



COUNTRY INFORMATION BULLETIN

UKRAINE

COUNTRY INFORMATION BULLETIN 01/2004

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1. SCOPE OF THE DOCUMENT

1.1 This Bulletin has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information about Ukraine obtained from a wide variety of recognised sources. It does not contain any Home Office opinion or policy.

1.2 This Bulletin has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

1.3 The Bulletin is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 This Bulletin is intended to cover major developments that have taken place in Ukraine since publication of the Ukraine Country Report in April 2003.

1.5 This Bulletin and the accompanying source material are publicly disclosable. Paper copies of the sources have been distributed to nominated officers in Asylum Caseworking Directorate and all Presenting Officer Units.

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2. GEOGRAPHY

2.1 According to the Europa publication - Eastern Europe, Russia and Central Asia 2004 the Republic of Ukraine (formerly the Ukrainian Soviet Socialist Republic) is situated in east-central Europe. It is bordered by Poland, Slovakia, Hungary, Romania and Moldova to the west, by Belarus to the north, and by the Russian Federation to the north-east and east. To the south lies the Black Sea. Ukraine covers an area of 603,700 square kilometres and is the largest country entirely within Europe. The capital is Kiev (Kyiv), with an estimated population of 2.6 million. Other major cities are Kharkov, Dnepropetrovsk, Donetsk, and Odessa each with a population over 1 million. There are 21 other cities with a population over 0.25 million. [1b] (p496)

2.2 The above Europa publication (2004) also recorded that according to the 2001 census the total population of the Ukraine was nearly 48.5 million, although official estimates as of December 2002 put the figure at closer to 48 million. According to the 2001 census Ukrainians formed the largest ethnic groups comprising 78.1% of the population while 17.3% were Russian. [1b] (p496) There were also small but significant minorities of ethnic Jews, Belarusians, Moldovans, Bulgarians, Poles, Hungarians, Romanians, Greeks, Tatars, Roma (Gypsy), Crimean Tatars, Armenians and others. There are approximately 130 ethnic groups. [1a]

2.3 The official state language is Ukrainian, an Eastern Slavonic language written in the Cyrillic script. The use of Russian and other languages of national minorities, and the development of minorities' ethnic and cultural traditions, is protected by law. [1a]

2.4 Most of the population is Christian, the major denominations being the Ukrainian Orthodox Church (Moscow Patriarchate), the Ukrainian Orthodox Church (Kievan Patriarchate), and the Roman Catholic Church (mostly 'Greek' Catholics, followers of the Uniate or Eastern rite). There are also a number of Protestant churches and small communities of Jews and Muslims. [1a]

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3. ECONOMY

3.1 According to the US State Department report 2003 (February 2004) "The economy was mixed, with the private sector accounting for 65 to 70 percent of gross domestic product... After nearly a decade of constant decline, the economy continued the growth trend that began in 2000 and grew by 4.8 percent in 2002 and 8.5 percent during the year [2003]. The economy was burdened by wage nonpayment and arrears, and the shadow economy (defined as activity deliberately unreported for purposes of tax evasion) accounted for a significant proportion of real income... Wealth was concentrated in the political elite and among directors of the state-dominated sectors such as metals, oil, and gas." [10b] (p1)

3.2 The BBC reported in December 2003 that the average annual income in the Ukraine is US \$720. [12h]

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4. HISTORY

4.1 During the late eighties under Mikhail Gorbachev, many prisoners of conscience freed from the Gulags returned to their respective republics to champion the cause of democratisation. In Ukraine, released dissidents re-founded the Ukrainian Helsinki Group as the Ukrainian Helsinki Union, which allied itself with the cultural intelligentsia to form the Ukrainian Peoples Movement for Restructuring (Rukh). Ukraine's participation in the liberalisation process was held back by the conservative leader Volodymyr Shcherbytsky until 1989 and even then the authorities continued to stifle public support for Gorbachev's policies. Rukh was prevented from nominating candidates in the USSR's first relatively free elections to the republican parliament in March 1990 but civic groups allied to Rukh nonetheless managed to secure a quarter of the seats in the new Supreme Soviet. This figure rose to one third with defections from the Communist Party of Ukraine (CPU). [1a]

4.2 In July 1990, chairmanship of the legislature was assumed by Leonid Kravchuk who also held a high ranking position in the CPU. Under Kravchuk's leadership parliament increasingly began to show signs of supporting state sovereignty. On 19 August 1991, conservative elements of the Communist Party of the Soviet Union attempted a coup in Moscow. The response of all the Soviet republics except Russia was to declare independence from the USSR. On 24

August 1991 the Ukrainian legislature voted by 346 vote to 1 to secede from the Union. Six Days later the CPU was banned. [1a]

4.3 Despite his past record as a loyal communist official, Leonid Kravchuk's experience and support for Ukrainian independence ensured his election as President on 1 December 1991[1a] when the declaration of independence was overwhelmingly approved by 90% of the population. [15] This was followed by measures aimed at consolidating independence, including the establishment of the Ukrainian armed forces and new national symbols by early 1992. [1a]

4.4. The lack of a recent tradition of statehood brought many problems in the early days of Ukrainian independence. [15] By early 1993, disputes concerning economic policy were dominating domestic politics, which led to growing conflict between President Kravchuk and the Prime Minister, Leonid Kuchma, who subsequently resigned in September 1993, after which Kravchuk assumed direct control of the government and announced early elections to a new 450-member parliament, the Verkhovna Rada (Supreme Council), in March and April 1994. [1a]

4.5 In July 1994, Kuchma was elected President on a platform of better relations with Russia and economic reform, [16a] defeating Kravchuk, who had emphasised Ukraine's independence from Russia and secured a majority of votes in western Ukraine. [1a]

4.6 The Rada approved a new constitution on 28 June 1996. It confirmed extensive new powers of appointment granted to the President, including the right to nominate the Prime Minister, and guaranteed the right to private ownership. Meanwhile, unrest in the coal-mining industry led to one-fifth of the mining community striking in July 1996. The matter was only settled when the government pledged to settle wage-arrears. Protest at the government's failure to pay public sector wages re-emerged in October 1996, when some 15,000 teachers went on strike in Kiev. This was followed by mass rallies and strikes in other cities later that month. The economic crisis continued and in February 1997 the Ministers of Finance and Statistics were dismissed by the President. Nation wide demonstrations took place in March 1997, because of the governments continued failure to pay wage arrears, and the issue continued to provoke social unrest. [1a]

4.7 The parliamentary elections to the Rada on 29 March 1998 demonstrated widespread support for left-wing parties, primarily the CPU (re-registered in 1993), [1a] which gained a total of 122 seats, [17] to become the largest party in the legislature, although it was far short of an overall majority. While voter turnout was 70.8%, several serious violations of electoral law were reported by independent observers; in particular, restrictions were imposed on the opposition media in the period prior to the elections. [1a]

4.8 According to the Europa publication – Eastern Europe, Russia and Central Asia (2004) President Kuchma was re-elected after two rounds of voting on 31

October and 14 November 1999. On the 30 November 1999 he was inaugurated as President. [1b] (p499)

Parliamentary Elections March 2002

4.9 Thirty-three parties and electoral blocs contested the parliamentary elections to the Rada on 31 March 2002, seen by many as a mid-term referendum on President Kuchma's performance. Pro-Western reform bloc 'Our Ukraine', incorporating the divided remnants of Rukh, was the largest electoral bloc with 112 seats from 23.5% of the national vote. The Communists' 20% share of the vote won them 66 seats, half their total in the previous parliament. This was rather less than the pro Kuchma 'For a United Ukraine' whose 102 seats from just 11.77% of the vote was attributed to their ascendancy in first-past-the-post constituencies, where local business barons and regional leaders loyal to the President hold sway. [12j]

4.10 Three further parties or blocs passed the 4% threshold required to gain seats via the party list vote. After several weeks of horse-trading amid accusations of "pressure, blackmail, robbery and threats" to force deputies to support the pro-presidential legislature leadership, by 14 May the picture had changed somewhat, and the factions lined up as follows:

Faction	Seats
United Ukraine	175
Our Ukraine	119
Communist Party of Ukraine	63
Social Democratic Party of Ukraine – United	31
Yuliya Tymoshenko bloc	23
Socialist Party	22
Unaffiliated	14

[14]

4.11 The conduct of the election again attracted criticism although the OSCE and US Government considered that it was an improvement on 1998. [18]

4.12 As recorded in the Europa publication – Eastern Europe, Russia and Central Asia (2004) in July 2002 at an air-show near Lviv, some 76 people were killed when a military plane crashed into a crowd of spectators. As a result of this disaster the Chief of the General staff and the Chief of the Military airforce resigned, and were replaced by new appointees in August 2002. [1b] (p500)

4.13 In August 2003 the first Ukrainian detachment of troops left for Iraq to join the multi-national peace keeping force in the country. The Ukrainian troops joined the 9,000 strong Polish-led stabilisation force that patrols a region between Baghdad and the southern port of Basra. [12a]

4.14 In October 2003 a border dispute arose between Russia and the Ukraine over the tiny Black Sea island of Tuzla in the Krech strait between the Sea of Azov and the Black Sea. The dispute centred on the construction of a Russian causeway that Russia said was essential to protect its coastline from erosion. [12b]

4.15 The Ukrainian authorities viewed the construction of the causeway as an attempt by Russia to extend its territory in the Kerch strait. [12d] On the 22 October 2003 the Ukrainian President Kuchma cut short his visit state to Latin America to return to Ukraine to deal with the crisis. [12c]

4.16 After negotiations, the construction of the causeway was halted and by the end of October 2003 a compromise was reached. [12e][12f]

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Crimea

4.17 Crimea is an autonomous region within Ukraine, which was transferred from Russian to Ukrainian territory by the Soviet authorities in 1954. Ethnic Russians constitute approximately 70% of its population. In 1992, under pressure from Kiev, the Crimean authorities renounced the idea of political independence in return for broad autonomy. Crimea has its own government and parliament, [1a] but disagreement between Kiev and the Crimean authorities over the degree of autonomy which Crimea should enjoy has caused tensions since Ukrainian independence. These have so far been managed through negotiations. [16a]

4.18 Following the return by late 1992 of some 250,000 Crimean Tatars to their homeland from Soviet Central Asia (where they had previously been deported *en masse* in 1944 for alleged collaboration with the Germans), [15] relations between the local leadership and Crimean Tatars deteriorated steadily. In October 1992, a Tatar encampment was dispersed on the orders of the Crimean government, and in response some 6,000 Tatars stormed the Crimean parliament building. [1a]

4.19 In 1994-5, President Kuchma and his government reacted firmly to Crimean attempts to go beyond the bounds of the Ukrainian Constitution. The Crimean authorities eventually yielded to pressure, and agreed to Ukrainian demands that they prepare a new Constitution. This they had done by October 1995, but its adoption prompted mass rallies and hunger strikes by Crimean Tatars, who claimed that it ignored their interests, in particular by failing to provide adequate status for the Crimean Tatar language. It was substantially amended before being finally adopted in December 1996. [1a]

4.20 Elections to the Crimean parliament, held simultaneously with the central parliamentary elections in March 1998, brought the issue of the status of Crimean Tatars to the fore, when demonstrations were staged by Tartars appealing for the right of suffrage. It was estimated that about half of the Tatars then resident in Crimea did not have Ukrainian citizenship, and were therefore ineligible to vote. The Ukrainian Rada rejected a proposal by Kuchma to allow those Crimean Tatars who had not yet received Ukrainian citizenship, but whose applications were pending, to participate in the elections. The results of the elections demonstrated a similar support for left-wing parties in Crimea as had been shown in Ukraine. Leonid Hrach, leader of the Communist Party of Crimea, was elected Chairman of the new Supreme Council, and upon the expiry of the Crimean government's mandate in May, a new Council of Ministers was appointed, with Serhiy Kunitsyn as Prime Minister. The appointment was subsequently approved by Kuchma. In January 1999, a new Crimean Constitution came into effect, establishing relations between Kiev and Crimea and giving Crimea the right to manage its own property and form a budget. In February 1999, the first Crimean Tatars received Ukrainian passports and citizenship. [1a]

4.21 The 2002 elections to the Supreme Council followed a similar pattern to the national ballot, with the communists returning just 28 representatives to the 100 seat Council. Kunitsyn's bloc achieved 39 seats while ethnic Crimean Tartars improved their representation with 7 seats. [19] Leonid Hrach's re-election to the Supreme Council was declared invalid due to violations of election legislation during the campaign. Hrach refused to participate in the re-run pending the outcome of his appeal to the Ukraine Supreme Court against the annulment. [20]

5. STATE STRUCTURES

THE CONSTITUTION

5.1 The Constitution of the Republic of Ukraine was adopted at the fifth session of its parliament, the Verkhovna Rada (Supreme Council) of Ukraine, on 28 June 1996. It replaced the Soviet-era Constitution (Fundamental Law), originally passed on 12 April 1978 but amended several times after Ukraine gained independence in 1991. [1a]

5.2 The fundamental principles of the Constitution are: the Republic of Ukraine is a sovereign and independent, unitary and law-based state, in which power is exercised directly by the people, through the bodies of state power and local self-government. The life, honour, dignity and health of the individual are recognised as the highest social value. The Constitution is the highest legal authority; the power of the state is divided between the legislative, the executive and the judicial branches. The state language is the Ukrainian language. The use and protection of Russian and other languages of national minorities, and the development of minorities' ethnic and cultural traditions is guaranteed. The state ensures protection of all forms of ownership rights and management, as well as

the social orientation of the economy. The state symbols of Ukraine, its flag, coat of arms and anthem, are established. [1a]

5.3 In addition, the Constitution declares the rights and freedoms of individuals to be unalienable and inviolable regardless of race, sex, political or religious affiliation, wealth, social origin or other characteristics. Fundamental rights, such as the freedoms of speech and association and the right to private property, are guaranteed. Citizens have the right to engage in political activity, and all individuals are entitled to work and to join professional unions to protect their employment rights. The Constitution commits the state to the provision of health care, housing, social security and education. All citizens have the right to legal assistance. Obligations of the citizenry include military service and taxes. The age of enfranchisement for Ukrainian citizens is 18 years, and elections to organs of the state are declared to be free and conducted on the basis of universal, equal and direct suffrage by secret ballot. [1a]

