

# UPDATE ON THE HUMAN RIGHTS SITUATION IN UKRAINE

1 February – 30 April 2023

## SUMMARY

This update focuses on key human rights developments in Ukraine, including in territory occupied by the Russian Federation. It covers the period from 1 February to 30 April 2023. OHCHR's regular biannual report, covering the period from 1 February to 31 July 2023, will be published in September 2023.

Although civilian casualties have decreased compared with the previous three months, intense fighting along the frontline, as well as the high concentration of explosive remnants of war in areas over which the Government of Ukraine regained control in the autumn of 2022, continued to inflict a heavy toll on the civilian population.

On 27 April 2023, the President of the Russian Federation signed a decree purporting to provide that people residing in the occupied areas of Zaporizhzhia, Kherson, Donetsk and Luhansk regions would retroactively be considered "foreigners" as of 30 September 2022, unless they had obtained Russian citizenship. While the decree does not impose Russian citizenship, it obliges Ukrainian citizens who reside in occupied territory to comply with a number of requirements that may put pressure on them to apply for Russian passports. It further exposes certain categories of residents to risks of deportation or forcible transfers.

Incidents of violence against members and supporters of the Ukrainian Orthodox Church ("UOC") increased during the reporting period. Moreover, several regional councils banned the activities of the UOC.

## CIVILIAN CASUALTIES

From 1 February to 30 April 2023, the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU) recorded 2,037 civilian casualties in the country<sup>1</sup>. They included:

- 491 persons killed (243 men, 155 women, 12 boys and 8 girls, as well as 73 adults whose sex is not yet known).

- 1,546 persons injured (568 men, 324 women, 42 boys and 18 girls, as well as 586 adults and 8 children whose sex is not yet known).

Men and boys represented 62.7 per cent of civilian casualties whose sex was known. The total number of civilian casualties recorded in the reporting period represented an 11 per cent decrease compared with the preceding three months, during which 2,287 casualties were recorded, with 590 persons killed and 1,697 injured.

*"We often have shelling first and air sirens after,"*

*– a man in Kharkiv region about the conditions in Ukrainian settlements affected by hostilities.*

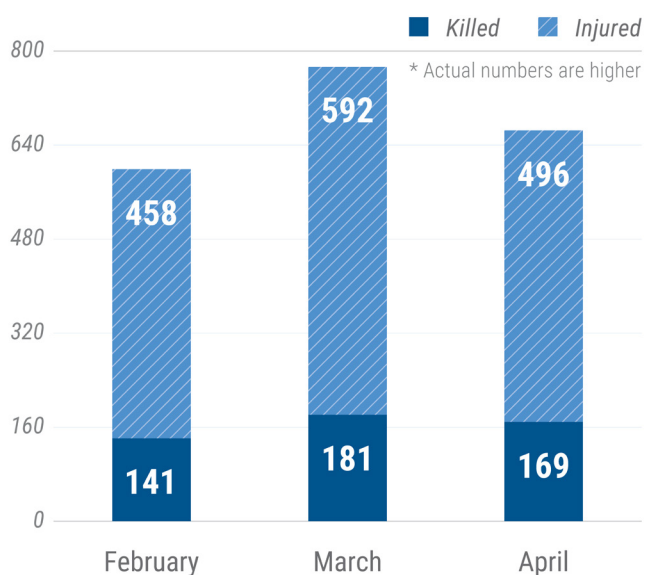
During the reporting period, 86 per cent of all civilian casualties occurred in 231 settlements under Government control (410 civilians killed and 1,338 injured), while 14 per cent happened in 28 settlements in areas occupied by the Russian Federation (81 civilians killed and 208 injured).

The vast majority of civilian casualties (449 persons killed and 1,405 injured, or 91 per cent) were caused by the use of explosive weapons with wide area effects, including shelling from heavy artillery, multiple launch rocket systems (MLRS), missiles and air strikes, in populated areas. Although the number of civilian casualties caused by explosive weapons with wide area effects decreased from February to April 2023, an increase in missile and MLRS strikes at the end of April led to multiple civilian casualties.

In one deadly incident on 28 April 2023, a missile hit a residential building in Uman, in Cherkasy region, killing 24 civilians (12 women, 5 men, 3 girls and 3 boys) and injuring 18 more. At least seven families lost two members in this single missile attack.

