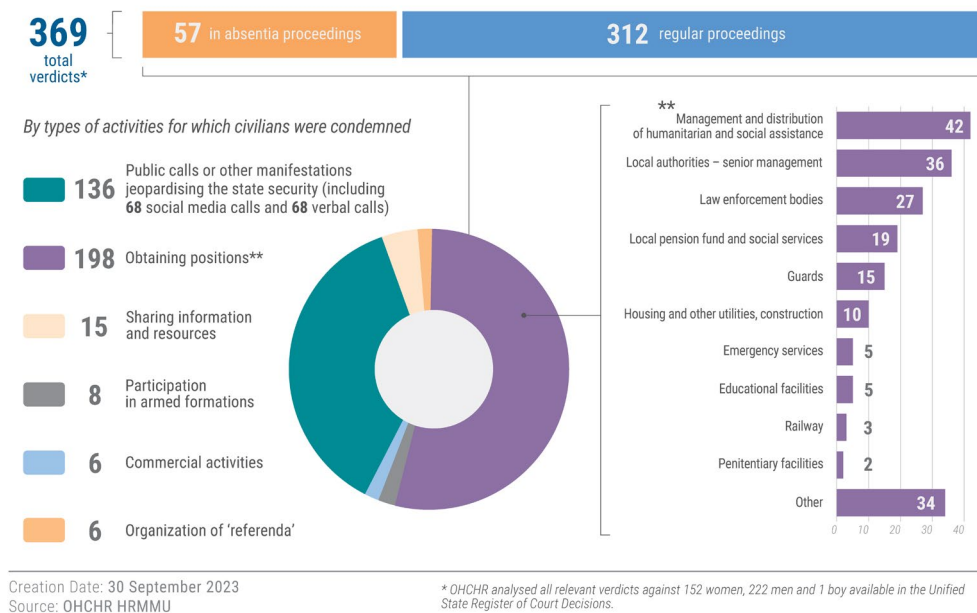
<sup>99</sup> OHCHR has recorded two non-guilty verdicts (one under art. 111-1 of the Criminal Code of Ukraine (CCU); and another one under art. 436-2 of the CCU) in the reporting period. From OHCHR monitoring of the Unified Register of Court Decisions.



functioning of educational and medical facilities.<sup>100</sup> IHL also foresees that the occupying Power may compel protected persons to perform work necessary for the feeding, sheltering, clothing, transportation, or health of the population of the occupied territory.<sup>101</sup> Compliance with these principles is not possible without at least some level of cooperation between the occupying authorities and the local population.

126. In 28 per cent of the 369 guilty verdict cases analysed by OHCHR, individuals were convicted for working for the occupying authorities in a civilian role, including as heads of villages, staff in educational institutions, public servants responsible for distributing social aid or humanitarian assistance, accountants, guards, secretaries, humanitarian volunteers without a formal position, and even as workers for makeshift roles such as “street officers” or “block officers”. Those interviewed by OHCHR frequently conveyed that they had agreed to work only after representatives of the occupying authorities had threatened them, noting an overall atmosphere of fear and the compounded effect of isolation from territory under control of Ukraine. In the majority of these cases, individuals were sanctioned with a prohibition from holding public posts for up to 10 years, accompanied by the confiscation of their property in many cases.
127. The definition of the crimes for collaboration activities and for glorifying the armed aggression in national law overlaps with other crimes and would benefit from further clarity. This gives the prosecution a wide margin of discretion in the classification of offences. The severity of punishment for non-violent crimes also appears disproportionate to their gravity in some cases. For example, OHCHR documented the case of a 60-year-old woman who was charged with justification of the armed aggression and actions for the violent overthrowing of the State authority<sup>102</sup> for her reposts on social media related to the ongoing war in Ukraine. She was sentenced to five years of imprisonment.

GUILTY VERDICTS IN COLLABORATIONISM CASES (ART.111-1): TYPES OF ACTIVITIES  
from 1 February 2023 to 31 July 2023



<sup>100</sup> Fourth Geneva Convention, arts. 50 and 56.

<sup>101</sup> Fourth Geneva Convention, art. 51.

<sup>102</sup> Charges under para.3 art.109 (actions aimed at forcibly changing or overthrowing the constitutional order or at seizing state power, committed repeatedly or with the use of media) and para.3 art. 436-2 (justification, recognition as legitimate, denial of the armed aggression of the Russian Federation against Ukraine, glorification of its participants committed repeatedly or with the use of media) of the CCU.