Citizenship and Nationality

5.4 Ukraine passed its nationality law on 8 October 1991 and published it on 14 November 1991. [23b] The law entered into force on the day of publication. According to Article 2, [23b] all persons resident in Ukraine on the date of entry into force of the law (14 November 1991), who are not nationals of another state, are considered to be Ukrainian citizens, provided they do not object to it. It is unclear if such a formulation includes temporary residents and, among others, former Soviet military personnel situated in Ukraine. [24a]

5.5 According to Article 2.2 of the law, [23b] certain persons of Ukrainian origin who were not residing in Ukraine on 14 November 1991 were able to acquire Ukrainian nationality provided that they were not citizens of another state, were born or permanently resided in Ukraine, and expressed within one year from the entry into force of the law, the desire to become a Ukrainian national. However, Ukrainians resident outside the country had to be either performing military service, studying or working abroad on behalf of the Ukrainian state in order to qualify under this provision. [24a]

5.6 Ukrainian nationality can also be obtained through birth. According to Article 13 of the law, [23b] children both of whose parents are Ukrainian nationals automatically acquire the nationality of their parents, regardless of the place of birth. This is also the case for children of a Ukrainian national and a stateless or unknown person (Article 14.3 [23b]). Children of a Ukrainian national and a foreign national acquire Ukrainian nationality automatically, if born on Ukrainian territory. Such children may also acquire Ukrainian nationality automatically if, at the time of birth, one of their parents is permanently residing in Ukraine. In all other cases, Ukrainian nationality of the child is determined by a written declaration of both parents (Article 14 [23b]). Children of stateless persons born in Ukraine acquire Ukrainian nationality, provided that the parents are permanently resident in Ukraine (Article 15 [23b]). Nationality is automatically acquired by children of unknown parents found on Ukrainian territory (Article 16 [23b]). [24a]

5.7 Ukrainian nationality can also be acquired through naturalisation. Foreign citizens and stateless persons may apply for Ukrainian nationality if they fulfil the conditions laid down in Article 17.2. [23b] Under this provision, applicants must renounce foreign nationality, unless otherwise provided in bilateral conventions; have permanently resided on the territory of Ukraine for the previous five years; have a legal source of income in Ukraine; know the Ukrainian language as necessary "for communication"; and recognise and obey the Constitution of Ukraine. However, under Article 17.3 and 4, [23b] these requirements may be waived or softened for women married to a Ukrainian national, provided they renounce their former nationality and submit an application, or for individuals who have rendered special services to the Ukrainian state. Finally, under Article 17.2 [23b] the residence requirement does not apply to those who were born on the territory of Ukraine or who had at least one parent or grandparent that was born on that territory and who are not citizens of other states. [24a]

5.8 The US State Department report 2003 (February 2004) reported that "A 2001 Citizenship Law provides the right to citizenship to all individuals who were born or lived in the country before independence and to their descendants who lived outside the country as of November 1991. Dual citizenship is not recognized. Under the terms of the Citizenship Law, refugees may acquire citizenship if they have lived legally in the country for 3 years (instead of 5 years for other foreigners) and can communicate in the Ukrainian language. Refugees do not have to formally terminate foreign citizenship with their home country unless the Government has signed a specific agreement with that country mandating such a procedure; they must only notify the authorities of their rejection of foreign citizenship." [10b] (p22)

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POLITICAL SYSTEM

5.9 According to the US State Department report 2003 (February 2004) "Ukraine is a mixed presidential and parliamentary republic governed by a directly elected President, a Prime Minister who heads a Cabinet of Ministers, and a unicameral Parliament (Rada). The Prime Minister is nominated by the President and approved by the Rada. The cabinet is nominated by the Prime Minister and approved by the President, but generally is under the President's direction." [10b] (p1)

5.10 The US State Department report continued "The March 2002 parliamentary elections were an improvement over previous elections in some respects, but important flaws persisted. Presidential elections in 1999 failed to meet a significant number of election-related commitments to the Organization for Security and Cooperation in Europe (OSCE). Presidential elections are scheduled for October 2004. By-elections and local elections during the year [2003] revealed serious shortcomings." [10b] (p1)

5.11 Ukraine is a unitary state, divided for administrative purposes into 24 oblasts (provinces), one Autonomous Republic (Crimea), and two metropolitan areas (Kiev and Sevastopol). The Constitution guarantees local self-government to regions, cities, settlements and villages. [1a]

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JUDICIARY

5.12 The US State Department report 2003 (February 2004) reported that “The Constitution provides for an independent judiciary; however, in practice, the judiciary was subject to considerable political interference from the executive branch and also suffered from corruption and inefficiency... The Presidential Administration also reportedly continued the practice of telephoning justices directly to influence their decisions.” [10b] (p8-9)

5.13 The report continued “In a report to the Rada on April 18 [2003], the Ombudsman for Human Rights stated that judicial reform has not improved individuals' ability to protect their rights in court. The judiciary remains underfunded, overburdened, and inefficient. In 2002, the Office of the Ombudsman received approximately 270,000 appeals, half of which concerned the denial of judicial protection. Almost half of the lawsuits that were considered by the courts were significantly delayed.” [10b] (p9)

5.14 The International Helsinki Federation report (2004) reported that “A positive development in the judicial system in 2003 was the fact that for the first time courts began to refer to international human rights conventions ratified by Ukraine when announcing verdicts. In the provinces, however, progress towards such practice was very slow.” [5b] (p5)

5.15 However, the International Helsinki Federation report (2004) also reported that “The most common problem in the work of courts was passing sentences that were based on “evidence” obtained under torture or other forms of psychological and physical violence.” [5b] (p7)

Court structure/ reforms

5.16 According to the US State Department report 2003 (February 2004) “Legislation enacted in 2001 and 2002 introduced important reforms to the court system. The amendments provided for a unified system of courts consisting of a Constitutional Court, a system of courts of general jurisdiction that includes the Supreme Court and specialized commercial (formerly arbitration) courts, and military courts. [10b] (p9)

5.17 The International Helsinki Federation report (2004) reported that “The 2001 changes to the Criminal Procedure Code stripped the defense of the few rights it had enjoyed. In reality, courts had turned into yet another body of investigation and had lost the very essence of their role—the objective treatment of all parties to a case.” [5b] (p6)

5.18 The US State Department report 2003 (February 2004) reported that “In February 2002, the Parliament passed a Law on the Judicial System of Ukraine, which the Government began implementing in the last half of the year. While the law helped modernize the judicial system, some observers contended that it granted excessive authority to the President.” [10b] (p9)

5.19 The US State Department report continued “The law created a new State Judicial Administration (SJA), independent of the Ministry of Justice, to act as a central executive body overseeing the administration, including the finances, of the judicial system. Under the new law, the President also has the authority, with the agreement of the Ministry of Justice and the Chair of the Supreme Court or of a corresponding higher specialized court, to establish and abolish courts of general jurisdiction.” [10b] (p9-10)

The Constitutional Court

5.20 According to the US State Department report 2003 (February 2004) “The Constitutional Court consists of 18 members appointed for 9-year terms in equal numbers by the President, the Parliament, and the Congress of Judges. The Constitutional Court is the ultimate interpreter of legislation and the Constitution, and it determines the constitutionality of legislation, presidential edicts, cabinet acts, and acts of the Crimean Autonomous Republic. The President, at least 45 Members of Parliament, the Supreme Court, the Ombudsman, and the Crimean legislature may request that the Constitutional Court hear a case. Citizens may apply to the Constitutional Court through the Ombudsman, who started to exercise this right in selected cases. In some limited cases, the Constitutional Court can interpret law for individual citizens, when the applying citizen provides compelling proof that a constitutional provision was violated or that different government bodies interpreted it differently.” [10b] (p10)

5.21 The report continued “Many local observers regarded the Constitutional Court as the country's most independent judicial body. Human rights groups stated that the Constitutional Court generally maintained a balance of fairness. However, other observers continued to charge pro-presidential bias based on a number of decisions passed during the year. For example, on April 10 [2003], the Constitutional Court declared that parliamentarians do not have the right to unimpeded access to the President. This ruling was passed after a 2002 overnight vigil at the presidential administration by a group of opposition parliamentarians demanding an urgent audience with President Kuchma.” [10b] (p10)

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LEGAL RIGHTS/DETENTION

5.22 The US State Department report 2003 (February 2004) stated that “The Constitution prohibits arbitrary arrest and detention; however, arbitrary arrest and detention remained problems.” [10b] (p6)

5.23 The report continued “The law provides that authorities may detain a suspect for 3 days without a warrant, after which an arrest order must be issued. The courts may extend detention without an arrest warrant for an additional 10 days. Suspects who believe that further investigation may lead to their immediate exoneration may petition the court for an additional 15-day detention. The law further provides that pretrial detentions may not last more than 2 months. In cases involving exceptionally grave offenses, the Prosecutor General may petition a judge of the Supreme Court to extend the period of detention to 18 months. The law does not limit the aggregate time of detention before and during a trial. The law permits citizens to contest an arrest in court or appeal to the prosecutor.” [10b] (p7)

5.24 The report further states that “The Constitution requires that officials notify family members immediately concerning an arrest, but they often did not do so in practice.” [10b] (p7)

Right to legal advice

5.25 The US State Department report 2003 (February 2004) reported that “The law stipulates that a defense attorney must be provided without charge to an indigent detainee from the moment of detention or the filing of charges, whichever comes first... Although the concept of providing attorneys from the state system exists in principle, public attorneys often refused to defend indigents for the low government fee. While in custody, a suspect or a prisoner is allowed by law to talk with a lawyer in private; however, human rights groups reported that prison or investigative officials occasionally denied the client-attorney privilege.” [10b] (p8)

5.26 The International Helsinki Federation (2004) reported that “The police often interrogated detainees without the presence of their lawyers. Effective defense was also obstructed by the fact that barristers had no access to investigation materials until the prosecution had referred the case to trial and the trial had begun (article 240 of the Criminal Procedure Code).” [5b] (p6)

5.27 According to the US State Department 2003 (February 2004) “To protect the defendant, each investigative file must contain a document signed by the defendant attesting that the charges against him, his right to an attorney, and his right not to give evidence against himself or his relatives have been explained to him. An appeals court may dismiss a conviction or order a new trial if this document is missing. As defendants increasingly became aware of their rights, they insisted on observance of these procedures; however, many persons remained unaware of these safeguards.” [10b] (p8)

Right to a fair trial

5.28 According to the US State Department report 2003 (February 2004) “The Constitution includes procedural provisions to ensure a fair trial, including the right of suspects or witnesses to refuse to testify against themselves or their

relatives; however, pending the passage of legislation to implement these constitutional provisions, a largely Soviet-era criminal justice system remained in place, which limited these rights.” [10b] (p10)

5.29 The report continues “Under the existing court system, cases are decided by judges who sit singly, occasionally with two public assessors (lay judges or professional jurors with some legal training), or in groups of three for more serious cases. The Constitution provides for public adversarial trials, including a judge, public assessors, state prosecutor, defense, and jury (when required by law). With some exceptions, these requirements were respected in practice. The 2001 legislative amendments provide for a jury system; however, this system has not yet been implemented.” [10b] (p10)

Death Penalty

5.30 In February 2000, the Rada passed amendments to the Criminal Code, which abolished the death penalty in Ukraine and signed a special protocol of the European Convention on Human Rights to this effect on 3 May 2002. [47] Crimes previously punished by the death penalty are now punishable by life imprisonment. [14a]

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INTERNAL SECURITY

5.31 According to the US State Department report 2003 (February 2004) “There are two principal security agencies, which share responsibility for internal security: The Security Service of Ukraine (SBU), which is responsible for intelligence gathering and the Ministry of Internal Affairs, which controls the various police forces. [10b] (p1)

5.32 The report further stated that “The armed forces largely remained outside of politics; however, government agencies interfered indirectly in the political process through criminal and tax investigations of politicians, journalists, and influential businessmen. Civilian authorities generally maintained effective control of the security forces.” [10b] (p1)

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PRISONS AND PRISON CONDITIONS

5.33 The US State Department report 2003 (February 2004) reported that “According to authorities, as of November [2003], the prison population was 186,982 persons, including 146,319 in prisons and 40,663 in remand centers. Many of the individuals in pretrial confinement were charged with serious violent crimes.” [10b] (p8)

5.34 The US State Department further reported that “Men and women were held in separate facilities, and juveniles were held separately from adults. Additionally, pretrial detainees were always held separately from convicted prisoners.” [10b] (p5)

5.35 The International Helsinki Federation report (May 2003) stated that “There were a total of 180 regular detention facilities in the country, including 43 pre-trial isolators (SIZOs), 131 labour colonies (VTKs), and 11 juvenile penal institutions for prisoners under the age of 20 (ten for boys and one for girls). All these facilities were supervised by a special government department charged with monitoring detention conditions.” [5] (p7)

5.36 According to the US State Department report 2003 (February 2004) “Prison conditions remained harsh and life threatening... According to complaints received from the Office of the Ombudsman and human rights NGOs, prison officials intimidated and mistreated inmates. Due in part to severe economic conditions, prisons and detention centers were severely overcrowded and lacked adequate sanitation and medical facilities. Almost 25,000 individuals reportedly were held in prison cells with neither windows nor toilets.” [10b] (p5)

5.37 The International Helsinki Federation report (2004) reported that “ Ukrainian detention facilities were overcrowded. There were 45,000 pre-trial detainees while the official capacity of the facilities was only 36,000 places. Due to lack of beds in overcrowded cells, detainees often had to sleep in turn.” [5b] (p8)

5.38 The IHF report continued “It was estimated that 9,900 of the total of approximately 200,000 prisoners in all facilities were ill with tuberculosis. All diseases spread fast, speeded up by the fact that healthy persons were sometimes kept together with infected inmates.” [5b] (p8)

5.39 The US State Department report 2003 (February 2004) reported that “According to the State Department for Execution of Punishments, during the year [2003] there were 696 deaths in prison and 130 deaths in detention facilities (compared to a combined total of 1,381 in 2001), many due to harsh conditions. Officials attributed this reduction in the number of prison deaths to a concerted effort to improve prison conditions, including health care and nutrition.” [10b] (p2)

