

UKRAINE
COUNTRY ASSESSMENT

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1 SCOPE OF DOCUMENT

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

1.2 The assessment 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 assessment 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 It is intended to revise the assessment on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom.

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2 GEOGRAPHY

2.1 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 lie the Black Sea and the Sea of Azov. 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 2,621,000. 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.**[1]**.

2.2 The population of Ukraine was officially estimated as 49.7 million at the end of 1999. Based on the 1989 census, approximately 73% are ethnic Ukrainians (members of the southern branch of the Eastern Slavs), 22% are ethnic Russians, with 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. 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. **[1]**

2.3 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.[1]

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3 ECONOMY

3.1 Ukraine's economy contracted dramatically post-independence, although the worst effects were probably mitigated by a significant black economy and food supplies from private plots of land. [11a] [7a]. The situation appears to be improving and the official economy grew strongly in 2000 (5.8%) and 2001 (9%). Inflation was 6.1% in 2001 [11a] and 0.3% in the period Jan-April 2002. [45]. Economic growth continued in 2002, but at a slower rate. In April 2002 the finance minister announced that the government intended to start repaying \$100 million a month to the IMF.[58]

3.2 23% of the workforce is employed in agriculture and forestry, 19% in industry and 6.3% in education, culture, science and the arts. Wage arrears, previously a major problem, had decreased by 58% by November 2001 [11a]. Registered unemployment stood at 1.17 million in 1999.

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4 HISTORY

4.1 Richly endowed with natural resources, Ukraine has been fought over and subjugated for centuries. A short-lived independence from Russia (1917-1920) was followed by brutal Soviet rule that engineered two artificial famines (1921-22 and 1932-33) in which over 8 million died, and World War II, in which German and Soviet armies were responsible for some 7 million more deaths. Independence was attained in 1991 with the dissolution of the USSR. [49]

4.2 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)[1].

4.3 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. 6 Days later the CPU was banned. [1]

4.4 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[1] when the declaration of independence was overwhelmingly approved by 90% of the population.[2] This was followed by measures aimed at consolidating independence, including the establishment of the Ukrainian armed forces and new national symbols by early 1992.[1]

4.5 The lack of a recent tradition of statehood brought many problems in the early days of Ukrainian independence.[2] 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.[1]

4.6 In July 1994, Kuchma was elected President on a platform of better relations with Russia and economic reform,[7a] defeating Kravchuk, who had emphasised Ukraine's independence from Russia and secured a majority of votes in western Ukraine.[1]

4.7 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 government's continued failure to pay wage arrears, and the issue continued to provoke social unrest.[1]

4.8 The parliamentary elections to the Rada on 29 March 1998 demonstrated widespread support for left-wing parties, primarily the CPU (re-registered in 1993),[1] which gained a total of 122 seats,[6] 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.[1]

4.9 President Kuchma was re-elected after two rounds of voting on 31 October and 14 November 1999. While there were some irregularities during the election campaign and the balloting, almost all observers agreed that the election results reflected the will of the electorate.[11]

4.10 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 [46]. 3 further parties or blocs passed the 4% threshold required to gain seats via the party list vote. After several weeks of horsetrading 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:

<u>Faction</u>	<u>Seats</u>
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

[47]

4.11 The conduct of the election again attracted criticism although the OSCE and US Govt considered that it was an improvement on 1998 [48]. Presidential elections are due in 2004, it would be technically unlawful under the constitution for Kuchma to run for another term.

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Crimea

4.12 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,[1] 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.[7a]

4.13 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[2]), 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.[1]

4.14 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.[1]

4.15 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 Tatars 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. (also see para 5.36) 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.[1]

4.16 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 Tatars improved their representation with 7 seats [50]. 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.[61]

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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.[1]

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.[1]

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.[1]