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## C. Criminal liability of Russian armed forces personnel

128. On 24 June 2023, the President of the Russian Federation signed law No. 270-FZ 'On peculiarities of criminal liability of individuals participating in the special military operation'. The law exempts individuals serving, or willing to serve, in the Russian armed forces during mobilisation or martial law, from criminal liability for minor or medium gravity crimes committed prior to the date of the entry of the law into force. Furthermore, article 4 allows for current servicepersons to be exempted from criminal liability for crimes of any severity if they have received a state decoration or completed their military service because of age, injury or the end of martial law or mobilisation. Additionally, criminal investigations against such servicepersons may be suspended upon their commander's request. The law also provides for its retroactive application to individuals prosecuted for criminal offences committed in Russian-occupied areas of Donetsk, Luhansk, Zaporizhzhia and Kherson regions before 30 September 2022 (prior to Russia's unlawful purported annexation of this territory).
129. The law, by effectively granting amnesty to Russian servicepersons for an overly broad range of crimes, potentially including gross violations of IHRL or serious violations of IHL, reinforces impunity and contributes to an enabling environment for further human rights violations and harm against the civilian population and POWs. It also compromises pursuit of accountability for perpetrators and impedes the ability of victims and their relatives to enjoy their rights to remedy and truth. Under international law, the Russian Federation has an obligation to investigate and prosecute war crimes and gross human rights violations committed by its forces in Ukraine.<sup>103</sup>

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<sup>103</sup> First Geneva Convention, arts. 49-50; Second Geneva Convention, arts. 50-51; Third Geneva Convention, arts. 129-130; Fourth Geneva Convention, arts. 146-147; and ICRC Study on Customary IHL, Rule 158.

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## VIII. LEGAL DEVELOPMENTS

### A. Law on national minorities

130. OHCHR has previously expressed concerns regarding the law 'On national minorities (communities) of Ukraine' adopted by the Ukrainian Parliament in December 2022.<sup>104</sup> The law notably limits the use of national minority languages in various fields and restricts certain rights of minorities "belonging to the aggressor state". This may be at variance with several articles of the ICCPR.<sup>105</sup> In its opinion on the law issued on 12 June 2023, the European Commission for Democracy Through Law (Venice Commission) echoed these concerns and made specific recommendations to the Ukrainian authorities to bring the law in line with international standards.<sup>106</sup>
131. On 10 June 2023, the Parliament extended the transitional period to implement certain provisions in the law 'On education' until 1 September 2024. These provisions require the gradual increase of Ukrainian language instruction in secondary schools where minority languages are a language of instruction.<sup>107</sup> This transitional period applies to national minorities whose native language is a European Union language, in accordance with the law 'On education'.

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<sup>104</sup> OHCHR had previously expressed concerns that the law does not address the differential treatment among three categories of national minority languages: indigenous languages, EU official languages, and non-EU official languages.

<sup>105</sup> OHCHR, *Situation of human rights in Ukraine in the context of the armed attack by the Russian Federation*, 1 August 2022 – 31 January 2023, March 2023, para. 114.

<sup>106</sup> Venice Commission, CDL-AD (2023)021-e Ukraine, *Opinion on the Law on national minorities (communities)*, adopted at its 135th Plenary Session on 9 and 10 June 2023.

<sup>107</sup> Law of Ukraine No. 3143-IX of 10 June 2023.

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## IX. TECHNICAL COOPERATION AND CAPACITY-BUILDING

132. During the reporting period, OHCHR continued to advocate for the implementation of the recommendations contained in its previous reports.<sup>108</sup> OHCHR also published a briefing note on the impact of the war on older persons and a three-month update on the human rights situation in Ukraine. It released two updates on civilian casualties, the first one on the one-year mark of the armed attack, and the second one on the 500-day mark.
133. OHCHR engaged in sustained advocacy efforts with the Ukrainian Government, in particular on the rights of conflict-related detainees, the treatment of POWs, and economic and social rights. For instance, OHCHR delivered on 25 April 2023, a session for heads of SIZOs from all regions of Ukraine about its findings on violations of IHL and IHRL against POWs and conflict-related detainees in these facilities since 2022.
134. OHCHR also undertook advocacy efforts with and provided technical advice to the Ukrainian Parliament, recommending amendments to a number of laws to bring them in line with international standards and best practices. HRMMU is part of parliamentary working groups on the law on collaboration activities, the draft law on the Parliament Commissioner for Human Rights, and the draft law on IHL.
135. OHCHR was in regular contact with civil society organizations in Ukraine, notably by holding regular consultations with them and delivering a training on UN Human Rights Protection Mechanisms.
136. OHCHR also coordinated comments, jointly with UN Women and the IOM, to the draft report on the implementation of Ukraine's national human rights strategy in 2022. In addition, OHCHR prepared regular updates on the six grave violations against children in times of war, and was also the main contributor to the UN Secretary-General's interim report on Crimea.