5.40 The BBC reported in October 2003 that one prisoner was beaten so badly by the guards that his feet had to be amputated. The prisoner is believed to have been attacked after refusing to obey his wardens’ instructions. The attack is under investigation by the prosecutor-generals office and the guards are under investigation for abuse of authority. [12g]

5.41 Amnesty International’s Annual report on the Ukraine (May 2004) reported that “In April [2003] the European Court of Human Rights ruled in favour of six men held on death row in various Ukrainian prisons in the 1990s who had lodged complaints about the cruel, inhuman and degrading conditions of their detention.” [2b] (p1)

5.42 The US State Department report 2003 (February 2004) reported that “According to human rights groups, a reorganization of the Penal Department to ensure greater independence of the penal system did not affect the Department's practices, and there was little civilian oversight of its activities... According to prison authorities, no criminal proceedings involving torture or mistreatment of prisoners were opened during the year [2003] and no employee of the penitentiary system was disciplined for improper treatment of detainees. [10b] (p6)

5.43 The US State Department further stated that “Prisoners were permitted to file complaints with the Ombudsman about the conditions of detention, but human rights groups reported that they were punished for doing so... The Ombudsman continued to draw attention to the state of the penitentiary system by visiting prisons and raising prison-related issues in public. Following a visit to a detention facility in Crimea, officials built a courtyard to provide inmates, who previously were unable to exercise out of doors, with an area where they could engage in physical activity.” [10b] (p6)

5.44 According to the US State Department report 2003 (February 2004) “In 2001, the Rada ratified the first and second protocols of the European Convention on Prevention of Torture, which mandates the inspection of prisons by international observers. While conditions remain below international standards, the media reported that monitors of the Council of Europe (COE) left with “a good impression” after their visit to prisons in the Zaporizhzhya Oblast. Additionally, a new pretrial facility has been built in Kharkiv, which reportedly meets European standards, and several cells with modern comforts were offered in a detention center in Dnipropetrovsk.” [10b] (p6)

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MILITARY SERVICE

5.45 According to Europa publication – Eastern Europe, Russia and Central Asia 2004 military service in Ukraine is compulsory for males over eighteen years of age, for a period of 18 months in the ground forces and air forces, and two years in the navy. [1b] (p539) The upper age limit for conscripts is 25 years. [21a] The armed forces are gradually reducing the number of conscripts so as to reduce the overall number of servicemen by one third by 2005. [22]

5.46 Conditions for conscripts and other military personnel have caused concern. [16b] According to the US State Department report 2003 (February 2004) “Human rights groups stated that soldiers continued to be killed during violent hazing events, although officials denied that any servicemen had died because of physical violence. During the first 4 months of the year [2003], 32 soldiers died of unnatural causes... Death by hazing was frequently described as suicide. According to official statistics, in 2002, 29 military personnel, including 13

conscripts, committed suicide. It is unknown whether any were driven to suicide by violent hazing.” [10b] (p2)

5.47 The US State Department further reported that “On January 20, [2003] conscript Oleh Tkachuk allegedly committed suicide by jumping out of a second-floor window. Relatives believe he was beaten to death and thrown out of the window. Tkachuk's arms, nose, skull, and a finger had been broken; his hands had needle prick marks; his body had no cuts from the broken glass. Other soldiers reported that Tkachuk had been subject to violent hazing and that senior soldiers had raped him. However, the Association of Soldiers' Mothers reported that a military investigation into the incident concluded that Tkachuk's death was a suicide, and it would be unnecessary to open a criminal case in connection with his death.” [10b] (p2)

Conscientious Objectors & Deserters

5.48 A law on alternative service was adopted by the Rada in December 1991. [23a] It allows people who object to military service on religious grounds to “perform works for the public good” instead. At present, the percentage of males allowed to undertake alternative military service is low, at around the region of between 1.2 and 1.5%. [16b] In March 1999, an amendment to the alternative service law reduced the period of alternative service from 36 months (24 for those with a full higher education) to 27 months (18 months for those with a full higher education and a master's degree, or specialists). Alternative service can be undertaken only when the authenticity of an individual's religious convictions has been established by a military commission. [21a]

5.49 Draft evasion, which became a common feature in Ukraine following independence in 1991, has since become widespread. This reflects less fear of the consequences on the part of draft evaders in a country more democratic and aware of human rights, and their belief that the newly-formed Ukrainian military machine is less able than its Soviet predecessor to punish them. In theory, males avoiding military recruitment can be sentenced to up to three years' imprisonment. However, in July 1993, media reports cited a study, commissioned by the Ukrainian Procurator General, which predicted that only one-third of conscription aged men would actually serve in the Ukrainian armed forces. The study also revealed that evasion of military service; failure to turn up for military registration and absence without leave had become “unprecedentedly widespread.” It stated that very rarely were officials and citizens of call-up age punished for violating the law. The study criticised existing legislation, and the Procurator General urged the Ukrainian Minister of Defence to take necessary measures. [16b]

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MEDICAL SERVICES

5.50 According to the International Organisation for Migration (October 2002) "Ukraine has retained much of the Soviet-style system of social welfare and free medical care, financed by the government. However, the country's economic crisis has had a catastrophic impact on these services. Hospitals are deteriorating, doctors are poorly paid, and medicine and equipment are in short supply." [11] (p2)

5.51 The World Health Organisation (2002) reported that the Ukraine is considered a low-income group country based on criteria used by the World Bank in 2000. According to the World Health Organisation in 2000 the proportion of health budget to GDP was 5.6%. The life expectancy at birth is 64.4 years for males and 74.4 years for females. [4] (p1)

5.52 According to the US State Department report 2003 (February 2004) "Health care was provided equally to girls and boys, but economic problems worsened the overall quality of the health care system." [10b] (p27)

Cost of Treatment

5.53 According to the International Organisation for Migration (October 2002) "State and communal health protection institutions provide medical care free of charge for all Ukrainian citizens but due to constant insufficient funding too often a state medical treatment is on unacceptable level. Free of charge medical care is financed by money collected as a compulsory social insurance that is a part of tax system of Ukraine. Private medical treatment and private health insurance are also available." [11] (p3)

HIV/AIDS

5.54 The United Nations Programme on AIDS/HIV (December 2003) stated that the Ukraine has the highest prevalence of HIV among the CIS countries at an estimated one percent of the population. The first HIV cases were detected in 1987. Since 1995, the virus has spread dramatically, mainly due to HIV transmission among infected drug users. Ukraine succeeded in receiving a 'global fund to fight AIDS, TB, and Malaria' grant of \$92 million. In addition a loan of \$60 million for 'accelerated access to treatment' was signed by the World Bank in April 2003. [3] (p1)

5.55 The report further stated that "In 2002 the Ukrainian authorities spent \$2.1 million from the national budget and \$2.98 million from the local administrative budgets on AIDS/HIV and the law on HIV/AIDS Prevention which has been developed is one of the most progressive in the region." [3] (p4)

People with Disabilities

5.56 According to the US State Department report 2003 (February 2004) “The law prohibits discrimination against persons with disabilities; however, the Government did little to support programs designed to increase opportunities for persons with disabilities... Advocacy groups for persons with disabilities maintained that there was societal discrimination against such persons. In an effort to improve public perception of them, the Government made significant efforts to raise the profile of athletes with disabilities participating in international competitions, including the Winter Paralympics in March 2002. The law mandates access to buildings and other public facilities for persons with disabilities; however, the law was poorly enforced.” [10b] (p28)

Mental Health

5.57 The World Health Organisation (2002) reported that “The provision of psychiatric care, with its planning and financing on the national level, are implemented by the Department on Disease Treatment and Prevention of the Ministry of Public Health of Ukraine. In the structure of the department, there is a working group, consisting of specialists: chief psychiatrist, chief child psychiatrist, chief psychotherapist, and chief forensic psychiatrist. Currently, the most important problem for this working group is to develop a “Conception of Mental Health Care in Ukraine”. Throughout the country, there are similar working groups, consisting of the leading specialists in the field of mental health within each region. In addition, there is a problem-solving commission within the structure of the Ministry of Public Health. Its main goal is to plan the directions of further scientific studies in the field of psychiatry.” [4] (p2)

5.58 The report further stated that “There is a Law on Psychiatric Care. This was the first time in the history of the independent Ukrainian State that consideration was given by the supreme legislative body to a draft of a law by a non-governmental professional organisation.” [4] (p1)

5.59 In addition the World Health Organisation (2002) stated that there are a number of Non-Governmental Organisations (NGOs) involved in the following areas of mental health advocacy, promotion, prevention, treatment and rehabilitation. The Ukraine has specific programmes for mental health for disaster-affected populations and children. [4] (p2)

5.60 The report continued “There are some 9.6 psychiatric beds per 10,000 people in the Ukraine with the majority of these being in mental hospitals. There are 87 psychiatric hospitals in Ukraine and 8.4 psychiatrists per 100,000 people. Training of psychiatric nurses has been developed at Kiev and training of social workers has been begun at the Kiev-Mogila Academy. In total there are 34 psychiatric nurses and 13 neurologists fully trained in the Ukraine. There are some polyclinics, which take care of ambulant psychiatric patients, but no other psychiatric institution exists.” [4] (p1-2)

5.61 The World Health Organisation (2002) listed the following therapeutic drugs as being generally available at the primary health care level of the country.

Carbamazepine
Ethosuximide
Phenobarbital
Phenytoinsodium
Sodium Valproate
Amitriptyline
Chlorpromazine
Diazepam
Fluphenazine
Haloperidol
Lithium
Levodopa

Note: In place of Biperiden, which is not generally available, other anti-Parkinson drugs are used. [4] (p2)

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EDUCATIONAL SYSTEM

5.62 The US State Department report 2003 (February 2004) reported that “Education was free, universal, and compulsory until the age of 15; however, the public education system has deteriorated as a result of the Government's financial disarray... Increasing numbers of children from poor families dropped out of school, and illiteracy, which previously was very rare, became a problem. Of the nearly 6.5 million children attending school during the 2002-03 school year, 3.2 million were girls and 3.3 million were boys. Official statistics on the proportion of school-age children attending school were not available at year's end; however, according to a Ministry of Education sponsored organization, Vseobuch, more than 8,000 school-age children did not attend school.” [10b] (p27)

5.63 The report continued “The All-Ukrainian Committee for the Protection of Children reported that lack of schooling remained a significant problem among the rural population. The problem of growing violence and crime in and outside of schools persisted, particularly in the notoriously violent vocational schools.” [10b] (p27)

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6. HUMAN RIGHTS

6a. HUMAN RIGHTS ISSUES

Overview

6.1 According to the US State Department report 2003 (February 2004) “The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained... Members of the security forces committed human rights abuses. The extent to which the authorities were complicit or acquiescent in these abuses was uncertain.” [10b] (p1)

Torture

6.2 According to the US State Department report 2003 (February 2004) “The Constitution prohibits torture; however, police and prison officials regularly beat detainees and prisoners, and there were numerous reports of torture. An October 2002 report by the European Committee for the Prevention of Torture (CPT) stated that individuals ran a significant risk of physical mistreatment while in prison or police custody. Alleged mistreatment included beatings, the use of electric shocks, pistol whippings, and asphyxiation.” [10b] (4)

6.3 In its April 2004 report Freedom House stated that “Ukraine has a broad range of de jure protections. The constitution and laws of Ukraine prohibit arbitrary arrest, detention without trial, and torture. In addition, Ukraine has signed and ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, under which it is obligated to investigate allegations of torture and apply appropriate penalties.” [26] (p3)

6.4 “However,” Freedom House also reported that “law enforcement officials continue to use torture against prisoners and detainees, who are frequently beaten in order to force confessions that are used against them in court. Allegations of torture are not systematically or consistently investigated.” [26] (p3)

6.5 Amnesty International reported in May 2004 that “Torture and ill-treatment remained widespread in Ukraine.” [2b] (p1)

6.6 The Amnesty Report continued “In April [2003] the National Human Rights Ombudsperson, Nina Karpachova, stated in her annual report to the Ukrainian parliament that in the previous two years around 12,000 individuals had alleged that they had been tortured or ill-treated, most commonly in the context of interrogation for the purpose of extracting a confession. Detainees had been beaten by police officers, painfully suspended by their handcuffed hands, suffocated using plastic bags or gas masks, and subjected to electro-shock torture. As a result many detainees had suffered serious injury; some had died as a result.” [2b] (p1)

6.7 The International Helsinki Federation for Human Rights report (2004) reported that “According to a survey carried out among police officers by the Internal Affairs Academy of Ukraine, most officers stated that the use of torture was acceptable. Thirty percent stated that torture was commonly used, 36% said that it was used sometimes, 33% said very seldom, and only 3.5% insisted that torture was never used.” [5b] (p8)

6.8 The US State Department 2003 (February 2004) reported that “Although human rights groups did not receive specific reports that special militia detachments known as Berkut (‘Golden Eagles’) tortured and beat inmates as part of regular training exercises, they believed that the practice continued.” [10b] (p4)

Prosecution of state officials accused of ill-treatment

6.9 The US State Department report 2003 (February 2004) reported that the “Authorities made some effort to end abuses, including disciplinary action against law enforcement authorities who committed abuses. According to authorities, as of May 1 [2003], there were 246 criminal cases considered against 272 police officers, including 128 cases for exceeding authority and 53 cases for abuse of authority. Of that number, 48 criminal cases were opened. As of June [2003], 27 former police officers were convicted and 1,225 were fired. Over a 4-year period ending in June [2003], 400 law enforcement officers faced criminal charges for violence against detainees, and 168 were convicted. [10b] (p6-7)

6.10 The International Helsinki Federation report (2004) reported that “Article 127 of the Criminal Code prescribed punishment for the use of torture, but it was not implemented: not a single police officer had been found guilty under this article by July 2003. If a police officer was charged with torture, as a rule he would, at the most, be found guilty of misconduct. Such crimes carried a much more lenient punishment than torture.” [5b] (p8)

Extra-judicial executions

6.11 According to the US State Department report 2003 (February 2004) “There were no confirmed reports of political killings; however, six individuals, two in police custody, died under suspicious circumstances, and unidentified assailants killed one opposition party member.” [10b] (p2)

Disappearances

6.12 According to the US State Department report 2003 (February 2004) “There were no reports of politically motivated disappearances [during 2003].”