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Political System

5.4 Ukraine is governed by a directly-elected president, a Prime Minister who heads a Cabinet of Ministers, and a unicameral parliament, the Verkhovna Rada, which is elected partially according to proportional representation and partially by direct constituency mandate.[11] Executive power is vested in the President and the Prime Minister, while legislative power is the prerogative of the 450-member Verkhovna Rada. The President is elected by direct, popular vote for a mandate of five years. President Leonid Kuchma, first elected in 1994,[1] was re-elected after two rounds of voting on 31 October and 14 November 1999. While there were some irregularities during the election campaign and the balloting, almost all observers agreed that the election results reflected the will of the electorate.[11] The President appoints the Prime Minister and the members of the Cabinet of Ministers. 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.[1]

5.5 Parliamentary elections were held on 31 March 2002 (see History for results). Organisation for Security and Cooperation in Europe (OSCE) observers reported some progress towards the observance of international electoral standards concerning the elections but noted that important flaws persisted.[34] In May 2002 OSCE stated that the Ukrainian authorities were taking steps to close down its office in Kiev but the Ministry of Foreign Affairs state secretary for European integration denied the government had any such intention.[59]

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Judiciary

5.6 The Constitution provides for an independent judiciary, but in practice the judiciary remains subject to considerable political interference. The courts are funded through the Ministry of Justice, which allows the government to influence the judicial process, and a lack of sufficient funds engenders inefficiency and corruption. Most judges and prosecutors were appointed during the Soviet era, and court officials are closely attuned to government interests, the influence of which is particularly strong at regional and local levels. [11]

5.7 The Constitution provided for a thorough restructuring of the court system by June 2001. In an effort to meet the June 2001 deadline, the President established a council on judicial reform in August 2000 but the council had little impact. However, in July 2001 the Government adopted a series of laws designed to bring existing legislation regulating the court system and the administration of justice more in line with constitutional requirements for an independent judiciary. These laws gave the courts the right to issue warrants, adjusted the framework of the court system, and introduced an appellate process. The prosecutor's office is no longer authorised to issue arrest or search and seizure warrants: only the courts may exercise these powers. **[11a]**.

5.8 The authority and independence of the judicial system also are undermined by a lack of compliance with court decisions in civil cases. Provisions calling for criminal punishment for non-compliance with court decisions are rarely used. Compliance is particularly poor if the decision clashes with government interests. The Chairman of the Supreme Court, the chairmen of regional courts, and the chairman of the Kiev municipal court (or the deputies of these officials) can suspend court decisions, which leads to interference, manipulation, and corruption **[11a]**.

5.9 In 1999 the State Executive Service was established as a special department in the Ministry of Justice to execute court decisions. The State Executive Service was authorised specifically to enforce judgements in civil cases; decisions in criminal and administrative courts involving monetary compensation; and judgements of foreign courts, the Constitutional Court, and other authorities. The number of court decisions involving monetary or material compensation referred to the Department has grown substantially. In the first half of 2001, over 1 million court decisions were executed, representing approximately 48 percent of the judgements referred to the State Executive Service. **[11a]**.

5.10 Critics of the Government also claimed credibly that the Government abused its authority over officers of the court by selectively charging and dismissing politically unsympathetic judges. In May 2001 the Prosecutor General opened a criminal case against the Chairman of a Kiev district court, Mykola Zamkovenko, on charges of negligence and abuse of office. In July 2001 President Kuchma dismissed Zamkovenko for intentionally withholding case files in order to delay citizens' appeals to the court. This decision followed his suspension by the Judiciary Qualification Commission and a High Judicial Council recommendation in favour of his dismissal. However, Zamkovenko's supporters charged that he had been targeted for his release of former Deputy Prime Minister Yulia Tymoshenko from pre-trial custody and his recognition of Heorhiy Gongadze's mother and wife as victims of a crime **[11a]**.

5.11 The July 2001 amendments to laws concerning the judiciary and the administration of justice 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 specialised commercial (formerly arbitration) courts, and military courts. General jurisdiction courts are organised on four levels: Local courts, regional appellate courts, specialised high courts (the High Commercial Court), and the Supreme Court. The arbitration courts were redesignated as commercial courts and are intended to operate as specialised courts within the single unified system of courts. As a result, the Supreme Court may review their judgements, including those rendered by the High Commercial Court. Military courts are specialised courts that hear cases only involving military personnel **[11a]**.