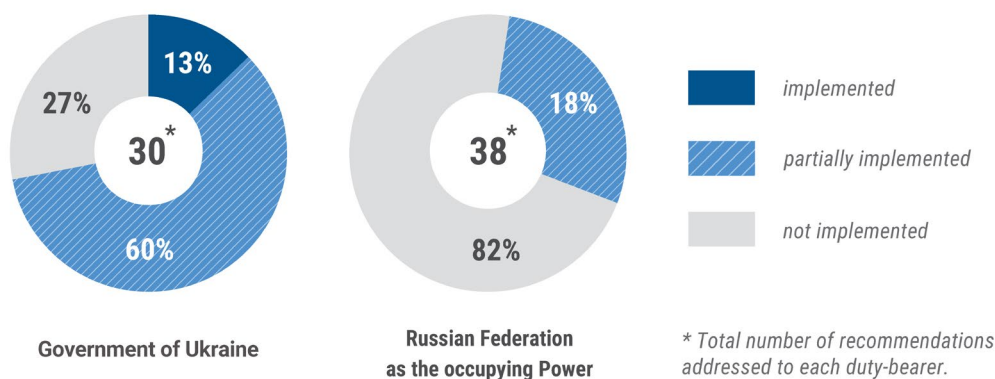
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<sup>108</sup> They include OHCHR 35th periodic report on the human rights situation in Ukraine, as well as two thematic reports on the treatment of prisoners of war and on the detention of civilians in the context of the armed attack. Each report contained detailed recommendations to both the Russian Federation and Ukraine.

## X. CONCLUSION AND RECOMMENDATIONS

137. The full-scale armed attack by the Russian Federation against Ukraine continues to have a devastating impact across the country. Thousands of civilians lost their life and many thousands more were injured since 24 February 2022. Missile strikes, air strikes and loitering munitions attacks, the vast majority of which were launched by the Russian Federation, also caused widespread destruction of essential infrastructure, resulting in immeasurable harm for the civilian population, with long-term effects on the enjoyment of their human rights.
138. During the reporting period, recurring violations persisted, with some of them related to actions carried out shortly after the beginning of the armed attack, especially in territory occupied by the Russian Federation. The catastrophic destruction of the dam at the Kakhovska Hydroelectric Power Plant, and the subsequent flooding of communities, caused immense civilian suffering and undermined civilians' rights to an adequate standard of living, including food, housing, water, health, and a safe and clean environment. The attacks on the Odesa region further exerted a heavy and cumulative toll on civilians.
139. Information collected during the reporting period concerning incidents before 1 February 2023 strengthened OHCHR's previous conclusions that, on the basis of the cases documented and of the patterns, scale and frequency of damage and destruction, gross violations of IHRL and serious breaches of IHL have been committed since February 2022. The vast majority of these violations were committed by the Russian Federation.
140. OHCHR recalls that individual criminal responsibility would need to be decided following a trial by an independent and impartial tribunal. Perpetrators, regardless of their affiliation, must be held to account and victims and their relatives must enjoy their rights to remedy and truth. Moreover, programmes of reparation and assistance for victims should be established without awaiting the outcome of formal legal proceedings. Looking ahead, it is essential that the reconstruction process in Ukraine places social cohesion at the forefront. This should entail the regular involvement of victims and affected communities in the design and formulation of justice responses, both at the national and international level.
141. OHCHR assessed the implementation of the 68 measurable recommendations included in its 34th and 35th periodic reports, four thematic reports, and briefing paper published since 24 February 2022 (see below). While it is first and foremost paramount that the Russian Federation immediately ceases its armed attack and withdraws its armed forces from within Ukraine's internationally recognised borders, OHCHR seeks, in making these recommendations, to provide concrete, practical and actionable steps that, if implemented, would considerably alleviate the suffering of the Ukrainian population and improve the human rights situation.