6.13 However, the US State Department reported that “The Kirovohrad Oblast police continued to investigate the 2002 disappearance of Oleksandr Olynyk, an election monitor from the NGO Committee of Voters of Ukraine (CVU), who disappeared from Kirovohrad approximately 1 week after the March 2002 elections... There was no indication of progress regarding the November 2002 disappearance of Andriy Tatarчук, Vice Chairman of the Reforms and Order Party of Odesa (Our Ukraine Bloc) and former city council candidate.” [10b] (p4)

Ombudsman for Human Rights

6.14 According to the US State Department report 2003 (February 2004) “The Parliamentary Commissioner on Human Rights is a constitutionally mandated, independent human rights Ombudsman. The incumbent was

reelected on June 19 [2003] to a second 5-year term. The law provides the Ombudsman with unrestricted and unannounced access to any public official, including the President; unrestricted access to any government installation; and oversight of the implementation of human rights treaties and agreements to which the country is a party; however, the law provides no penalties for those who obstruct the Ombudsman's investigations, nor does it create sufficient enforcement authority for the Ombudsman." [10b] (p25)

6.15 The US State Department report 2003 (February 2004) reported that "All citizens and residents can address their concerns to the Ombudsman, and the Ombudsman serves as an intermediary between citizens and the Constitutional Court, since citizens cannot address the Court directly... In 2002, the Ombudsman's office reported that it had received approximately 270,000 letters and other requests for information from individuals during the year. It is unclear how many of those requests were complaints of human rights violations. The office consisted of approximately 100 full- and part-time workers; however, according to the Ombudsman, underfunding of the office continued to hamper its activities." [10b] (p25)

6.16 The report continued "During the 5 years ending in July [2003], the Office of the Ombudsman received more than 12,000 reports of torture. The Ombudsman also maintained that detainees who were unable to pay a deposit for meals went hungry and that this qualified as another form of torture. The Ombudsman actively publicized reports of such practices; however, the Ombudsman had no enforcement authority." [10b] (p4)

6.17 In addition the US state Department also reported that "On July 11 [2003], the Parliament passed a law on amendments to the Law on Administrative Violations. The law states that non-compliance by state officials with regulatory requirements of the human rights Ombudsman, Audit Chamber, or a national deputy, or the creation of impediments to their work, may result in the imposition of fines. The law codified existing authorities; it was unclear at year's end [2003] whether it had had any effect on the role of the Ombudsman." [10b] (p7)

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FREEDOM OF SPEECH AND THE MEDIA

6.18 According to the US State Department report 2003 (February 2004) "The Constitution provides for freedom of speech and of the press; however, authorities often did not respect these rights in practice. During the year [2003], the authorities took a direct role in instructing the media on events and issues it should cover and how they should be covered. The authorities continued to interfere with news media by intimidating journalists through the use of libel laws, although this practice declined in comparison with the previous year [2002], by license revocations, and by investigations on tax matters. They continued to take steps to strengthen their control over the broadcasting sector." [10b] (p12)

6.19 The report further stated that the “Authorities did not generally respect freedom of speech, and there were numerous instances when they impeded citizens’ right to express their opinions. This interference often took the form of direct intervention, such as the confiscation of opposition newspapers and pamphlets and the refusal to provide television or radio airtime to opposition members. Additionally, freedom of speech was restricted through indirect means, such as influencing publishing houses to refuse or limit the publication of materials critical of the authorities.” [10b] (p13)

6.20 Amnesty International’s annual report on Ukraine (May 2004) stated that “Widespread concerns about freedom of the media persisted.” [2b] (p2)

6.21 The International Helsinki Federation report (2004) reported that “Article 34 of the Constitution protected the right to freedom of expression and information and article 15 prohibited censorship. Restrictions on these rights, however, were excessively wide and there were no provisions specifying that these limitations were only legitimate when “necessary in a democratic society,” as required by the European Court of Human Rights (ECtHR). [5b] (p1)

6.22 The IHF also reported that “Under international pressure and protests at the national level, several pieces of legislation were re-considered or adopted during 2003. On 28 April [2003], President Kuchma signed the Law On the Insertion of Changes to Certain Laws of Ukraine which Guarantee Unimpeded Use of the Human Right of Freedom of Speech. The law was originally drafted by civil society and, despite some negative changes made during the parliamentary process, it introduced several positive provisions. These included article 47(1) of the Law “On Information, and on Exemptions from Liability,” which states that “nobody should be sued for the expression of value-judgements” and that “value-judgements shall not be proven.” [5b] (p2)

6.23 However, the IHF report continued “Article 277 of the new Civil Code of Ukraine, which came into force on 1 January 2004, establishes that ‘negative information disseminated about a person shall be considered false.’ ‘Negative information’ is to be understood as any form of criticism or description of a person in a negative light. This provision is not only a clear breach of the right to freedom of expression but also turns reality on its head: something that is true but negative will be considered false” [5b] (p2)

Newspapers and television

6.24 The US State Department report 2003 (February 2004) reported that “According to the website of the State Committee on Television and Information Policy, there were 17,371 registered print publications and 800 television broadcasters in the country. Despite government pressure and media self-censorship, the numerous newspapers and periodicals on the market, each espousing the view of its respective sponsor, provided a variety of opinions...Foreign newspapers and periodicals circulated freely” [10b] (p13)

6.25 However, the International Helsinki Federation report (2004) reported that “While Ukraine had a large number of print and electronic media outlets, there was little variety of opinions and views. State-run media was under strict state control and private media outlets were mostly owned by oligarchs closely linked to governmental structures.” [5b] (p2)

6.26 According to the IHF report (2004) “The government directly interfered in the operation of the media in the form of issuing “guidelines” for reporting known as *temnyky*. These were reportedly sent to media outlets on a regular basis from the Information Policy Department of the Presidential Administration. *Temnyky* included recommendations on the content of news programs mainly on key national television and radio stations but also in print media... *Temnyky* were normally sent by fax on papers without a letterhead and consisted of eight to ten pages in Russian containing instructions on the week’s political news.” [5b] (p2-3)

Internet

6.27 The US State Department report 2003 (February 2004) reported that “On 19 August [2003], under the influence of the Ukrainian intelligence services, the government introduced a draft law to parliament, which aimed at legalizing the registration and interception of Internet and telephone telecommunications. Officially, this draft law was intended to introduce telecommunications surveillance in order to fight crime. On 17 July [2003], the state telecommunications commission HAD, however, asked telecom operators and Internet service providers (ISPs) to install equipment to monitor all traffic they handled. [5b] (p4)

6.28 The report continued “On 18 November 2003 there was a first reading in parliament of a draft law on computer domain use. The text leaves wide scope for interpretation and gives the authorities new judicial means to censor online publications.” [5b] (p4)

Journalists

6.29 Reporters Without borders reported (May 2004) that “Press freedom in Ukraine is still a serious concern. Physical attacks against investigative journalists increased alarmingly throughout the country. At least 11 journalists were assaulted in 2003 while investigating corruption implicating regional authorities or challenging local officials. Some police investigations brought quick results but victims often complained of their lack of openness. Two journalists died in particularly dubious circumstances but as of 1st January 2004, there was no firm evidence that they were murdered.” [6f] (p1)

6.30 The International Helsinki Federation report (2004) reported that “Government officials typically withheld information of public interest from critical journalists on various grounds and many were denied entry to important meetings and press conferences. Obstacles to accreditation were frequent. What was more, there were numerous cases of physical attacks on journalists and

several were killed under suspicious circumstances. According to the International Press Institute (IPI), 18 journalists have been murdered in Ukraine since it became an independent republic in 1991...Criticism of the president was especially dangerous" [5b] (p3)

6.31 Reporters Without Borders reported a number of incidents involving journalists in 2003. In July 2003 an opposition journalist was killed in a road crash, he had previously stated in October 2001 that he feared he would be killed because of his journalistic activities, probably in a staged road accident. [6b] In August 2003 an online journalist was assaulted by unknown assailants as he left a café in the eastern town of Donetsk, this was the second online journalist to be assaulted in less than a month. [6c]

6.32 Reporters Without Borders reported that on the on 3 October 2003 the Ukrainian newspaper Moloda Galychyna's offices were ransacked. Half a dozen unknown men broke into the premises of the paper, which is close to the ruling Ukraine Social Democratic Party, in the western city of Lviv and smashed all its computers with an axe. They then scattered a substance around the offices that later made two people ill and they had to be taken to hospital. The Ukrainian Institute of Mass Information (IMI) press freedom organisation said the attackers tried unsuccessfully to set fire to the offices before fleeing. Lviv police launched an enquiry into the episode. [6d]

6.33 Reporters Without Borders also reported that the editor of an the online newspaper Ukraina Kryminalna Oleg Elstov was attacked for the second time in six months on the 12 January 2004. He was shot twice by rubber bullets by one or two men who later escaped in a car. [6e]

6.34 According to a press release from Organisations for Security and Co-operation in Europe (OSCE) on 9 July 2003 the Ukrainian Parliament adopted a law that also allows for the detention of journalists suspected of revealing State secrets. The OSCE Representative on Freedom of the Media, Freimut Duve, expressed dismay over the decision, which he believed would effectively outlaw the protection of journalists' sources and give excessive power to the Ukrainian secret service. [7]

6.35 The OSCE press release also reported that the law also provides for the Ukrainian secret service to arrest journalists who have been investigating issues related to state secrets and who intend to publish this information. [7]

Heorhiy Gongadze

6.36 According to the US State Department report 2003 (February 2004) "The 2000 killing of journalist Heorhiy Gongadze remained unresolved, although it continued to be a subject of active domestic and international interest, including continuing accusations that senior officials in the Government were implicated.

Gongadze's decapitated body was identified in November 2000, after his disappearance 2 months earlier.” [10b] (p3)

6.37 The report continued “The Government asserted that it was conducting a full-scale investigation into Gongadze's disappearance, but members of the media and the public seriously criticized the Government's handling of the case, while others accused the President and other senior officials of complicity. An audio recording allegedly existed that contained conversations between President Kuchma and other senior government officials discussing the desirability of Gongadze's removal. One other recording, allegedly from the same source, had been judged to be authentic. Officially the investigation of Gongadze's killing remained ongoing at year's end [2003].” [10b] (p3)

6.38 The US State Department report 2003 (February 2004) stated that “Former Prosecutor General Svyatoslav Piskun had declared the resolution of this case a major priority when he was appointed in 2002, and an evaluation of the investigation by the Council of Europe released in May [2003] concluded that his efforts had been sincere and in conformity with general standards in democratic societies.” [10b] (p3)

6.39 However, the report continued “In October [2003], the former head of the Interior Ministry's Department of Criminal Intelligence, Oleksiy Pukach, was arrested in connection with the killing of Gongadze. However, Piskun was fired on President Kuchma's orders on October 29 and Pukach was subsequently released. Piskun had been involved in a number of politically sensitive prosecutions; however, some observers concluded that his dismissal was linked to his aggressive prosecution of the Gongadze case.” [10b] (p3)

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FREEDOM OF RELIGION

6.40 The US State Department report on Religious Freedom (December 2003) reported that “The 1996 Constitution and the 1991 law on Freedom of Conscience provide for freedom of religion, and the Government generally respects these rights in practice; however, there were some problems at the local level, often as a result of local officials taking sides in conflicts between religious organizations. Religious groups of all beliefs flourished; however, some local officials at times impeded attempts by minority and nontraditional religions to register and to buy or lease property.” [10a] (p1)

6.41 The report continued “The generally amicable relationship among religious believers in society contributed to religious freedom; however, there were some exceptions, particularly among leaders of rival branches of the same faith. There were isolated instances of anti-Semitism and anti-Islamic sentiments. The All-Ukrainian Council of Churches and Religious Organizations (All-Ukrainian Council) provided a forum to resolve disputes and discuss relevant legislation.” [10a] (p1)

6.42 According to the US State Department report [on International Religious Freedom] (December 2003) "The law requires virtually all religious organizations to register with the State... Each religious organization with more than 10 adult members must register its articles and statutes either as a local or national organization in order to obtain the status of a "juridical entity," necessary to conduct many economic activities including publishing, banking, and property transactions. Registration is also necessary to be considered for restitution of religious property... Denial of registration may be appealed in court. In addition to registering religious organizations, local offices of the SCRA supervise compliance with the provisions of the law." [10a] (p3)

Christianity

6.43 The US State Department report on Religious Freedom (December 2003) reported that "More than 90 percent of religiously active citizens are Christian, with the majority being Orthodox. Approximately 10 percent of the overall population are members of the Ukrainian Greek Catholic Church, sometimes known as the Uniate, Byzantine, or Eastern Rite Church. Roman Catholics claim 1 million adherents, or approximately 2 percent of the total population." [10a] (p1)

6.44 According to the report most citizens identify themselves as Orthodox Christians of one of three Churches, either the Ukrainian Orthodox Church (UOC) Moscow Patriarchate, the Ukrainian Orthodox Church (UOC) Kiev Patriarchate or the Ukrainian Autocephalous Orthodox Church (UAOC). [10a] (p1-2)

6.45 The report also stated that there are growing communities of Baptists, Seventh-day Adventists, Evangelical Christians, adherents of the Church of Jesus Christ of Latter-day Saints (Mormons), and Jehovah's Witnesses. [10a] (p1)

Judaism

6.46 The US State Department report on Religious Freedom (December 2003) reported that "According to the State Committee of Statistics, the Jewish population during the 2001 census was estimated at 103,600, although some foreign observers estimate it at 300,000. Observers believe that 35 to 40 percent of the Jewish population are active communally; there are 262 registered Jewish communities." [10a] (p2)

6.47 The European Commission against Racism and Intolerance report (July 2002) reported that "Antisemitic articles have appeared in non-mainstream press and tracts have continued to be published and distributed by extremist groups. Although in some cases the authorities have taken action to counter or prevent such occurrences - for instance the Procuracy has warned certain publishers against publishing antisemitic material - in other cases the criminal law provisions against hate speech have not been applied." [25] (p9)

6.48 Freedom House (April 2004) reported that “Ukraine has a notable record of state protection for the rights of the country’s substantial Jewish minority, and anti-Semitic acts of vandalism are generally investigated with diligence.” [26] (p5)