## CIVILIAN CASUALTIES (INDIVIDUAL CASES VERIFIED BY OHCHR),\* PER MONTH

From 1 February to 30 April 2023



Creation Date: 23 May 2023 Source: OHCHR HRMMU

Another 42 civilians were killed and 141 injured as a result of explosive remnants of war and mine-related incidents (9 per cent).<sup>2</sup> The majority of these casualties occurred while civilians were walking or driving in non-urban areas, working their land, or repairing civilian infrastructure in areas over which the Government had regained control last autumn.

## DAMAGE TO MEDICAL AND EDUCATIONAL FACILITIES

During the reporting period, HRMMU documented the destruction or damage of 18 healthcare establishments (13 hospitals and 5 other healthcare facilities) and 71 educational facilities (16 kindergartens, 52 schools, and 3 higher education facilities). Since February 2022, HRMMU documented the damage and destruction of 354 medical establishments and 721 educational facilities. The actual numbers are likely substantially higher. The scope of destruction and damage have left people without adequate access to health care, especially in conflict-affected areas, and hundreds of thousands of children without access to in-person schooling.

## CONFLICT-RELATED SEXUAL VIOLENCE

From February to April 2023, HRMMU documented 25 cases of conflict-related sexual violence (CRSV)

committed by members of Russian armed forces and Russian penitentiary staff against 16 men, 8 women and one girl. These cases occurred in Donetsk, Kharkiv, Kherson and Zaporizhzhia regions and in the Russian Federation between March and October 2022. In most of the cases, different types of sexual violence were used as a form of torture to seek to obtain information or a confession, to punish, or to intimidate men and women in detention settings.

Sexual violence against men (ten prisoners of war and six civilians) committed by Russian armed forces and Russian penitentiary staff (in the Russian Federation) consisted of electrocution and beatings to genitals, forced nudity, beatings or tasing after the shower, or threats of sexual violence against the victims or their loved ones. Sexual violence against women (two prisoners of war and four civilians) committed by Russian law enforcement and penitentiary staff consisted generally of electrocution by attaching wires to nipples, forced nudity, stripping in the presence of men guards, making victims use a toilet in the presence of a man, or threats of sexual violence. HRMMU also documented three cases of sexual violence committed by members of the Russian armed forces against two women and one girl in residential areas of Donetsk region.

During the reporting period, HRMMU also received credible allegations of threats of sexual violence against two women by members of the Ukrainian armed forces and Security Service of Ukraine.

## RUSSIAN DECREE ON THE STATUS OF RESIDENTS OF OCCUPIED TERRITORY

On 27 April 2023, the President of the Russian Federation signed a decree purporting to provide that people residing in the occupied areas of Zaporizhzhia, Kherson, Donetsk and Luhansk regions would retroactively be considered “foreigners” as of 30 September 2022, unless they had obtained Russian citizenship.<sup>3</sup> The decree makes a distinction between Ukrainian citizens whose residence is registered in Zaporizhzhia, Kherson, Donetsk and Luhansk regions, and Ukrainian citizens whose residence is registered in other regions of Ukraine<sup>4</sup>. The decree explicitly recognises the right of Ukrainian citizens with residence registration in occupied territory (obtained prior to the occupation) to continue living there without risk of deportation or forcible transfer, even if they refused to obtain Russian citizenship.<sup>5</sup> However, it establishes a number of restrictions on Ukrainian citizens without Russian passports and whose residence is registered elsewhere. These Ukrainian citizens must apply for a residence permit from the occupation authorities or face risk of deportation or forcible transfer out of the occupied territory, starting from 1 July 2024.

Deportations or forcible transfers of such protected persons would constitute a violation of international humanitarian law, regardless of motive.<sup>6</sup>

*“This is the territory of the Russian Federation and, according to Russian laws, we can do whatever we want to protect the constitutional order,”*

*– an FSB officer to a man protesting about the arbitrary arrest of his wife in Kherson region.*

Moreover, the decree also provides that all residents without Russian passports, regardless of the place of their residence registration, must comply with various administrative procedures and reporting requirements to continue residing and working in occupied territory. For instance, all companies and individuals who have employees must inform the Russian authorities about any employee who does not have a Russian passport, which may be discriminatory. When taken as a whole, these measures exert de facto pressure on Ukrainian citizens to obtain Russian passports, contrary to the rules of the international law of occupation.<sup>7</sup>