5.12 The July 2001 amendments also introduced a new appeals process to the court system. Regional courts, including the Supreme Court of Crimea, and the Kiev and Sevastopol City courts, became appellate courts for the lower-level courts. They may examine evidence independently in a case, call for additional witnesses or evidence, and render a decision that supersedes the judgement of a lower court.[11a]

5.13 The judiciary is overburdened and inefficient, which undermines the citizens' right to a fair trial. By law, a trial must begin no later than three weeks after indictment, but this requirement is rarely met by the overburdened court system and there can be long delays. Lengthy pre-trial detention in very poor conditions is common, and detainees often spend months in pre-trial detention for offences that involved little or no prison time if convicted. While months may pass before some defendants are finally brought to trial, complicated cases can take years to get to trial. The 1996 amendment to the Criminal Procedures Code provides for bail, but this has rarely been used. Meanwhile, restrictions on travel outside of a given area are sometimes employed. The law stipulates that a defence lawyer be provided without charge to the accused from the moment of detention or the filing of charges, whichever comes first. However, insufficient numbers of defence lawyers, the low government fee they receive, and a lack of awareness of their rights on the part of detainees mean that this provision is often undermined.[11]

5.14 The Constitution provides for compensation for unlawful or arbitrary arrest, detention or conviction, but there are no known cases where this provision has been invoked, which, on the evidence, indicates a lack of faith in the judiciary, rather than the absence of unlawful detentions. The Constitution also includes procedural provisions to ensure a fair trial, but pending the passage of legislation to implement these constitutional provisions, a largely Soviet-era criminal justice system remains in place, which is reflected in the sustained level of conviction rates: almost all completed cases result in convictions.[11]

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Legal Rights/Detention

5.15 The Constitution prohibits arbitrary arrest and detention but they remain a problem. The Constitution also provides for compensation for unlawful conviction and the law allows compensation for illegal arrests but these provisions are rarely invoked. July 2001 amendments to the law transferred from the prosecutor's office to the courts authority to extend detention without an arrest warrant for an additional 10 days. Suspects who believe that further investigation may lead to their immediate exoneration also may petition the court for an additional 15-day detention. The law further provides that pre-trial detentions may not last more than 2 months. In cases involving exceptionally grave offences, 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. The Constitution requires immediate notification of family members concerning an arrest, but this action often is not taken in practice [11a].

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Internal Security

5.16 There are two principal security agencies, which have equal 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. The Minister of Internal Affairs is a member of the Cabinet of Ministers,

while the SBU enjoys special status within the executive branch of Government and reports directly to the President. The State Tax Administration also has law enforcement powers, which it exercises through the tax police. The Office of the Prosecutor General prosecutes criminal cases and is responsible for enforcement of court decisions in criminal cases. 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. While civilian authorities generally maintained effective control of the security forces, there have been cases in which actions by the military have been inconsistent with stated government policy. [11a]

5.17 Law enforcement personnel are believed to be responsible for a large proportion of the human rights violations reported. Some remnants of Soviet control mechanisms survive in many guises and official corruption is widespread. In particular, police corruption remains a serious problem. Police and prison officials regularly beat detainees and prisoners, and there are numerous reports of torture, sometimes resulting in death. For those who have suffered human rights abuses by members of the security forces, there has hitherto been no effective mechanism for registering complaints about mistreatment or for obtaining redress, nor has the government made any great effort to end such practices or to punish officials who have committed or abetted the abuses.[11] However on 28 May 2002, in the first case brought by the ombudsman against law enforcement agencies, the Frankivskiy district court in Lviv ordered the the Lviv prosecutor's office and the Security Service of Ukraine to pay damages to the parents of a man tortured to death in prison. [56]

5.18 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 offence. 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. In 2000 the Rada enacted legislation prohibiting the police from stopping vehicles without a reason and levying an immediate fine; only the courts may impose such fines. The law has had an increasing deterrent effect on the police, who no longer can collect spot fines after stopping vehicles for alleged traffic violations, although abuses still occur. However, the police may detain a person arbitrarily for up to 3 hours to verify identity (see Sections 1.d. and 1.e.). There have been reports that police sometimes abused this right [11a].