Islam

6.49 According to the US State Department report on Religious Freedom (December 2003) “Islam has also been practiced on the territory of the country for centuries. Sheik Tamim Akhmed Mohammed Mutach, head of the Spiritual Directorate of the Muslims of Ukraine and representative on the All-Ukrainian Council, estimated that there were as many as 2 million members of the Muslim community, although other estimates are substantially lower. There are 462 registered Muslim communities. Sheik Tamim notes that approximately 50,000 Muslims--mostly foreign--live in Kiev. Many of the country’s Muslims are Crimean Tatars... Approximately 267,000, or 12 percent, of Crimea’s population are Crimean Tatars. The leader of the Muslims of Crimea is Mufti Emirali Abalayev.” [10a] (p2)

Non-Native Religious Organisations

6.50 The US State Department report on Religious Freedom (December 2003) reported that “The law restricts the activities of ‘nonnative,’ foreign-based, religious organizations (“native religions” are defined as Orthodox, Greek Catholic, and Jewish), and narrowly defines the permissible activities of members of the clergy, preachers, teachers, and other non-citizen representatives of foreign-based religious organizations; however, in practice there were no reports that the Government used the law to limit the activity of nonnative religious organizations.” [10a] (p4-5)

6.51 The report continued “Protestant Churches have grown in the years since independence. Evangelical Baptists are perhaps the largest group, claiming over 140,000 members in approximately 2,270 communities. Other growing communities include Seventh-day Adventists, Pentecostals, Mormons, Jehovah’s Witnesses, and Evangelical Christians. There are also new communities of Lutherans, Calvinists, Anglicans, Presbyterians, Methodists, and others... As of July 1 [2003], according to the State Committee for Religious Affairs (SCRA), 39 Krishna Consciousness communities, 42 Buddhist communities, and 13 Baha’i communities were registered.” [10a] (p3)

6.52 The US State Department believes that “The growth in the numbers of communities representing nontraditional religious movements is evidence of the religious freedom in the country.” [10a] (p2-3)

6.53 The report also stated that “Although evangelical groups have expressed concerns in the past about possible government discrimination against individual believers of nonnative religions, evangelical leaders indicated that their members had reported no such discrimination during the period covered by this report.” [10a] (p5)

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FREEDOM OF ASSOCIATION AND ASSEMBLY

6.54 The US State Department report 2003 (February 2004) reported that “The Constitution and law provide for freedom of assembly; however, there were some restrictions on this right. While the Constitution requires that demonstrators inform the authorities of a planned demonstration in advance, the law on public assembly stipulates that organizations must apply for permission to their respective local administration at least 10 days before a planned event or demonstration.” [10b] (p18)

6.55 However, the US State Department reported that “In practice, unlicensed demonstrations were common: Most, but not all, occurred without police interference, fines, or detention.” [10b] (p18)

6.56 The report continued “The Constitution and law provide for freedom of association; however, there were instances when authorities impeded individuals' right to gather.” [10b] (p18)

6.57 The US State Department reports that “Groups must register with the Government to pursue almost any purpose. Unregistered groups are prohibited from opening bank accounts, acquiring property, or entering into contracts. The registration law also gives the Government the right to inspect the activities of all registered groups.” [10b] (p19)

Political Parties

6.58 According to the US State Department report 2003 (February 2004) “There were some additional restrictions on political parties. They may not receive financial support from the state or any foreign patron. In accordance with the Constitution, the law also prohibits the establishment of political parties in the executive and judicial branches, military units, law enforcement organizations, state-owned enterprises, and other public institutions; however, this prohibition often was ignored in practice. The Supreme Court reserves the right to ban any political party upon the recommendation of the Ministry of Justice or the Prosecutor General.” [10b] (p19)

6.59 The report stated that “The law requires that a political party maintain offices in one-half of the regions; however, in practice, regional parties existed. Ethnic minorities occupied leadership positions in national political parties.” [10b] (p19)

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EMPLOYMENT RIGHTS

6.60 According to the US State Department report 2003 (February 2004) “The Constitution provides for the right to join trade unions to defend ‘professional, social and economic interests;’ however, certain categories of workers, for

example, nuclear power plant employees, are prohibited from doing so. Under the Constitution, all trade unions have equal status, and no government permission is required to establish a trade union... There were both official and independent trade unions.” [10b] (p29)

Official unions

6.61 According to the US State Department 42 unions with 12 million members were affiliated with the Federation of Trade Unions (FPU) which maintained strong ties to the Government and inherited assets from the official Soviet unions. [10b] (p29-30)

Independent unions

6.62 The US State Department reported that there were 59 Independent trade unions, which provided an alternative to the official unions in many sectors of the economy. Twenty-eight of these unions were affiliated to the Confederation of Free Trade Unions of Ukraine (CFTU), while the remaining 31 were affiliated to neither the FPU nor the CFTU. It is estimated that there are 2 million members of independent unions. [10b] (p29-30)

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PEOPLE TRAFFICKING

6.63 According to the US State Department report 2003 (February 2004) “The Criminal Code imposes firm penalties for trafficking in human beings, including for sexual exploitation and pornography. Article 149 mandates 3 to 8 years in prison for trafficking. Under some circumstances--for example trafficking of minors or groups of victims--traffickers may be sentenced to prison terms from 5 to 12 years, and traffickers of minors or members of organized trafficking groups may be sentenced to terms from 8 to 15 years.” [10b] (p32)

6.64 The report further stated that “The Government improved its investigation and prosecution of suspected traffickers. According to statistics supplied by the Ministry of Interior to the IOM, 289 cases were filed against traffickers during the year, up from 169 in 2002. Since 1998, a total of 604 criminal trafficking cases were filed; these did not include cases opened under other applicable laws, such as brothel keeping, organized crime, and fraud. During the first 6 months of the year, 33 cases were prosecuted, with 15 cases fully concluded. Of these cases, 13 resulted in convictions, and 20 defendants were sentenced.” [10b] (p32)

6.65 According to the US State Department report 2003 (February 2004) “The country was a significant source and transit country for women trafficked abroad for sexual exploitation.” [10b] (p26) The report also stated that trafficking in children was also a serious problem. [10b] (p28)

FREEDOM OF MOVEMENT

6.66 As regards Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation. The US State Department report 2003 (February 2004) reported that "The Constitution provides for these rights, and the Government generally respected them in practice; however, there were some limitations." [10b] (p22)

6.67 The report further stated that "Under the law, the police have the right to stop and search a person based on a suspicion that the person has committed a criminal offense. A person suspected of committing an especially grave crime may be arrested and searched without a warrant, but the court must be informed of the arrest within 72 hours. Legislation prohibits the police from stopping vehicles and levying immediate fines; only courts subsequently had the right to impose such fines. The law had an increasing deterrent effect on the police, who no longer could legally collect spot fines after stopping vehicles for alleged traffic violations, although abuses still regularly occurred. However, the police may detain a person arbitrarily for up to 3 hours to verify identity. There were reports that police sometimes abused this right." [10b] (p12)

Travel abroad

6.68 According to the US State Department report 2003 (February 2004) "Citizens who wished to travel abroad generally were able to do so freely. Exit visas were required for citizens who intended to take up permanent residence in another country, but there were no known cases of exit visas being denied to citizens during the year [2003]. The Government could deny passports to individuals in possession of state secrets, but those denied had the possibility of appealing. [10b] (p22)

Propyska/propyska registration system

6.69 According to the US State Department report 2003 (February 2004) "In 2001, the Constitutional Court ruled that the 'propyska' mandatory registration system was unconstitutional; a new 'informational' registration mechanism was planned, but had not been implemented by year's end. Additionally, access to public services such as housing, pensions, medical care, and schooling were still based on the propyska system. In its report on the 2002 Parliamentary elections, the OSCE noted that authorities relied on the outdated propyska system to register voters, since no other system existed." [10b] (p12)

6.70 The report continued "The Government had not implemented a substitute informational register by year's end and, while fines for failing to register at a place of residence were no longer imposed, information was insufficient to determine whether individuals who had not registered had access to the social benefits that they previously had been denied." [10b] (p22)

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TREATMENT OF FOREIGNERS SEEKING ASYLUM IN UKRAINE

6.71 According to the US State Department report 2003 (February 2004) “The Law on Refugees provides for the granting of refugee and asylum status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement, but did not routinely grant refugee or asylum status. The law governs the treatment of refugees and entitles refugees to all of the benefits accorded to citizens. It also extends the term of refugee status from 3 months to 1 year. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees.” [10b] (p22)

6.72 The US Committee for Refugees World Survey 2004 reported that “At the end of 2003, Ukraine hosted about 3,100 refugees and asylum seekers in need of protection. These included about 2,900 recognized refugees and 200 asylum seekers who were registered with the UN High Commissioner for Refugees (UNHCR) whose cases are pending appeals. The majority of recognized refugees came from Afghanistan (1,500). Smaller numbers came from Armenia (200), Azerbaijan (200), Russia (200), Congo-Brazzaville (100), Georgia (100), Sudan (100), and Iraq (100).” [8] (p1)

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6B HUMAN RIGHTS –SPECIFIC GROUPS

ETHNIC GROUPS

6.73 According to the US State Department report 2003 (February 2004) “The frequent harassment of racial minorities was an increasing problem. The police routinely detained dark-skinned persons for arbitrary document checks, whereas document checks of light-skinned individuals were rare. Although the authorities disciplined police who engaged in this harassment when incidents were brought to their attention, such behavior remained common.” [10b] (p28)

6.74 The report continued “The Constitution provides for the ‘free development, use, and protection of the Russian language and other minority languages.’ This provision expanded a 1992 law on national minorities that played an instrumental role in preventing ethnic strife by allowing individual citizens to use their respective national languages to conduct personal business and by allowing minority groups to establish their own schools... According to official statistics on languages used in schools, 16,532 taught in Ukrainian, 2,215 in Russian, 97 in Romanian, 68 in Hungarian, 9 in Moldovan, 10 in Crimean-Tatar, and 3 in Polish.” [10b] (p28)

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Africans and Asians

6.75 According to the US State Department report 2003 (February 2004) “There were increased reports of racially motivated violence against persons of African

and Asian heritage. Representatives of these groups claimed that police officials routinely ignored, and sometimes abetted, violence against them.” [10b] (p28)

6.76 However, the BBC reported in January 2004 that a doctor from Pakistan was elected to head the local council in the village of Mala Lepetykha 300 miles south of Kiev. Dr Gohar graduated from a Ukrainian medical University, married a Ukrainian and settled down in Mala Lepetykha where he took over the running of the local hospital prior to his election to head the council. [12K]

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Carpathians (Rusyns)

6.77 According to the US State Department report 2003 (February 2004) “Rusyns (Ruthenians) continued to call for status as an official ethnic group in the country, noting that they are accepted as minorities in neighboring countries. Representatives of the Rusyn community have called for Rusyn-language schools, a Rusyn-language department at Uzhhorod University, and for Rusyn to be included as one of the country's ethnic groups. According to Rusyn leaders, more than 700,000 Rusyns live in the country.” [10b] (p29)

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Roma

6.78 According to the US State Department report 2003 (February 2004) “Roma faced considerable societal discrimination. Opinion polls have shown that, among all ethnic groups, the level of intolerance is highest toward Roma. Roma continued to be subject to violence and abuse by police.” [10b] (p28)

6.79 The European Commission against Racism and Intolerance report (July 2002) reported that “According to the official data, based on the 1989 census, the Roma/Gypsy population of Ukraine numbers around 48,000 persons. Some non-governmental organisations, however, estimate numbers to be over five times higher. The Roma/Gypsy population is scattered throughout the territory of Ukraine, with particularly high numbers in the Transcarpathian region, Crimea and the area around Odessa.” [25] (p12)

6.80 The report continued “As is the case in some European countries, the Roma/Gypsy population of Ukraine is faced with situations of severe socio-economic disadvantage, but also with manifestations of prejudice, discrimination and violence on the part of the majority population and sometimes on the part of the authorities, particularly law enforcement officials.” [25] (p12)

6.81 The Freedom House report on the Ukraine (April 2004) stated that “ Roma continue to suffer from discrimination and are regularly deprived of opportunities to participate fully in cultural, social and economic life and in public affairs” [26] (p5)

Hungarians

6.82 According to the Europa publication –Eastern Europe, Russia and Central Asia (2004) as of the census of December 2001 there are 156,000 ethnic Hungarians in the Ukraine making up 0.3% of the population. [1b] (p515)

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Romanians

6.83 According to the Europa publication –Eastern Europe, Russia and Central Asia (2004) as of the census of December 2001 there are 151,000 ethnic Romanians in the Ukraine making up 0.3% of the population. [1b] (p515)

6.84 According to the US State Department report 2003 (February 2004) “Romanians continued to call for university-level instruction in Romanian or the establishment of a Romanian technical college. There were 86 Romanian-language schools in the Chernivtsi Oblast.” [10b] (p29)

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Russians

6.85 According to the Europa publication Eastern Europe, Russia and Central Asia (2004) as of the census of December 2001 there are 8.3 million Russians living in the Ukraine, which equates to 17.3% of the overall population. [1b] (p515)

6.86 The US State Department report 2003 (February 2004) reported that the Constitution provides for the free development, use, and protection of the Russian language and other minority languages and that according to official statistics there are 2,215 schools that teach in Russian. [10b] (p28)

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Crimean Tatars

6.87 According to the Europa publication –Eastern Europe, Russia and Central Asia (2004) as of the census of December 2001 there are 248,000 Crimean Tartars in the Ukraine making up 0.5% of the population. [1b] (p515)

6.88 According to the US State Department report 2003 (February 2004) “Ukrainian and Crimean Tatar minorities credibly complained of discrimination by the ethnic-Russian majority in Crimea and demanded that the Ukrainian and Crimean-Tatar languages be given a status equal to Russian. Crimean Tatar leaders continued to call for changes in the electoral law that would allow them to achieve greater representation in the Crimean legislature.” [10b] (p28)

6.89 The report continued “The Crimean Government, pleading insufficient funds, did not assent to requests from the Crimean Tatar community for assistance in reestablishing its cultural heritage through Tatar language publications and educational institutions. However, the Government continued to work with the UNDP, OSCE, and the International Organization for Migration (IOM) on support

for the Crimean Tatar community. According to the UNHCR, 98 percent of the approximately 260,000 Crimean Tatars who returned to the country from exile in Central Asia have received citizenship. However, Crimean Tatar leaders complained that their community has not received adequate assistance in resettling and that the previously onerous process of acquiring citizenship excluded many of them from participating in elections and from the right to take part in the privatization of land and state assets.” [10b] (p28-29)