### **MOVEMENTS OR RELOCATIONS OF CIVILIANS**

During the reporting period, HRMMU documented four incidents, which took place in October and

November 2022, during which that at least 294 residents, including 28 children, were transferred from long-term care facilities located in the occupied areas of Kherson region to other parts of Russian-occupied territory or deported to the Russian Federation. These incidents may amount to forcible transfers or deportations. The individuals have since faced difficulties reuniting with their loved ones, including lack of financial means or other necessary assistance to undertake lengthy travel, as well as restrictions on their freedom of movement. In some cases, Russian authorities withheld their identity documents or did not allow them to leave the facilities to which they had been transferred. They also treated some persons with intellectual and psychosocial disabilities as lacking legal capacity and thus unable to make decisions for themselves. Those among this last group who did not have family members in Ukraine able to travel to the Russian Federation to pick them up remained effectively unable to leave the Russian Federation. In some cases, Russian authorities imposed citizenship on people deported or forcibly transferred from long-term care institutions in Ukraine to long-term care institutions in the Russian Federation. International humanitarian law prohibits forcible transfers and deportations, and only permits evacuations in strict circumstances which require an occupying power to return any evacuated persons back to their homes as soon as conditions permit.<sup>8</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>9</sup>



A woman interviewed by HRMMU in Irpin, Kyiv region, where many human rights violations were perpetrated by Russian armed forces in February and March 2022.

Children in institutional care were transferred by Russian occupation authorities to the Autonomous Republic of Crimea, occupied by the Russian Federation ("Crimea") without the consent of their parents, or without the parents being informed. In one case, the mother of a 16-year-old boy with an intellectual disability learned on social media that her son had been transferred by Russian occupation authorities from a long-term care facility in Oleshky, an occupied town of Kherson region, to Crimea, in early November 2022. To reunite with her son, she was asked to pick him up in person, but she could not afford the trip to Crimea via third countries and the Russian Federation. She was eventually able to travel and reunite with her son in March 2023 with the help of a Ukrainian non-governmental organization.

families being separated and people being unable to collect their Ukrainian social security allowances and pensions. Civilians wishing to travel from the occupied parts of Zaporizhzhia, Kherson, Donetsk and Luhansk regions to the territory of Ukraine under Government control could only do so through the Russian Federation. The trip is not only expensive (around US\$400 per person), but it also involves going through a so-called 'filtration' process, a system of security checks and personal data collection that has led to individuals being arbitrarily detained. HRMMU also documented many cases of men and women who were arbitrarily detained or forcibly disappeared by the Russian occupation authorities while trying to cross the administrative boundary line between mainland



Two older men residing in Vysokopillya, Kherson region, a village controlled by Russian armed forces until September 2022.

Older people who were not institutionalised but evacuated from occupied territory to the Russian Federation also faced barriers returning to Ukraine or reuniting with their families in third countries. Some of them were accommodated in poor conditions without adequate access to medical services. Due to their age and lack of access to digital tools, they frequently had difficulties obtaining information about their rights or the procedures undertaken on their behalf, which in some cases involved the involuntary imposition of Russian citizenship.

### **FREEDOM OF MOVEMENT**

The only crossing point across the frontline in Vasylyvka, Zaporizhzhia region, has remained closed by the Russian occupation authorities since December 2022. The absence of official crossing points resulted in

Ukraine and Crimea.

### **TREATMENT OF PRISONERS OF WAR**

During the reporting period, HRMMU continued to document cases of summary executions of prisoners of war (POWs).<sup>10</sup> In two videos that appeared online on 6 March and 11 April 2023, members of the Russian armed forces were depicted torturing and summarily executing two Ukrainian POWs. In the first video, Russian servicemen were depicted shooting dead a Ukrainian POW after he had said "Glory to Ukraine". In the second video, a Russian serviceman was filmed while beheading a Ukrainian serviceman. Following its own review, HRMMU has reasonable grounds to believe that both videos were authentic. Deliberate commission of such acts amounts to a grave breach of the Geneva Conventions and constitutes a war crime.