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Prisons and Prison Conditions

5.19 Prison conditions are harsh and do not meet minimum international standards. Due in part to severe economic conditions, prisons and detention centres are severely overcrowded and lack adequate sanitation and medical facilities. In June 1999, official statistics put the prison population at 223,900, including 42,600 in pre-trial detention, twice that of 1992. In addition, prison officials intimidate and mistreat inmates, who are subject to regular beatings as well as torture, which has sometimes led to death. During the first six months of 2001, there were 865 deaths in prison and detention facilities, many due to harsh conditions. Poor sanitary conditions result in deaths from diseases such as tuberculosis and dysentery, and there are frequent incidents of murder by fellow-inmates, as well as suicide [11].

5.20 Because the country lacks a well-developed system of suspended sentences and the law does not differentiate between misdemeanours and felonies, at least one-third

of inmates have been convicted of only minor offences. In response to the overcrowding, a mass amnesty in July 1999 released some 40,000 inmates [11].

5.21 Diplomatic representatives and human rights monitors have reported that it has become more difficult to obtain access to prisons. In addition, cases were reported of prisoners being denied correspondence, and limited to one family visit per year. Prisoners may complain to the Human Rights Ombudsman about the conditions of detention, but human rights groups have reported that inmates were subsequently punished for initiating complaints.[11]

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Military Service

5.22 Military service is compulsory for males over eighteen years of age, for a period of twelve months in the ground forces and air forces, and fifteen months in the navy.[1] The upper age limit for conscripts is 25 years.[23] The armed forces are gradually reducing the number of conscripts so as to reduce the overall number of servicemen by one third by 2005.[53]

5.23 Conditions for conscripts and other military personnel have caused concern. The military have revealed that 107 servicemen committed suicide in 1997, while the use of force against subordinates and other breaches of military conduct resulted in 800 cases of injury during that year, including five dead and forty-four permanently crippled. Meanwhile, 788 cases of draft evasion were recorded, due to "lack of law and order" in the army: 3,300 crimes were committed in the armed forces in 1997, 38% involving felonies and 11% involving the use of arms.[7b] During 1999, violence against conscripts by fellow-soldiers continued and sometimes resulted in death. There were reports of harsh conditions and beatings, and punishment administered for committing or condoning such practices did not serve as an effective deterrent to further abuses. Between 1991 and 1998, 450 soldiers were convicted of violent harassment of their colleagues. In 1998, approximately 200 military personnel were prosecuted for violent bullying; between ten and twelve conscripts were beaten to death, and twenty to thirty died from injuries relating to bullying.[11]

5.24 A law on alternative service was adopted by the Rada in December 1991. [13] 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%. [7b] 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.[22]

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Medical Services

5.25 Medication and treatment is available for most conditions within Ukraine. The constitution provides for health care to all citizens, but most of the drugs have to be paid for by the patients.

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Educational System

5.26 While the major universities in Ukraine are state-owned, they operate for the most part under full autonomy. However, academic freedom within universities is an underdeveloped and poorly understood concept. University administrators possess the power to silence colleagues by denying them the ability to publish, withholding pay and housing benefits, or directly terminating them. This atmosphere tends to limit the spirit of free inquiry. All private and religiously affiliated universities operate without any reported state interference or harassment.[11]

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6. HUMAN RIGHTS

6A Human Rights Issues

Overview

6.1 The 1996 Constitution provides a legal framework for protecting civil and human rights [11] which reflects Ukraine's commitments as a member of the Council of Europe (since November 1995) [9b] and signatory to a number of international human rights instruments, [9a] including the European Convention on Human Rights. [9b] However, many constitutional provisions still await the passage of enabling legislation, while many areas of life are still regulated by Soviet law and practices, which means that actual human rights practices often do not conform to constitutional requirements. During 1999, there was limited progress in some areas of Ukraine's human rights record, although serious problems persist. The government has made little effort to punish officials who have committed or abetted human rights abuses or to end such abuses.[11]