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WOMEN

6.90 According to the US State Department report 2003 (February 2004)

“Violence against women reportedly was pervasive. Spousal abuse is illegal, but the authorities often pressured women not to press charges against their husbands. On June 5 [2003], President Kuchma signed a law prescribing fines and arrest for domestic violence but it was too soon to evaluate its effects at year's end [2003]. The Criminal Code prohibits rape and "forced sex with a materially dependent person," which may allow prosecution for spousal rape. Official statistics on prosecutions for wife beating or on average sentences were not available; however, the Institute of Sociological Research reported in September 2000 that 12 percent of women under the age of 28 had been victims of domestic violence.” [10b] (p26)

6.91 Amnesty International's annual report on the Ukraine (May 2004) stated that “Domestic violence continued to be common in Ukraine, although no official statistics were available. In late 2002 Ukraine informed the UN Human Rights Committee of the various measures it was implementing to combat domestic violence. These included the enactment of the Prevention of Domestic Violence Law, which identified the public bodies and institutions responsible for taking preventative action; new procedures to investigate acts of domestic violence; and the establishment of a network of specialized institutions for victims of domestic violence such as crisis centres, shelters and social rehabilitation centres. Despite these positive measures, there remained significant obstacles to women seeking justice.” [2b] (p2)

6.92 The US State Department report 2003 (February 2004) reported that “Violence against women did not receive extensive media coverage despite the efforts of human rights groups to highlight the problem. State-run hot lines, shelters, and other forms of practical support for victims of abuse were few. Municipal authorities in Kiev ran a women's center, the only municipally supported shelter in the country. NGOs attempted to provide services for abused women through the establishment of women's support centers in nine cities.” [10b] (p26)

Employment of women

6.93 The US State Department report 2003 (February 2004) reported that “Human rights observers and women's groups stated that discrimination against

women continued to be a common problem in the workplace. The Government and private businesses regularly specified the gender of employees in their help-wanted advertisements, and employers frequently demanded information about a woman's family situation and subsequently used it to deny employment to women who were likely to become pregnant. Physical appearance and age were often taken into account in employment decisions involving women.” [10b] (p26)

6.94 The report continued “Women's groups reported that there was widespread sexual harassment in the workplace, including coerced sex. Apart from the law that prohibits forced sex with a “materially dependent person,” which applies to employees, legal safeguards against harassment were inadequate. No statistics were available concerning the number of prosecutions for sexual harassment during the year [2003].” [10b] (p26)

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CHILDREN

6.95 The US State Department report 2003 (February 2004) reported that “The Government was publicly committed to the defense of children's rights, but budgetary constraints severely limited its ability to ensure these rights... A 2001 law on child protection was designed to bring the country into conformity with international standards regarding children's safety and quality of life. In 2002, child and family protection laws were amended with the aim of helping to regulate child-refugee protection and address financial assistance for families in need.” [10b] (p27)

6.96 The report continued “Violence and abuse against children remained a problem. According to a poll conducted by the State Institute of Family and Youth, 43 percent of minors said that they had been victims of some form of violence. By year's end [2003], 300 additional criminal cases had been opened against parents for neglect of parental duties. The majority of complaints of abuse of children related to child prostitution, pornographic video sales, and child molestation.” [10b] (p27-28)

Orphanages

6.97 “Deteriorating conditions in the state orphanages has led the Government to encourage families to provide foster homes for orphans and to facilitate the establishment of family orphanages, where the parents are paid a salary, the state financially supports the children, and a house or apartment is provided. According to officials, there are currently 1,400 children living in family orphanages.” [10b] (p28)

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HOMOSEXUALS

6.98 According to the International Lesbian and Gay Association “Homosexuality was decriminalised at the end of 1991 when Article 122 of the Penal Code (corresponding Section 121 from the Former Soviet Union), which punished ‘anal

intercourse between men' with up to 5 years imprisonment was modified. Only homosexual acts which are non consensual are now punishable." [27] (p2)

6.99 According to the Russian National Gay, Lesbian, Bisexual and Transgender web-site the Regional Information and Human Rights Defence Center for Gays and Lesbians (Nash Mir) is a Gay rights organisation based in Kiev. It was founded in 1996 and was officially registered with the Ukrainian authorities on the 30 November 1999. The organisation has translated important IGLA documents into Ukrainian and has organised an international conference on gay and lesbian issues in post Soviet states. [28]

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POLITICAL ACTIVISTS

6.100 According to the US State Department report 2003 (February 2004) "On August 30, Ivan Havdyda, Deputy Head of the Ukrainian People's Party, was found dead one block from his apartment in Kiev. Initially, investigators reported that Havdyda died from a fractured skull sustained in a fall. An autopsy later revealed that Havdyda died from a blow to the head... Friends and colleagues asserted that Havdyda's death was a result of his political activities. A criminal investigation was ongoing at year's end [2003]; however, police declined to release any information either to the public or to the Parliamentary commission established to investigate Havdyda's death. [10b] (p3)

6.101 The US State Department also reported that "On November 28 [2003], local leader of the opposition party Reforms and Order (Our Ukraine bloc) in Khmelnytsky Oblast, Yuri Bosak, was found hanging in a forest on the outskirts of town. Police attributed his death to suicide and closed the case; however, relatives and colleagues believe that Bosak was killed and then hanged because of his political activity. Bosak's lawyer said that there was evidence that Bosak had been killed, and that he had experienced difficulties with the local police just prior to his death in connection with party activities. He was found with bruises on his wrists consistent with the forceful use of handcuffs, and the fingers on his left hand were broken." [10b] (p3)

6.102 The report continued "Although officials reported in May that they had identified the killers of Ivano-Frankivsk Oblast Deputy Governor, Mykola Shkribliak, they had not released further information by year's end [2003]. Shkribliak, who was running for a constituency Rada seat, was shot on the day before the 2002 parliamentary elections. Police stated that criminal elements from Crimea might have been involved in the murder, and, in July [2003], called for an international search for the two suspects. There was speculation that Shkribliak was killed because of his involvement in privatization issues related to the energy and fuel sector." [10b] (p3)

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6C HUMAN RIGHTS – OTHER ISSUES

ORGANISED CRIME AND CORRUPTION

6.103 The Freedom House report on the Ukraine (April 2004) reported that “Ukraine continues to rank among the most corrupt countries in the world” [26] (p9)

6.104 In October 2003 Transparency International ranked the Ukraine as 106 out of 133 countries in its Corruption Perception Index. The Index relates to perceptions of the degree of corruption as seen by business people, academics and risk analysts, and ranges between 10 (highly clean) and 0 (highly corrupt). Ukraine obtained a score of 2.3 in 2003 a slight decrease from the 2.4 it received in 2002. [9a][9b]

6.105 According to the US State Department report 2003 (February 2004) “The pervasiveness of corruption, connections between government officials and organized crime, and the political activities of organized crime figures often blurred the distinction between political and criminal acts. Politicians, politically connected businessmen, and journalists were the victims of attacks that sometimes were fatal and may have been politically motivated. According to officials, there were 12 contract killings as of May [2003]; police had solved 25 of the 41 contract killings in 2002.” [10b] (p2)

6.106 The report continued “Criminal groups routinely used intimidation to induce victims and witnesses to withdraw or change their testimony. The law requires that a special police unit protect judges, witnesses, defendants, and their relatives; however, the unit had not yet been formed, and trial participants were vulnerable to pressure. A witness protection law was in abeyance because of lack of funding. The law provides that the names and addresses of victims and witnesses may be kept confidential if they request protection due to fear for their lives.” [10b] (p11)

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TREATMENT OF NON-GOVERNEMNT ORGANISATIONS

6.107 According to the US State Department report 2003 (February 2004) “A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases and Government officials frequently were cooperative and responsive to the views of NGOs; however, human rights groups reported continued difficulties in investigating some human rights abuses.” [10b] (p25)

6.108 The report continued “On December 11, the Rada approved a resolution establishing an ad hoc commission to investigate foreign-funded NGOs. Human rights observers viewed this as an attempt by the Government to discredit NGOs

in the eyes of the public and reduce possible sources of points of view contrary to its own.” [10b] (p25)

EUROPEAN COURT OF HUMAN RIGHTS

6.109 The US State Department report 2003 (February 2004) reported that “Citizens have the right to file appeals with the ECHR about alleged human rights violations. The ECHR has described the country as the fourth largest contributor of complaints. Between 1997 and the end of 2002, approximately 4,000 applications were filed with the court from Ukraine. There were seven decisions during the year: Six cases resulted in the finding that human rights violations had been committed, and, in one case, the court delivered a ruling of just satisfaction and awarded the applicant approximately \$836,999 (550,000 euros) in monetary and non-monetary damages.” [10b] (p25)

ANNEX A: CHRONOLOGY OF EVENTS

1980s The accession of Mikhail Gorbachev to the Soviet leadership in 1985 and his policy of *perestroika* (restructuring) had little initial effect in Ukraine, where dissidents continued to be harassed by the police, independent political and cultural groups were refused legal status, and the republican media remained under the strict control of the CPU. [1a]

1986 On 26 April, a serious explosion occurred at the Chernobyl nuclear power station, in northern Ukraine, in which thirty-one people were killed and perhaps thousands more died from acute radiation sickness, while increased numbers of cancers and related illnesses were reported throughout a large area. [1a]

1988 The official secrecy surrounding the explosion led to greater public support for opposition movements in Ukraine. The Ukrainian People's Movement for Restructuring (known as Rukh) was founded by a group of prominent writers and intellectuals. [1a]

1989 Opposition also came from religious groups such as the Ukrainian Catholic (Uniate) Church and the Ukrainian Autocephalous Orthodox Church, which began campaigns for official recognition. Legalisation was eventually granted to the Catholic Church when Gorbachev met Pope John Paul II in December, and the Ukrainian Autocephalous Orthodox Church was formally revived the following year. [1a]

1990 Local and republican elections were held on 4 March, in which Rukh and other groups with similar views gained around 170 seats. However, in the Russian-speaking communities of eastern Ukraine and in rural regions, there was stronger support for the CPU, which won an estimated 280 seats. [1a]

1991 Despite Rukh's support for independence, the government signed the protocol to a new draft union treaty with the USSR in March. When on 19 August,

the State Committee for the State of Emergency (SCSE) attempted to stage a *coup d'état* in Moscow, there was an initially cautious response from the Ukrainian leadership. The collapse of the *coup* and the subsequent banning of the CPU led to significant changes in the politics of Ukraine. On 24 August, the Supreme Soviet adopted a declaration of independence, which was overwhelmingly approved on 1 December, when Leonid Kravchuk was elected as President. [1a]

1992 Measures aimed at consolidating independence were introduced, including the establishment of the Ukrainian armed forces and new national symbols. Under pressure from Kiev, the Crimean authorities renounced the idea of political independence in return for broad autonomy. Relations between the local leadership and Crimean Tatars, 250,000 of whom had returned to Crimea from Central Asia by late 1992, deteriorated steadily. In October, a Tatar encampment was dispersed on the orders of the Crimean government, and in response some 6,000 Tatars stormed the Crimean parliament building. [1a]

1993 By early 1993, disputes concerning economic policy were dominating domestic politics, which led to growing conflict between President Kravchuk and the Prime Minister, Leonid Kuchma, who subsequently resigned in September, after which Kravchuk assumed direct control of the government and announced early elections to a new 450-member Supreme Council in March and April 1994. [1a]

1994 The result of the elections was an overwhelming victory for communist and left-wing parties as well as independent candidates, and appeared to confirm the existence of a political division between eastern Ukraine, whose largely Russian population voted for left-wing, pro-Russian parties, and the west of the country, where moderate Ukrainian nationalist parties won the greatest share of the votes. In July, Kuchma was elected President, defeating Kravchuk. [1a]

1995: Tension between the Crimean authorities and Kiev reached a peak, when President Kuchma and his government reacted firmly to Crimean attempts to go beyond the bounds of the Ukrainian Constitution. The Crimean authorities eventually agreed to Ukrainian demands for a new Constitution, but its adoption in October prompted mass rallies and hunger strikes by Crimean Tatars, who claimed that it ignored their interests. [1a]

1996: Following lengthy discussions, the Rada approved a new Constitution on 28 June. Unrest in the coal-mining industry continued and led to one-fifth of the mining community striking in July. Protest at the government's failure to pay public sector wages re-emerged in October, when some 15,000 teachers went on strike in Kiev. This was followed by mass rallies and strikes in other cities later that month. An amended Crimean Constitution was adopted in December. [1a]

1997: The economic crisis continued and in February the Ministers of Finance and Statistics were dismissed by the President. Nationwide demonstrations took

place in March because of the government's continued failure to pay wage arrears, and the issue continued to provoke social unrest during the year. [1a]

1998: A total of thirty parties and electoral blocs contested the parliamentary elections to the Rada on 29 March. The result of the elections demonstrated widespread support for left-wing parties, primarily the CPU, [1a] which gained a total of 122 seats, [17] to become the largest party in the legislature. Elections held simultaneously in Crimea demonstrated a similar support for left-wing parties there. Leonid Hrach, leader of the Communist Party of Crimea, was elected Chairman of the new Supreme Council, and upon the expiry of the Crimean government's mandate in May, a new Council of Ministers was appointed, with Serhiy Kunitsyn as Prime Minister. [1a]

2000: There were numerous Minister changes during the first half of the year. [1a] The headless body of an anti-government journalist, Georgi Gongadze who disappeared in September this year, was thought to have been found on November 3rd. On November 28 audio tapes of a conversation allegedly held between Kuchma and the presidential chief of staff, implicating them both on being involved in the journalist's death. These 'Kuchmagate' tapes put Ukraine into an extended political crisis.