In an audio recording that emerged on social media on 23 April 2023, an alleged member of the Ukrainian armed forces was heard ordering the killing of a POW from the Wagner Group. In response, on the same day, the head of the Wagner Group<sup>11</sup> indicated that his military and security contractors would kill all combatants and no longer take POWs on the battlefield. HRMMU is concerned that such statements risk provoking or encouraging the summary executions of POWs or persons hors de combat. The summary execution of POWs, ordering such executions, and the declaration of no quarter amount to grave breaches of the Geneva Conventions and constitute war crimes.

Several POW exchanges took place from February to April 2023. As a result, 618 Ukrainian POWs (594 men and 24 women) and 3 civilian men who had been captured by Russian armed forces were returned by the Russian Federation. The Ministry of Defence of the Russian Federation reported that 294 Russian POWs were returned by Ukraine during the reporting period. Additionally, on 24 March, the Coordination Headquarters on Treatment of POWs (Ukraine) reported the unilateral repatriation of nine severely wounded POWs to the Russian Federation, consistent with article 109 of the Third Geneva Convention. On 3 April 2023, the Russian Federation unilaterally returned ten Ukrainian POWs, three of them severely wounded, as well as two severely wounded civilians.

### **SITUATION OF THE UKRAINIAN ORTHODOX CHURCH**

During the reporting period, the Government and local authorities took several measures targeting the Ukrainian Orthodox Church (UOC). Authorities notably searched places of worship and other UOC facilities,<sup>12</sup> issued notices of suspicions against clergymen, and placed several of them under house arrest, including one of the UOC's main hierarchs.<sup>13</sup> In addition, the Ministry of Culture terminated early the rental agreement with the UOC of the State-owned Kyiv Pechersk Lavra. Following UN advocacy, authorities refrained from taking actions that risked violence and did not forcibly evict the UOC from the Lavra on the stated deadline for leaving the premises of 29 March.<sup>14</sup>

During the month of April 2023, the city and regional councils in Khmelnytskyi, Rivne, and Volyn banned the "activities of the UOC" in their respective areas, after the regional councils in Lviv, Zhytomyr, Vinnytsia and Ternopil had done the same, even though such bans were beyond their authority. Many local councils also sought to terminate municipal property rental agreements with the UOC. HRMMU is concerned that the cumulative impact of Government actions targeting the UOC could be discriminatory.

Moreover, HRMMU documented a surge in hate speech and several incidents of violence against UOC members in April 2023. Public officials, bloggers and opinion leaders used discriminatory and inflammatory rhetoric and openly incited violence against clergymen and supporters of the UOC. The Government and law enforcement authorities did not effectively address the incidents of hate speech during the reporting period.

### **IMF AGREEMENT AND SOCIAL PROTECTION**

On 31 March 2023, the International Monetary Fund approved a new 48-month Extended Fund Facility arrangement for Ukraine.<sup>15</sup> As part of the agreement, the Government of Ukraine committed to undertake substantial changes to pension and social safety nets, including by improving "targeting and means-testing mechanisms for social assistance",<sup>16</sup> such as utility subsidies and financial support to low-income households.

*"My house was destroyed by hostilities with all documents inside. I spent three monthly pensions to restore the property documents, but still don't know whether it would help to get any compensation,"*

*– a 63-year-old woman residing in an IDP shelter in Kyiv region.*

It also committed to maintain social expenses no lower than an indicative target of UAH 499.6 billion (US\$13.5 billion) by 31 December 2023. HRMMU welcomes the review of social safety nets, as social assistance remains inadequate for large segments of the population, in particular persons with disabilities and older persons. However, targeting mechanisms may still not effectively reach the most vulnerable, since many people in need do not have the necessary documents (unemployment certificates, income statements, property documents, etc.) to satisfy existing administrative requirements. For instance, people cannot receive unemployment certificates if they have not recently worked in the formal economy. Any reform should therefore focus on enhancing access to adequate social security for all by ensuring that administrative requirements do not constitute undue obstacles for people, notably those in the most vulnerable situations.