6.2 A wide variety of domestic and international human rights groups operate in Ukraine without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally co-operative and responsive to their views, but enquiries into penal conditions, which are a significant human rights concern, are limited by their status as state secrets, and human rights groups have reported increased difficulties in investigating in this area. In January 1998, the President signed the law creating the Parliamentary Commissioner on Human Rights, which is a constitutionally mandated independent human rights ombudsman, and parliament elected the first Ombudsman in April 1998. However, the law does not provide any significant enforcement authority or provide for penalties for obstructing the Ombudsman's enquiries. Nevertheless, the Office of the Human Rights Ombudsman has still been active in investigating human rights violations, and states that most of the complaints it has received involve abuses by law enforcement personnel. Citizens have the right to file appeals about alleged human rights violations with the European Court of Human Rights in Strasbourg. According to one human rights expert, some 13,000 appeals were made to the Court in 1998 and some 200 cases were accepted for review.[11]

6.3 The Constitution prohibits torture, but there have been numerous reports of torture and ill-treatment of suspects in police custody and prisons throughout Ukraine, in contravention of its commitments as a party to the Convention against Torture and

Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the International Covenant on Civil and Political Rights.[4b] Police and prison officials regularly beat detainees and prisoners, and there have been persistent reports that Berkut (special militia units or riot police) troops beat and torture inmates as part of regular training exercises. Two forms of torture reported are the "swallow" method, whereby the detainee is placed on his stomach and his feet are tied to his hands behind him, forcing his back to arch, and the "baby elephant" method, whereby a gas mask is placed on the victim's head and the flow of oxygen is slowly reduced. Another form of torture employed is called the "monument" method, whereby the detainee is suspended from his hands on a rope and beaten. Some detainees are beaten until they waive their right to a lawyer. There is no effective mechanism for registering complaints about mistreatment or for obtaining redress for such actions. Prisoners may address complaints to the Human Rights Ombudsman, who has received widespread reports of torture in pre-trial detention, but this avenue is limited by the Ombudsman's lack of enforcement authority, prisoners' fears of punishment for initiating complaints, and insufficient effort on the part of the government to end such practices or to punish those responsible. One positive step is a new Criminal Code that came into effect on 1 September 2001 mandating 3 to 10 years imprisonment for torture.[11a] and on 28 May 2002, in the first case brought by the Ombudsman against law enforcement agencies, the Frankivskiy district court in Lviv ordered the the Lviv prosecutor's office and the Security Service of Ukraine to pay damages to the parents of a man tortured to death in prison [56]

6.4 Ukraine committed itself to a moratorium on the death penalty on joining the Council of Europe in November 1995. However, subsequent reports indicated that at least 212 people were executed between then and March 1997, which led the Council of Europe to adopt a third resolution, in January 1998, condemning the continuing executions in Ukraine and threatening it with expulsion should more executions be carried out. Reports indicated that at least 345 prisoners remained under sentence of death at the end of 1998, which caused further international concern and doubts over Ukraine's commitment to ending the death penalty.[4a],[4c] However, in February 2000, the Rada passed amendments to the Criminal Code which abolish 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.[14]

6.5 Citizens have the right and ability to change their government peacefully. The Constitution provides universal suffrage for citizens of at least 18 years of age, and for periodic elections every four years for the parliament and every five years for the president. The latest Parliamentary elections took place on 31 March 2002. There were the usual recriminations and accusations of foul play. The OSCE and the U.S. state department thought the poll an improvement on 1998 but noted that important flaws persist. The US stopped short of declaring the result "unfair" [48], Presidential elections took place on 31 October and 14 November 1999. International observers noted violations of election procedures in both the 31 October voting and the 14 November runoff, but these violations were not considered to be widespread or systematic. The most serious problems were unbalanced media coverage and the co-ordinated and inappropriate involvement of government officials in both rounds of the election on behalf of President Kuchma. There were also various forms of government pressure on the media prior to the elections, which served to limit the independence of the press. The government is alleged to have used government agencies, in particular the Tax

Inspectorate, to disrupt or eliminate the businesses of political opponents.[11]