2001: The Ukrainian Deputy Prime Minister for energy was dismissed on January 17 over allegations of smuggling Russian gas and tax evasion. [14c] Large demonstrations that began in December, including a 'tent city' being erected in the city centre, which called for Kuchma to resign continued into February and March. On March the 9th there were violent clashes between protesters and the police, many were injured on both sides with an estimated 200, or more, protesters being arrested. There were further demonstrations on March 11th and 14th. [12i] [12m] [29a] Following a vote of no confidence passed by the Supreme Council on April 27, President Kuchma formally accepted the resignation of the government of Prime Minister Yushchenko. [14d] On 29 May, Parliament approved Kuchma's nominee, Anatoliy Kinakh, to replace Yushchenko. Complaints made to President Kuchma regarding attacks on journalists after the death of Igor Alexandrov on July 3 and an attack on Oleg Velichko, chief of the Avers media corporation on July 11, police claim it was a robbery. [30a] [30b] A Ukrainian missile fired during military exercises hit a Russian airliner flying over the Black Sea en route from Tel Aviv to Novosibirsk on 4 October, killing all 78 people on board. [14e]

In November General Volodymyr Shkidchenko was appointed Ukrainian Defence Minister and Vitaly Hayduk was appointed Fuel and Energy Minister following the dismissal of Stanislav Stashevsky. [14f]

In December the USA imposed trade sanctions against Ukraine in retaliation for the failure by the Ukrainian Supreme Council to pass a bill against illegal copying of US made compact discs, DVDs and computer CD-ROMs. Viktor Medvedchuk was dismissed from his post as first speaker by the Ukrainian Supreme Council. [14i]

2002

January Viktor Yushchenko, leader of the Our Ukraine electoral bloc, claimed that he and been the victim of a smear campaign when audio-tapes of his conversations with the mayor of Kiev, leader of the Unity electoral bloc, Oleksandr Omelchenko, were made public on January 9. [14g]

In the run-up to the parliamentary elections there were several beatings of candidates. [30c] [30d] Bloc leader Yulia Tymoshenko was injured in a car crash, her coalition headquarters in Kiev were also raided. [31] [30e] Volodymyr Yevstratov from the All Ukrainian Labour party was shot and killed. [29b] When leaving his home, Mykola Hladkyy and his bodyguard were admitted to hospital after a bomb explosion. [30f]

March Parliamentary elections were held on 31 March. While there were accusations of malpractice, the US stopped short of declaring the result unfair. No party or bloc gained an overall majority. The reformist "Our Ukraine" bloc won the greatest share of the vote with the communist vote suffering particularly badly. The pro-Kuchma parties led by United Ukraine only managed to force through their "package" of candidates for the leading positions in the legislature thanks to the votes of 7 deputies from Our Ukraine and 2 from KPU. [14a] Anatoliy Kinakh continues as prime minister.

April President Kuchma's former bodyguard Mykola Melnychenko gave evidence to a US Grand Jury that the President played a key role in the sale of arms to Iraq. [32]

May First instance of damages awarded against security forces for torturing to death a suspect [30g]

September In the biggest demonstrations since independence, tens of thousands of protesters demanded that the president resign or call early elections. Demonstrations were timed to mark the second anniversary of the disappearance of journalist Heorhiy Gongadze. Opposition groups accused the president of being involved in the journalist's death. Demonstrations were largely peaceful until demonstrators erected a tent camp in front of the presidents offices: several thousand riot police used rubber truncheons and shields to break up the camp. [33b]

Police detained four Roma in connection with the stabbing of four ethnic Ukrainians. Local residents attacked Roma houses with stones causing 50 Roma families to flee. Police surrounded the Roma homes to protect them. [29c]

October Anti Kuchma demonstrations took place on the 12th and 19th of October the latter coinciding with Kuchma's appointment anniversary as Prime Minister. [14j]

On October 15 a judge in the Kiev Court of Appeals opened a criminal case

against Kuchma instigated by the opposition. By October 24 the Prosecutor General claimed that the President enjoyed immunity, unless impeached by a special commission of the Supreme Council. [14j]

November President Kuchma dismissed the government of Prime Minister Kinakh on November 16 and nominated Viktor Yanukovych as the new Prime Minister. His position was confirmed by the Supreme Council on November 21, Prime Minister Yanukovych finalised his new government by 30 November. [14m]

December On 7 December there was a signing of a political co-operation agreement between the new Prime Minister and the pro-presidential majority in the Supreme Council. [14k]

2003

January President Kuchma appointed former First Deputy Prime Minister Oleh Dubyna as his presidential advisor on 3 January. On 18 January, Kuchma appointed Oleksandr Halaka as deputy secretary of the National Security and Defence Council. [14l]

March Thousands of protesters took to the streets across Ukraine on 6 March to demand the resignation of President Kuchma. Protests were witnessed in 103 towns. Ukrainians accuse Kuchma of widespread corruption, vote rigging, plotting the murder of journalist Georgiy Gongadze and the attempted assassination of opponents. [33a]

August The first Ukrainian detachment of troops left for Iraq to join the multi-national peace keeping force in the country. The Ukrainian troops joined the 9,000 strong Polish-led stabilisation force that patrols a region between Baghdad and the southern port of Basra. [12a]

October A border dispute between Russia and the Ukraine over the tiny Black Sea island of Tuzla in the Kech strait threatened to escalate into armed conflict. The dispute centred on the construction of a Russian dam that Russia said was essential to protect its coastline from erosion. [12b] By the 23 October 2003 the BBC reported that the Island of Tuzla resembled a 'war zone' with Ukrainian troops training against the backdrop of anti-tank defences and barbed wire. [12d] However, after negotiations a compromise was eventually reached, construction of the dam was halted and the dispute was settled. [12e][12f]

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ANNEX B: MAIN POLITICAL ORGANISATIONS

Until 1990, the only legal party was the Communist Party of Ukraine (CPU), an integral part of the Communist Party of the Soviet Union. In 1988/89, however, a Ukrainian People's Movement for Restructuring (Rukh) was established to support greater democratisation and freedom of speech, and several other political organisations were also founded. In 1990, after the CPU's constitutional

monopoly was abolished, many new political parties were established. Rukh, which had been the main coalition of forces opposed to the CPU between 1998 and 1991, became a political party, the People's Movement of Ukraine, in 1993. In December 2001 there were 127 political parties officially registered in Ukraine. [1b]

According to Europa - Eastern Europe, Russia and Central Asia 2004 the following were among the most important electoral blocs and political parties as of early 2003:

Christian Democratic Party of Ukraine (Khrystiyansko-Demokratychna Paertiya Ukrainy): founded 1989; centrist democratic party; Chair: Vitaliy Zhuravskiy; 42,000 members. [1b]

Communist Party of Ukraine (CPU) (Kommunistychna Partiya Ukrainy): until 1990, the only legal political party of the Soviet Union; banned in August 1991, re-registered 1993; advocates state control of economy and confederation with Russia; Sec.CenCtte: Petro Symonenko; 120,000 members. [1a]

Communist Party of Ukraine (Renewed) (CPU-R) (Kommunistychna Partiya Ukrainy - Onovlena) Founded 2000 by faction of CPU. Leader Mykhaylo M Savenko. [1b]

Democratic Party of Ukraine – Demoractic Union (Demokratychna Paryiya Ukrainy) President : Vololdymyr P Horbulin. [1b]

Fatherland Party (Batkivshchyna): Founded 1999 by members of Hromada – Community party; democratic it seeks to combine patriotism, a liberal approach towards economics and provision of social protection for citizens; The party contested the 2002 parliamentary elections as Yuliya Tymoshenko Bloc. Chair Yuliya Tymoshenko. In 2002 the party had 203,000 members. [1b]

For a United Ukraine (FUU) An electoral bloc formed in 2001 to contest the 2002 parliamentary elections; supports the government of President Kuchma. Chair Volodymyr M. Lytvyn. [1b] Affiliated parties include:

- **Agrarian Party of Ukraine** (Ahrarna Pariya Ukrainy): founded 1996; advocates revival of the Ukrainian countryside. Leader: Mykhaylo Hladiy. [1b]
- **People's Democratic Party of Ukraine:** (Narodno-Demokratychna Partiya Ukrainy): centrist party. Founded 1996. Leader: Valeriy Pustovoytenko. [1b]
- **Party of Industrialists and Entrepreneurs:** Founded 2001 by faction of the PDP leader: Anatoliy Kinakh. [1b]

- **Party of the Regions:** Founded 1997 as Party of Regional Rebirth the present name was adopted in 2001. Chair Viktor F. Yanukovych. In December 2001 it had 460,000 members. [1b]
- **Working Ukraine** Founded 2000. President Serhiy L. Tihipko. Chair of the political committee Andriy Derkach. In 2002 it had 20,000 members. [1b]

Green Party of Ukraine (Partiya Zelenykh Ukrainy): founded 1990 as a political wing of environmental organisation, Zeleny Svit (Green World: founded 1987); democratic nationalist party; President: Vitaliy Kononov; 3,000 members. [1b]

Hromada: founded 1993; centre-right party; favoured economic reforms, but opposed to economic policies of current government and President; Chair: Pavlo Lazarenko (ex-Prime Minister). [1b]

Our Ukraine (Nasha Ukraina): Founded 2001 to contest the 2002 parliamentary elections, broadly nationalist and supportive of greater economic liberalisation. Chair Viktor Yushchenko. [1b] Affiliated parties include:

- **Congress of Ukrainian Nationalists** (Kongress Ukrainskykh Natsionalistiv): founded 1992; radical nationalist party; Chair vacant [1b]
- **People's Movement of Ukraine (Rukh)** (Narodniy Rukh Ukrainy): founded 1989 as popular movement (Ukrainian People's Movement for Restructuring); registered as political party in 1993. National Democratic party Chair Boris I. Tarasyuk [1b]
- **Reforms and Order Party:** founded 1997; supports economic reform and greater integration of Ukraine with central and western European organisations Chair Viktor Pynzenyk [1b]
- **Ukrainian Peoples Party (UPP)** Founded 1999 as a breakaway faction of Peoples movement of Ukraine – Rukh by former leader Vyacheslav Chornovil. Formally known as the Ukrainian Peoples Movement. It adopted its present name in 2003. Chair Yuriy I. Kostenko [1b]

Party of National Economic Development of Ukraine Founded 1996. Leader Pavlo V. Matviyenko [1b]

Progressive Socialist Party (Prohresyivna Sotsialistychna Partiya): founded 1996 by members of the Socialist Party of Ukraine; contest parliamentary elections in 2002 as Nataliya Vitrenko bloc: favours extension of Belarus-Russia Union to incorporate Ukraine. Opposed to Ukraine seeking membership of Nato; Chair: Nataliya Vitrenko. [1b]

Russian Movement of Ukraine Founded 1999 seeks by moderate means to re establish apolitical union between Belarus, Ukraine and Russia and to restore the status of Russian as an official language of the Ukraine alongside Ukrainian. Chair Aleksandr G. Svistunov. [1b] Affiliated parties include:

- **Union Founded 1997** Party based in the Crimea. Chair Aladimir Klychnikov

Social Democratic Party of Ukraine (United) (Sotsial-Demokratychna Partiya Ukrainy - Obyednana): founded 1995 by merger of the Social Democratic Party, the Ukrainian Party of Justice and the Party of Human Rights; advocates economic and political reform; centrist party; Chair Viktor Medvedchuk; In 2002 it had 370,000 members. [1b]

Socialist Party of Ukraine (SPU) (Sotsailistychna Partiya Ukrainy): founded 1991; formed as partial successor to CPU; advocates democratic socialism; leader Oleksandr Moroz; 69,000 members. [1b]

Team of the Winter Crop Generation. Founded 1997, supports economic reform constitutional democracy and private property, advocates closer links with Western Europe leader Valeriy I. Khoroshkovskiy [1b]

Ukraine Maritime Party represents the interests of sailors. Leader Serhiy V Kivalov [1b]

Unity Founded 2000: contested the 2002 parliamentary elections in alliance with young Ukraine, Social Democratic Union and the party of justice – Union of veterans, Invalids, survivors of the Chernobyl catastrophe and the soviet-afghan War; Chair Oleksandr O. Omelchenko [1b]

Women for the Future Founded 2001, supports Government of President Kuchma; chair Valentyna I. Dovzhenko [1b]

Yabluko supports the protection of private property; Chair Mykhaylo Brodskyi [1b]

Other political parties/organisations

All-Ukrainian Association of Christians (AVAC); founded 1998; Chair Valeriy Bbanych. [1a]

Banderites (Stephen Bandera followers); Bandera's name became synonymous with Ukrainian nationalism during the Soviet era. The group most often described as **Followers of Bandera** or **Banderites** is the **UNSO** [16b]

Congress of National Democratic Forces: founded 1992; alliance of 20 nationalist-conservative groups and parties; advocates a strong presidency, a

unitary state, secession from the Commonwealth of Independent States (CIS), and a "socially-just" market economy; Chair: Mykhailo Horyn; includes the following parties: **Democratic Party of Ukraine, Ukrainian National Conservative Party, Ukrainian Peasant Democratic Party, Ukrainian Republican Party.** [1a]

Democratic Party of Ukraine (Demokratychna Paryiya Ukrainy): founded 1990; democratic nationalist party; opposes CIS membership, advocates national cultural and linguistic policies to support Ukrainian heritage; Chair: Volodymyr Yavoriskiy; 5,000 members. [1a]

Interethnic Understanding: founded 2000 to promote and safeguard the rights of indigenous Crimean's. [1a]

Inter-regional Bloc for Reform (Mizhrehionalny Blok Reformiv): founded 1994; advocates political and economic reform, private ownership and a federal system of government; allied with New Ukraine; Chair: Volodymyr Hrynyov. [1a]

Labour Congress of Ukraine: founded 1993; left-centrist party; leader: A Matvienko; 2,000 members. [1a]

Labour Ukraine: founded 1999/2000; the party originated as a left wing party calling for Ukraine to be economically and politically integrated with Russia and for the Russian language to be given official status alongside Ukrainian. It is based in south-eastern Ukraine's Dnipropetrovsk Region. Leader Serhiy Tihipko. [1a]

Liberal Party: founded 1991; centrist pro-economic reform; leader: Volodymyr Shcherban. [16b]

My: founded 1995 to support 21 candidates taking part in the December 1995 by-election to the Rada and was backed by the centrist Reforms faction; was not amongst the organisations registered to take part in the 1998 elections. [16b]

National Economic Development Party of Ukraine: founded 1996.