## PERSONS WITH DISABILITIES

According to a Governmental decree, public associations of persons with disabilities provide social services aimed at the integration of persons with disabilities into society.<sup>17</sup> However, the 2023 social security budget dedicated to these associations fell significantly short of what was needed for Ukraine to make progress on the de-institutionalisation of persons with disabilities.<sup>18</sup> Although the Ministry of Social Policy calculated that it needed 119 million UAH for this budget line, less than 5 million UAH were allocated for this purpose in the 2023 budget. Moreover, even though their living costs are higher than those of the general population<sup>19</sup>, people with disabilities receive social benefits lower than other types of social assistance for people considered able to work.<sup>20</sup> This constitutes a form of discrimination against persons with disabilities.

## CRIMEA

During the reporting period, occupation authorities continued to prosecute individuals for publicly “discrediting” and “obstructing” Russian armed forces, in breach of Russian law.<sup>21</sup> In March 2023, the scope of these offences was further broadened to encompass “actions... discrediting volunteer formations, organizations or individuals who perform tasks for the armed forces”, which would include military and security contractors and other private formations. In addition, the criminal punishment was increased from 3 to 5, and 5 to 7, years in prison, depending on the offence.<sup>22</sup>

*“I understand your situation, but there is nothing I can do - my hands are tied,”*

*– a judge of the Supreme Court in Crimea to a victim convicted of “discrediting the Russian armed forces” after posting a “no war” post on social media.*

By 30 April 2023, HRMMU documented 4 criminal prosecutions (all against men) and 191 administrative prosecutions (against 120 men and 71 women) for the offences of “public actions” directed at “discrediting” and “obstructing” Russian armed forces. An overwhelming majority – 193 prosecutions out of 195 – resulted in convictions, against 123 men and 70 women. HRMMU 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.

Russian authorities continued to intimidate and harass Crimean human rights defenders, including lawyers officially admitted to practice law.<sup>23</sup> On 20 March 2023, after over six months of litigation, a local court in Simferopol disbarred two prominent Crimean Tatar human rights lawyers, one man and one woman, who are well known and respected for their legal representation of Ukrainian citizens charged with terrorism and extremism in Crimea and the Russian Federation.<sup>24</sup> The disbarment order was the culmination of a prolonged campaign of intimidation and harassment that appears to be in retaliation for their lawful professional activities.<sup>25</sup> The disbarment of both lawyers, who have played a pivotal role in advocating for justice, undermines the protection of human rights on the peninsula.

## APPLICATION OF THE LAW OF UKRAINE ON COLLABORATION ACTIVITIES

Ukrainian law enforcement authorities continued to open new criminal cases against individuals accused of collaboration with the Russian Federation under article 111-1 of the Criminal Code of Ukraine, a law not complying with international human rights and humanitarian law.<sup>26</sup> As of 3 May 2023, 5,204 criminal proceedings had been opened under this article. Members of law enforcement agencies, parliamentary representatives and prosecutors have acknowledged deficiencies of the law and the need to amend it. Since its adoption on 3 March 2022, at least nine draft laws amending article 111-1 of the Criminal Code of Ukraine were registered with Parliament.

HRMMU notes that efforts to amend the law should bring it in line with international standards. The law risks far-reaching impacts not only on the human rights of people living in occupied territory, but also on social cohesion throughout Ukraine. Its extensive use risks ostracising and stigmatising Ukrainian citizens forced to live under occupation as criminals, simply because they continued to perform activities essential to maintain a normal life. This, in turn, could significantly impact the Government’s reintegration efforts.