6.6 The Constitution, law and government regulations restrict freedom of association to varying degrees. These restrictions generally apply to organisations that are considered dangerous, such as those which advocate violence or racial and religious violence, or which threaten the public order or health. The law prohibits members of the police, SBU and armed forces from joining political parties (see **Annex B: Main Political Organisations**).[11]

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Freedom of Speech and the Media

6.7 The Constitution and a 1991 law provide for freedom of speech and the press, but in practice the government partially limits freedom of the press through tax inspections, libel cases, subsidisation and intimidation of journalists, that leads many to practice self-censorship. While the government owns or controls most of the national radio and television channels, there is a wide variety of newspapers and periodicals available, espousing different political points of view, and individuals can and frequently do criticise the government without reprisal. However, the dependence of much of the press on government patronage has particularly inhibited criticism at the local level. Both central and local government regularly target opposition newspapers with unannounced tax inspections or fire and building code inspections. Prior to the 31 October 1999 presidential election, the government forced at least one opposition newspaper, *Polytyka*, and five local television stations to close.[11]

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Journalists

6.8 Government officials frequently use criminal libel cases or civil suits based on alleged damage to a person's reputation to punish critics. Consequently, any journalist who publishes an article critical of a public official risks being sued for damages. Journalists complain that because the law does not limit damages, it is biased against them and can be used to drive opposition newspapers out of business. In addition, journalists are sometimes subject to physical attack related to their professional activities, and some journalists have reported threats of arrest or assaults when investigating crime and official corruption. 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.[31], [31A] The headless body of anti-government journalist Georgi Gongadze who disappeared in September 2000 was found on 3 November 2000. On November 28 audio tapes of a conversation allegedly held between President Kuchma and the presidential chief of staff were released, implicating them both in being involved in the journalists death. These 'Kuchmagate' tapes put Ukraine into an extended political crisis. The intermeshing of organised crime and many public officials makes it difficult to assess whether these attacks and threats are politically motivated (see [Organised Crime](#)).[11]

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Freedom of Religion

6.9 The Constitution and the 1991 Law on Freedom of Conscience and Religion provide for separation of church and state and the right to practice the religion of one's choice. With the exception of some non-native religions, the government generally respects these rights in practice. The government generally permits religious

organisations to establish places of worship and to train clergy, and has continued to expedite allotment of land plots for construction of new places of worship and to return religious buildings and sites to their former owners. According to the State Committee for Religious Affairs, the transfer of most places of worship back to their original owners, under a 1992 decree on restitution, was almost complete by the end of 1999.[11] Ukraine has 22,000 religious organisations, nearly 5,000 of which have sprung up in the past five years. There are 207 religious centres and directorates, 96 higher and secondary religious educational establishments and 235 monasteries.[17]

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Religious Groups

Christianity

6.10 The predominant religion in Ukraine is Christianity. Adherents are fragmented between the Ukrainian Orthodox Church (Moscow Patriarchate), the Ukrainian Orthodox Church (Kievan Patriarchate), the Ukrainian Autocephalous Orthodox Church, and the Roman Catholic Church (also known as Ukrainian Catholic, 'Greek' Catholic or Uniate, who follow the Eastern rite).[1] At the first All-Ukrainian Christian Congress, held in September 1999, President Kuchma stated that during eight years of independence, the Ukrainian government had created an "atmosphere of trust, respect, mutual understanding and co-operation" in its relations with the Church, which had a positive impact on religious and church life in Ukraine.[17]

6.11 All Orthodox churches were part of the Ukrainian branch of the Russian Orthodox Church until 1990, when the Russian Orthodox Church in Ukraine was renamed the Ukrainian Orthodox Church (UOC), partly to counter the growing influence of the Ukrainian Autocephalous Orthodox Church (UAOC). Established in 1921 as part of the wider movement for Ukrainian autonomy, the UAOC was forcibly incorporated into the Russian Orthodox Church in 1930. It continued to operate clandestinely and among Ukrainian exiles, and was formally revived in Ukraine in 1990. By 1995, it had approximately 1,000 parishes. In the early 1990s, there was considerable tension between the UOC and the UAOC over the issue of church property seized in 1930. The Kievan Patriarchate of the Ukrainian Orthodox Church was formed in 1992, when factions of the UOC and the UAOC united, and by 1995, that Church had approximately 2,000 parishes. The Ukrainian Orthodox Church of the Moscow Patriarchate remains part of the Russian Orthodox Church and owes its allegiance to the Moscow Patriarchate. In 1995, that Church had approximately 6,600 parishes.[1]