### IMPLEMENTATION OF OHCHR RECOMMENDATIONS BY DUTY-BEARERS



Creation Date: 30 September 2023 Source: OHCHR HRMMU



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142. OHCHR urges the implementation of the following recommendations, several of which were already raised in previous reports:

143. To all parties to the conflict:

- a) Ensure full respect for IHRL and IHL, including the principles of distinction, proportionality and precaution;
- b) Rigorously map the location of mines during active hostilities so that areas can be more promptly cleared, in line with the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices;
- c) Ensure that a comprehensive and impartial investigation takes place in accordance with international standards to determine the cause of the breach of the Kakhovska dam, hold those responsible to account, and provide remedy and reparations;
- d) Ensure timely and effective investigations into all allegations of violations of IHL and human rights, including allegations of torture, ill-treatment, arbitrary detention and sexual violence; ensure that alleged perpetrators, including members of their respective security forces and persons in positions of command, are duly prosecuted; uphold the rights of victims and their families to truth, justice and reparations;
- e) Respect IHRL and IHL in relation to the treatment of POWs and persons *hors de combat*, and investigate and prosecute all cases of serious violations of IHL in relation to their treatment, regardless of the affiliation of the perpetrators;
- f) Establish a functioning mechanism for tracing family links and family reunification for children transferred across occupied territory of Ukraine and to the Russian Federation;

144. To the Russian Federation:

- g) Immediately cease its armed attack against Ukraine, as per UN General Assembly Resolution ES-11/1 on the "Aggression against Ukraine", adopted on 2 March 2022;
- h) Fully comply with the binding order on provisional measures issued by the International Court of Justice on 16 March 2022;
- i) Respect the human rights of the people residing in territory of Ukraine it occupies, within the strict bounds of the international law of occupation, and respect Ukrainian laws in occupied territory, unless absolutely prevented from doing so, in line with Article 43 of the Hague Convention;
- j) Cease the use of explosive weapons with wide-area effects in populated areas, particularly in urban centres;
- k) Ensure humanitarian actors fullest possible access to areas affected by the flooding caused by the breach of the Kakhovska dam;
- l) Take all feasible precautions to avoid damage to Ukraine's grain and associated infrastructure, as well as other civilian infrastructure, and return to dialogue as soon as possible with respect to the Black Sea Grain Initiative to facilitate Ukrainian grain exports;
- m) Ensure timely and effective investigations into all allegations of unlawful killings of civilians;

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- n) Take all necessary precautionary measures to prevent sexual violence and implement a zero-tolerance policy within its armed forces, law enforcement authorities and penitentiary staff, including through issuing clear orders prohibiting sexual violence against civilians, POWs, and members of its own forces, and by holding perpetrators to account;
  - o) Immediately cease the practice of arbitrary detention and enforced disappearance; investigate cases committed by Russian armed forces and law enforcement agencies, with a view of prosecuting and punishing those responsible; and ensure effective remedies to victims, including the immediate relatives of those still arbitrarily detained or disappeared;
  - p) Sign and ratify without delay and without reservation the International Convention for the Protection of All Persons from Enforced Disappearance, make declarations pursuant to Articles 31 and 32 recognizing the competence of the Committee on Enforced Disappearances to receive communications from individuals and States and enact effective implementing legislation;
  - q) Uphold the fundamental principles of IHL concerning the treatment of POWs; immediately cease the deliberate killing, torture, ill-treatment and dangerous or humiliating labour of Ukrainian POWs, and provide medical care to those who are injured or sick; and immediately cease the prosecution of POWs for acts which amount to mere participation in hostilities;
  - r) Ensure that relatives of POWs are provided with information regarding their loved ones, including information about their place of internment and health status, and that POWs are able to communicate with the outside world;
  - s) Ensure a transparent, thorough, independent and impartial investigation of the incident on 28-29 July 2022 that led to the death of Ukrainian POWs at Olenivka, and hold perpetrators accountable;
  - t) Ensure the prompt return of all deported and transferred individuals, including children and persons with disabilities;
  - u) Refrain from changing the personal status of children displaced from Ukraine, including their nationality and their legal guardians, during or immediately after emergency, in line with international standards;
  - v) End the conscription of protected persons residing in occupied territory, including Crimea, into its armed forces and any intimidation, threats and other pressure or propaganda aimed at securing seemingly voluntary enlistment;
  - w) End discrimination against Ukrainian citizens in occupied territory who have not taken Russian citizenship, ensuring that Ukrainian citizens have equal access to public services, employment and enjoy freedom of movement;
  - x) Respect and protect the fundamental rights of all individuals and groups in occupied areas of Kherson, Zaporizhzhia, Luhansk and Donetsk regions, as well as in Crimea, including the rights to freedom of opinion and expression, peaceful assembly, association, thought, conscience and religion;
  - y) Bring law 'On peculiarities of criminal liability of individuals participating in the special military operation' in line with international law to ensure that it does not effectively grant amnesty to servicepersons for gross violations of IHRL and serious violations of IHL;