## ENDNOTES

1. The actual figures are likely higher as intense hostilities in some areas delay the verification of pending cases.
2. These incidents involved civilians who were killed or injured by mines (antipersonnel or anti-vehicle), other explosive devices such as booby traps, or unexploded ordnance which detonated upon contact.
3. Presidential Decree No. 307 of 27 April 2023 “On peculiarities of the legal status of certain categories of foreign citizens and stateless persons in the Russian Federation”, <http://actual.pravo.gov.ru/text.html#pnum=0001202304270013> (accessible only with a Russian IP, last consulted on 15 May 2023).
4. In Ukraine, citizens and foreigners must register an official place of residence for administrative purposes. Many Ukrainians currently residing in Zaporizhzhia, Kherson, Donetsk and Luhansk regions still have their residence registered in other regions of Ukraine.
5. However, individuals without Russian citizenship deemed to pose a threat to national security, public order or safety, including those participating in unauthorized public assemblies, may be deported or forcibly transferred regardless of the place of their residence registration.
6. Art. 49 of Geneva Convention IV.
7. Article 45 of the 1907 Regulations respecting the Laws and Customs of War on Land provides that “it is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power”.
8. Geneva Convention IV, art. 49.
9. Geneva Convention IV, art. 50; Additional Protocol I, art. 78.
10. See OHCHR, Treatment of Prisoners of War and Persons Hors de Combat in the Context of the Armed Attack by the Russian Federation against Ukraine: 24 February 2022 – 23 February 2023, March 2023.
11. HRMMU has not yet been able to confirm the authenticity of the recording.
12. See OHCHR periodic report, March 2023, paras. 110-113.
13. He was placed under house arrest for 60 days on 1 April 2023 after the SBU issued a notice of suspicion against him for inciting inter-religious divisions and justifying the Russian aggression (articles 161 and 436-2 of the Criminal Code).
14. Although the UOC challenged the decision to terminate the lease in court, its request for an injunction halting the eviction was denied by the Kyiv Commercial Court on 30 March 2023.
15. IMF, Ukraine: Request for an Extended Arrangement Under the Extended Fund Facility and Review of Program Monitoring with Board Involvement, 31 March 2023, <https://www.imf.org/en/Publications/CR/Issues/2023/03/31/Ukraine-Request-for-an-Extended-Arrangement-Under-the-Extended-Fund-Facility-and-Review-of-531687> (last accessed on 9 May).
16. Targeting and means-testing mechanisms entail the progressive reduction of benefits as earned income increases, until the threshold of the statutory subsistence minimum is reached. See IMF, Technical Notes and Manuals - IMF Engagement on Social Safety Net Issues in Surveillance and Program Work, <https://www.imf.org/en/Publications/TNM/Issues/2022/10/03/IMF-Engagement-on-Social-Safety-Net-Issues-in-Surveillance-and-Program-Work-524087> (last accessed on 18 May 2023).
17. Resolution N°70 of the Cabinet of Ministers of 27 January 2023.
18. Ministry of Social Policy Budget Request for 2023-2025, <https://www.msp.gov.ua/files/budjet/2023/250%20%D1%84%D0%BE%D1%80%D0%BC%D0%B0%202.rtf> (accessed on 26 April 2023).
19. See HRMMU Update on Older Persons, at <https://www.ohchr.org/en/documents/country-reports/hrmmu-update-human-rights-situation-older-persons-ukraine-context-armed>. 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, [Policy Guidelines for Inclusive Sustainable Development Goals: No Poverty](https://www.ohchr.org/en/documents/policy-guidelines/policy-guidelines-for-inclusive-sustainable-development-goals-no-poverty), 2020.
20. Social assistance benefits are indexed to the statutory subsistence minimum level. The law makes a distinction between individuals able to work and those considered unable to work, such as persons with disabilities and older persons. As of April 2023, the first category received UAH 2,684 per month, and the second category UAH 2,093, or a difference of US\$16.
21. Punishable under article 20.3.3 of the Code of Administrative Offences and articles 207.3 and 280.3 of the Criminal Code of the Russian Federation.
22. Federal Law No. 58-FZ of 18 March 2023 “On amendments to the Criminal Code of the Russian Federation”, <http://actual.pravo.gov.ru/text.html#pnum=0001202303180006> (accessible only with a Russian IP, last consulted on 18 May 2023).
23. See OHCHR, Report on the Human Rights Situation in Ukraine, 1 August 2022 to 31 January 2023, March 2023, paras. 78-80.
24. The court found “unlawful” and cancelled the decisions of the Bar Association of the Chechen Republic of the Russian Federation, by which the two lawyers were admitted to the bar exam. It also ordered both lawyers to surrender their lawyer identification documents.
25. See A/HRC/53/64, paras. 8-9.
26. See OHCHR, Report on the human rights situation in Ukraine, 1 August 2022 to 31 January 2023, paras. 119-122. OHCHR has conducted a detailed analysis of the law, and in April 2023, shared its conclusions and recommendations with a working group established under the auspices of the Parliamentary Committee on Law Enforcement to amend the law.

**CONTACT DETAILS**

4B Verkhniy Val St., block A, Kyiv, 04071  
+38 044 253 59 66  
ohchr-hrmmu@un.org



Scan the QR code to  
access OHCHR's reports  
on the human rights situation  
in Ukraine