6.12 Most Roman Catholics in Ukraine are adherents of the Byzantine or Eastern rite, the so-called Uniate ('Greek' Catholic) Church, which is based principally in western Ukraine and Transcarpathia. The Ukrainian Catholic (Uniate) Church was established in 1596 by the Union of Brest, which permitted Orthodox clergymen to retain the Eastern rite, while transferring their allegiance to the Pope. In 1946, at the Synod of Lvov (Lviv Sobor), the Uniates were forcibly integrated into the Russian Orthodox Church, but continued to function in an 'underground' capacity.[1] As a result, they suffered fierce persecution, with the arrests of many activists, but experienced a strong revival in the 1980s.[3] Together with the UAOC, the Uniate Church was a prominent campaigner for official recognition in 1989, when it was finally granted legalisation. In June 1992, there were 2,700 Uniate churches in Ukraine and 452 Roman Catholic churches of the Latin rite. At 31 December 1997, there were an estimated 5,332,267 adherents. Adherents of Latin rite Catholicism in Ukraine are predominately ethnic Poles.[1]

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Judaism

6.13 In the mid-1990s, there were an estimated 500,000 Jews in Ukraine, despite high levels of emigration since the 1980s.[1] Jews in Ukraine represent the fourth or fifth largest Jewish community in the world, and the second largest minority group in Ukraine itself. Concerned about an ageing Jewish population and the exodus of young Jews, Ukrainian Jewish communities have set up numerous cultural, religious and welfare programmes since independence in 1991, with help from overseas aid organisations, mainly in Israel and the United States, which have sparked a Jewish revival in Ukraine. That revival is evident in the opening of many Jewish educational establishments, including a University in Kiev, Jewish religious societies, cultural associations, synagogues, as well as three Jewish newspapers. The revival has also been manifested in the resumption of the annual Hasidic Jewish pilgrimage, marking the Jewish new year at the end of September, to the grave of Rabbi Nakhman of Bratzlav in the town of Uman, south of Kiev, where the government plans to build a large synagogue, to accommodate the pilgrims.[8c]

6.14 Sources widely acknowledge that there is no state-sponsored anti-Semitism in Ukraine today. President Kuchma has taken a clear public stance against anti-Semitism, and has been co-operative in supporting the Jewish cultural and religious revival. In the March 1998 parliamentary elections, Jews, representing a variety of parties, reportedly won twenty seats, five times the number held by Jews prior to that election. However, while sources differ on the extent of the problem,[8c] anti-Semitism does exist on an individual and societal basis, and some ultra-nationalist groups and newspapers continue to publish and distribute anti-Semitic tracts regularly. Anti-Semitic incidents continue to occur but, according to local Jewish organisations, have declined in number over recent years.[11]

6.15 Numerous Jewish congregations have successfully negotiated with local authorities for worship space. In 1996, a Kiev arbitration court decided in favour of transferring the title of the former Kiev Central Synagogue, which in Soviet times was used as a puppet theatre, to a Chabad Hasidic congregation. By December 1997, the puppet theatre had vacated the premises, and in the spring of 1998 the building reopened once again as a synagogue. According to Jewish community representatives, progress on restitution was frozen for the first few months of 1999, but resumed thereafter at a rate satisfactory to Jewish community leaders.[11]

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Non-Native Religious Organisations

6.16 The government's protection of religious freedom has deteriorated for non-native religious organisations (defined as all organisations other than Orthodox, Greek Catholic and Jewish).[11] There are a number of Protestant churches,[1] including the Baptists and other Protestant sects, such as Pentecostals, Adventists and Jehovah's Witnesses. They practice their faith in autonomous congregations, educate their children according to the rules of their religions, and sometimes refuse to register with the government, thereby making it difficult for the authorities to control them. They suffered severe persecution under the Soviet regime, and won many converts, particularly in eastern Ukraine.[3] The current government does not discriminate against individual believers of non-native religions, but their organisations face ongoing difficulty in carrying out their activities. Through burdensome licensing requirements and informal means, local authorities restrict non-native religions, including Christian denominations other than Orthodox and Greek Catholic. However, during 1999, non-native religions

reported less difficulty in obtaining visas and registration.[11]