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- z) Provide representatives and staff of international human rights and humanitarian organizations, including those of the United Nations, with full, unhindered, timely, and safe access to the Russian Federation or to territory it occupies, including places of internment for POWs, wherever located;
  - aa) Strengthen cooperation and prompt exchange of information with OHCHR by establishing and guaranteeing dedicated communication channels;

145. To the Parliament and the Cabinet of Ministers of Ukraine:

- bb) Facilitate the return of Ukrainian citizens who have their freedom of movement restricted in the Russian Federation due to lack of valid Ukrainian documents, in particular prisoners who were transferred or deported against their will;
- cc) Ensure that legislation or decisions affecting religious communities do not unduly restrict freedom of religion or discriminate against any religious community. Investigate and prosecute crimes committed against clergy or parishioners in a timely manner;
- dd) Bring the law 'On amending certain legal acts of Ukraine on introducing criminal responsibility for collaboration activity' into line with international law;
- ee) 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;

146. To State and local authorities in Ukraine:

- ff) Ensure that all survivors of sexual violence and torture can access adequate medical and psychological services, including sexual and reproductive health services, and consider national programmes of reparation providing necessary medical, psychosocial, financial and other forms of assistance to victims;
- gg) Ensure that the reform of the social security system, and in particular the tighter eligibility criteria and new administrative procedures, is gender sensitive and does not exclude persons with vulnerabilities;
- hh) In allocating resources to support persons with disabilities, prioritise community-based services at the local level with the goal of progressively reducing institutional care arrangements;

147. To the Office of the Prosecutor-General and State Bureau of Investigation and other law enforcement agencies:

- ii) Refrain from prosecuting individuals for collaboration when their cooperation with the occupying authorities was consistent with IHL, and make an individual assessment, in cases involving collaboration, of whether and to what extent the accused individual cooperated with the occupying authorities under coercion or duress;
- jj) Refrain from prosecuting individuals *in absentia* for conflict-related crimes, in particular war crimes, when there is no evidence that defendants were aware of the trial and had waived their right to be present, and cease prosecuting POWs entitled to combatant status under IHL for conduct which is in substance mere participation in the hostilities;

148. To the Judiciary of Ukraine:

- kk) Respect, protect and ensure full enjoyment of the rights to fair trial for all individuals charged with crimes in relation to the armed attack by the Russian Federation,

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including war crimes; in particular, ensure respect for the presumption of innocence, the right to effective legal assistance, and the right to a trial before an independent and impartial court;

149. To the international community:

- ll) Urge the parties to respect IHRL and IHL in Ukraine, and work collectively to ensure remedy, redress and reparation for violations and to prevent further violations;
- mm) Call for OHCHR's fullest possible access to all areas of Ukraine, including those occupied by the Russian Federation, to facilitate comprehensive monitoring, which is critical to ensuring accountability;
- nn) Support and work to ensure, as appropriate, effective coordination and coherence between accountability actors at national, regional and international levels which are working on addressing violations of IHRL and IHL committed in Ukraine;
- oo) Assist Ukraine in enhancing its capacity for safe, efficient, and effective demining operations and support programs to educate civilians to the risks posed by mines and ERWs, particularly in areas over which Ukraine regained control;
- pp) Support efforts for the mitigation of the long-term human rights impact of the destruction of the Kakhovska dam by providing expertise and financial resources;
- qq) Support national institutions, local civil society networks and other relevant actors by providing resources and strengthening their capacities to work with survivors, in particular those of sexual violence, torture or other ill-treatment and enforced disappearance, and to provide non-discriminatory comprehensive assistance, particularly in smaller towns and rural areas;
- rr) Support a coordinated approach to establish a functioning mechanism for tracing family links and family reunification for children transferred across occupied territory of Ukraine and to the Russian Federation;
- ss) Assist the Government of Ukraine in meeting its core minimum obligations under the ICESCR; and
- tt) Support organizations for persons with disabilities and human rights defenders, including networks of women human rights defenders, who work for the protection of human rights in Ukraine.



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*Ukraine*

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