National Fascist Party; founded 1993; advocates supremacy of the Ukrainian nation and the extension of Ukrainian borders to the scale of Keivan Rus; [1a] leader: Fedor Zaviryukha. [28]

New Ukraine: founded 1992; alliance of centrist parties and moderate left-wing groups; advocates radical economic reform and improvement of links with Russia and CIS; Chair: Yevhen Kushnaryov; 3,000 members; includes **Party for Democratic Renewal of Ukraine.** [1a]

Organisation of Ukrainian Idealists: founded 1994; advocates a Ukrainian national Christian state that unites and protects Christians, publishes the small circulation *Idealist*; leader: Mykhal Mankovskyy. [28]

Organisation of Ukrainian Nationalists: founded 1993; comprised of half-Slav and half-Ukrainian members who adhere to Ukrainian nationalist ideology; publishes the monthly *Neskorena Natsiya (Unconquered Nation)* with a circulation of 4,000; it's electoral front is the **Congress of Ukrainian Nationalists**; leaders: Ivan Kandyba, Volodymyr Shlemko and Mykola Plavyuk; 1,000 members. [28]

Party for Democratic Renewal of Ukraine: (Partiya Demokratychna Vidrozhennia Ukrainy) founded 1990 as the democratic platform within the CPU; centrist party; advocates close economic links with Russia and CIS, a market economy and privatisation; leader: Volodymyr Filenko; 2500 members. [1a]

Party for the National Salvation of Ukraine: registered as a political party in 1993; centrist; leader: Leonid Yershov; 1,500 members. [1a]

Party of Ukrainian Unity: founded 1998; Chair: Ivan Bilas. [1a]

Patriotic Party of Ukraine: founded 1999; leader: Mykola Haber. [1a]

Peasants' Party of Ukraine (Selianska Partiya Ukrainy): founded 1992; centrist party; advocates retention of collective farm system; opposed to radical economic reform and land privatisation; leader: Oleksandr Tachenko; 62,000 members. [1a]

People's (Popular) Democratic Party of Ukraine: founded 1996, on the basis of the New Ukraine movement amongst others; leader: Anatoly Matvienko; 20000 members. [16b]

People's Party of Ukraine: centrist party; leader: L. Taburyanskiy; 3671 members. [1a]

State Independence of Ukraine Party (Derzhavna Samostiinist Ukrainy): founded 1990; radical nationalist party; [1a] publishes *Nezborima Natsiya (Invincible Nation)* with a circulation of about 5,000 every three weeks. In November 1997 formed alliance with the **Ukrainian Social-National Party**, [28] leader: Roman Koval [1a]

TUNDRA: Electoral bloc set up in Autumn 2001. The name is a play on the initials in Ukrainian of the component parties: the Agrarian Party, Labor Ukraine, People's Democratic Party and the Party of Regions.

Tryzub: a public sports and patriotic youth organisation, with connections in the Ukrainian National Assembly, which drew media attention in 1996 when members who were security guards at a factory in Chernivtsy region staged a

protest which resulted in the arrest of 32 members. The Tryzub, or Trident, is actually the Ukrainian national symbol, which has been adopted by various political parties, as their coat of arms. Not registered as an official organisation; appears to be an unofficial, non-militant nationalist association; opposed to Russian military operations in Chechnya and to Ukraine's membership of CIS; in general the Ukrainian authorities are tolerant of the activities of non-militant nationalist groups. [16b]

Ukrainian Conservative Republican Party (Ukrainska Konservatyvna Respublikanska Partiya): founded in November 1976 following the creation of the Helsinki Committee in Moscow the previous May. Both were inspired by the Soviet Union's signature in 1975 of the Helsinki Accords, under which the Soviet authorities agreed to respect the civil rights of their citizens. The two bodies (and similar organisations in Lithuania, Georgia and Armenia) intended to monitor the Kremlin's observance of its CSCE commitments, believing that those commitments gave them the right to exist. However, by 1980 three quarters of the members of the Ukrainian Helsinki Group were in prison and the rest were either in exile or had been allowed to emigrate. The original membership of the Ukrainian Helsinki Group comprised of 37 dissidents, nationalists, artists and religious activists. [16b]

Ukrainian National Assembly: founded 1990; Ukraine's largest ultra-nationalist group, which is not solely a political party but includes union committees, strike committees, welfare organisations and committees of soldiers' mothers. Based in Kiev, it has structures in all regions of Ukraine; described as a fascist grouping formed initially as a loose alliance of rightwing parties. [28] Having previously had its registration as a political party revoked because of its refusal to disassociate itself from the **Ukrainian National Self Defence Organisation**, it was subsequently re-registered for participation in the 1998 parliamentary elections, [16b] in which it failed to secure seats; [28] has since had its registration again revoked; advocates violence and ethnic intolerance; [16b] Chair; Oleh Vitovych; Deputy Chair; Dmytro Korchytsky; [1a] 10,000 members.

Ukrainian National Self Defence Organisation: the paramilitary wing of the **Ukrainian National Assembly**, established during the August 1991 Moscow *coup*, [28], whose activities were declared illegal after they were perceived as a threat to the stability of Ukraine and to relations with Russia. [16b]

Ukrainian Social National Party: founded 1991; registered as a national party in 1995; seeks a new society based on Ukrainian national supremacy; leader Yaroslav Andrushkiv; 3,000 members, 80% of whom are students. [28]

Ukrainian Student Union: one of the founder groups of the Ukrainian Popular Movement's youth wing in 1993. [16b]

Union of Industrialists & Entrepreneurs: founded 1992; centrist movement; advocates retention of major state participation in the economy; leader: Anotoly Kinakh. [16b]

Union of Peasant Youth of Ukraine: founded 1998, 1,000 members. [1a]

CRIMEA

Communist Party of Crimea: Like its Ukrainian counterpart, the Communist Party of Crimea was banned in August 1991. The following month, however, several local communist unions were established, which merged in June 1992 to form the Union of Communists of Crimea. In June 1993, the Union was renamed the Communist Party of Crimea and was officially registered in September 1993; leader: Leonid Grach. [1a]

Milli Firka (National Party): a radical nationalist group. [1a]

National Movement of Crimean Tatars: a moderate organisation, committed to co-operation with the existing political structures in Crimea. [1a]

Organisation of the Crimean Tatar Movement: the dominant political party among Crimean Tatars, founded in 1989; advocates the restoration of Tatar statehood in Crimea. Also organised a Crimean Tatar representative body, the Mejlis. [1a]

Party of the Economic Renewal of Crimea: the most powerful of several parties promoting business interests, formed in 1994. [23b]

Republican Party of Crimea: one of several powerful political interest groups to emerge in 1993-94; part of the 'Russia' bloc which consisted of various pro-Russian parties; former leader: Yurii Meshkov, won the Crimean presidential elections of January 1994. [1a]

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ANNEX C: PROMINENT PEOPLE

Stephen Bandera: One of the most famous opposition leaders during and after the Second World War. The aim of the Bandera was to gain the independence of Ukraine and Bandera's name became synonymous with Ukrainian nationalism during the Soviet era. [16b]

Mustafa Cemiloglu (also known by the Russian name Dzhemilev or Jemilev): Crimean Tatar leader, member of the Ukrainian Parliament. Cemiloglu led the Crimean Tatars in their long struggle to return from the exile to which Stalin condemned them in 1944. Returning to Crimea in 1989, Cemiloglu was chosen to

lead the Crimean Tatar national movement. The same year, he was elected to the *Kurultai* – the unofficial National Assembly of the Crimean Tatars – and as Chairman of the *Mejlis*, the 33-member governing body that takes decisions when the *Kurultai* is not in session. His moderation ensured that the Tatar community has eschewed violence and used only peaceful means to resolve their difficulties. [1a]

Vyacheslav Chornovil: Former dissident and leader of the radical Lviv regional council who, as runner-up in the July 1994 presidential elections, won 23% of the votes cast, failing to come near to Leonid Kravchuk's 62%. Until February 1999, leader of the People's Movement of Ukraine (Rukh), founded in 1988/89 as a popular movement (Ukrainian People's Movement for Restructuring), registered as a political party in 1993. Was killed in a road accident the following month. [1a]

Refat Chubarov: Crimean Tatar leader; member of the Ukrainian Parliament. Born in exile in 1957, Chubarov moved to Crimea in 1990, when the Tatars were first permitted to return to their homeland. There he was elected First Deputy Chairman, under Mustafa Cemiloglu, of the Crimean Tatar *Mejlis* -- the 33-member governing body of the unofficial National Assembly of the Crimean Tatar people -- the *Kurultai*. Together with Cemiloglu, Chubarov has been a voice for moderation in the Crimean Tatar movement. [1a]

Mustafa Dzhemilev or Jemilev: see Mustafa Cemiloglu.

Anatoliy Franchuk: Appointed Prime Minister of Crimea in June 1997, and remained in office until new elections in May 1998, when he was succeeded by Serhiy Kunitsyn. [1a]

Mikhail Gorbachev: Leader of the Soviet Union between 1985 and 1991. The reforms he advocated had little initial effect in Ukraine, where Vladimir Shcherbitsky seldom implemented any changes, despite the latter's avowed support for the concept of *perestroika* (restructuring). [1a]

Mykhailo Horyn: Leader of the Congress of National Democratic Forces, an alliance of 20 nationalist-conservative groups and parties, which advocates a strong presidency, a unitary state, secession from CIS, and a "socially-just" market economy. [1a]

Volodymyr Hrynyov: Leader of the Inter-regional Bloc for Reform, founded in 1994, which advocates political and economic reform, private ownership and a federal system of government. [1a]

Stepan Khmara: Leader of the Ukrainian Conservative Republican Party, a radical nationalist party. [1a]

Anatoly Kinakh: Leader of the Union of Industrialists & Entrepreneurs, founded in 1992, which advocates the retention of major state participation in the economy. [16b] Prime Minister from May 2001 until November 2002, when President Kuchma dismissed the then government. [14m]

Vitaliy Kononov: Leader of the Green Party of Ukraine, founded in 1990 as the political wing of the environmental organisation, Zeleny Svit (Green World, founded in 1987). [1a]

Roman Koval: Leader of State Independence of Ukraine, a radical nationalist party, founded in 1990. [1a]

Leonid Kravchuk: Replaced Volodymyr Ivashko as Chairman of the Supreme Soviet in July 1990. As a supporter of greater Ukrainian independence, he led the so-called 'national communists', as opposed to the 'imperial communists', who remained committed to the USSR. Despite his past record as a loyal communist official, his experience and support for Ukrainian independence led to his election as President of the Republic on 1 December 1991. He held office until July 1994, when presidential elections resulted in his defeat at the hands of Leonid Kuchma. [1a]

Leonid Kuchma: Current President of the Ukraine. Former manager of a missiles factory, was appointed Prime Minister following the resignation of the government in October 1992, after a second vote of no-confidence. He subsequently headed a new government, which included several members of Rukh and New Ukraine, and embarked on an extensive programme of economic reform, which led to growing conflict with President Kravchuk. In September 1993, Kuchma resigned due to the constant obstruction by the Supreme Council to his reform programme. Shortly afterwards Kravchuk himself assumed direct control of the government, but failed to defeat Kuchma in the subsequent presidential elections of July 1994, which Kuchma won with 52% of the votes cast, on a platform of closer economic and industrial ties with Russia and CIS. [1a] Kuchma was reelected to a second five-year term in November 1999.

Serhiy Kunitsyn: Appointed Prime Minister of Crimea in May 1998. [1a]

Yevhen Kushnaryov: Leader of New Ukraine, founded in 1992, as an alliance of centrist parties and moderate left-wing groups, which advocates radical economic reform and improvement of links with Russia and CIS. [1a]

Pavlo Lazarenko: Former chairman of a collective farm, was appointed First Deputy Prime Minister in August 1995, and Prime Minister in May 1996. He was subject to an assassination attempt in July 1996, possibly in connection with his role in resolving the miners' dispute shortly before. In June 1997, was removed from office by President Kuchma who cited ill-health as the reason for his departure, but there was speculation that the real reason was his failure to expedite economic reform, and there were also accusations of corruption.

Became leader of Hromada, and it was later announced that he was to be prosecuted on charges of embezzlement. In December 1998, was arrested in Switzerland and charged with money laundering. Has since claimed asylum in the US. [1a]

Yevhen Marchuk: Former Deputy Prime Minister and Chairman of the State Security Service, replaced Vitaliy Masol as Prime Minister in March 1995. Dismissed by President Kuchma in May 1996 for failing to address the ongoing crisis in the economy, and replaced by Pavlo Lazarenko. Current post: Secretary of the Security Council. [1a]

Yurii Meshkov: An ethnic Russian and leader of the Republican Party of Crimea, was elected President of Crimea in January 1994. [1a]

Vitaliy Masol: Premier between 1987 and 1990, when he was forced to resign as Chairman of the Council of Ministers after protest marches by up to 100,000 students in Kiev in October 1990, and was replaced by Vitold Fokin. In June 1994, was elected Prime Minister, but resigned in March 1995, allegedly as a result of differences of opinion with President Kuchma over economic policy. [1a]

Valeriy Pustovoytenko: Former Prime Minister (appointed July 1997; dismissed 1999); currently Transport Minister. Leader of the People's Democratic Party. [1a]

Viktor Pynzenyk: A key reformist and Deputy Prime Minister until August 1993, when he resigned, but was re-appointed in August 1995, when he was given responsibility for economic reform. He again resigned in April 1997, citing the Supreme Council's continued opposition to reform proposals, and was replaced by Serhiy Tihipko. [1a] Leader of Reforms and Order, founded in 1997, which favours radical market reform and anti-corruption. [16b]

Volodymyr Shcherban: Leader of the Liberal Party, founded in 1991. [16b]

Oleh Soskin: Leader of the Ukrainian National Conservative Party, founded in 1992 by a merger of the Ukrainian National Party and the Ukrainian People's Democratic Party. [1a]

Serhiy Tihipko: Appointed Deputy Prime Minister in April 1997 and pledged to reform the excessive bureaucracy of central government structures. [1a]

Kateryna Vashchuk: Former leader of the Agrarian Party of Ukraine, founded in 1996, and advocating revival of the Ukrainian countryside. [1a]

Viktor Yanukovych: Prime Minister of Ukraine from November 2002, after being nominated by President Kuchma. [14m]

ANNEX D: REFERENCES TO SOURCE MATERIAL

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