6.17 A 1993 amendment to the 1991 Law on Freedom of Conscience and Religion restricts the activities of non-native, foreign-based, religious organisations. It permits members of the clergy, preachers, teachers and other foreign citizen representatives of foreign organisations to preach, administer religious ordinances or practice other canonical activities "only in those religious organisations which invited them to Ukraine and with official approval of the governmental body that registered the statutes and the articles of the pertinent religious organisation." Although the Church of Jesus Christ of Latter-Day Saints had complained in 1998 that this restriction prevented the transfer of its missionaries between cities, during 1999 church leaders reported no difficulties in transferring missionaries between cities.[11]

6.18 All religious organisations are required by the 1991 Law on Freedom of Conscience and Religion to register with the State Committee for Religious Affairs and the Committee's local office in the region where they are located, a process that generally takes about one month. The regional offices also supervise the compliance of religious organisations with the provisions of the law. Some non-native religious organisations have reported that, especially at local or regional levels, officials of the State Committee have refused to register their organisations for protracted periods thus effectively delaying their activities, although there have been fewer reports of such registration difficulties in recent years. In addition, Evangelical Christian missionaries have reported some instances of societal discrimination against members of their churches, such as salary cuts and public criticism for betraying the indigenous religions.[11]

6.19 Ukraine's small Islamic communities are led by the Spiritual Administration of Muslims in Ukraine, based in Kiev. There is also the Association of Independent Muslim Communities of Ukraine, formed in 1994, and based in Donetsk.[1] In September 1999, a mosque and Ukraine's first Islamic university were opened in Donetsk. The university will train imams, or preachers, of Islam, and students will study the Arabic language and the Koran. At the opening ceremony, the local governor stated that all religious congregations in Ukraine, numbering over 800, live in peace and accord.[16]

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Freedom of Association & Assembly

6.20 Freedom of association is restricted through a strict registration requirement that lends itself to political manipulation and corruption. Groups must register with the government to pursue almost any purpose, and unregistered groups are prohibited from opening bank accounts, acquiring property or entering into contracts. The Ministries of Internal Affairs, Justice, Economy, and Foreign Economic Relations, as well as the State Committees on Religion and Broadcasting, and other government bodies, have registration functions and have used this power to limit freedom of association. The registration law gives the government the right to inspect the activities of all registered groups. A registered group may not duplicate any function or service that the government is expected to provide. For example, human rights lawyers who wish to represent prisoners are prohibited from establishing an association because the government is required by the Constitution to provide lawyers for the accused.[11]

6.21 The Constitution and law provide for freedom of assembly, and the government generally respects this right in practice. However, the 1988 Law on Public Assembly

circumscribes freedom of assembly by stipulating that organisations must apply for permission to their respective local administration at least ten days before a planned event or demonstration. Under that law, participants in demonstrations are prohibited from inciting violence or ethnic conflict and from calling for the violent overthrow of the constitutional order. The Criminal Code prescribes up to six months in prison, one year of corrective labour or a fine, for repeatedly staging unauthorised demonstrations. In practice, however, unlicensed demonstrations are common, and most occur without police interference or harassment.[11]

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Employment Rights

6.22 The Constitution and Labour Code prohibit forced and compulsory labour. The minimum employment age is 17; however, in certain non-hazardous industries, enterprises may negotiate with the Government to hire employees between 14 and 17 years of age.[11]

6.23 Work conditions and pay levels were impacted adversely by the overall poor state of the economy. The minimum monthly wage is approximately \$22. The minimum wage is enforced in the official economy for employees who work full time; although, Parliament declared that the official subsistence level for the year was approximately \$58.[11]

6.24 The Labour Code provides for a maximum 40 hour week, a 24 hour period of rest per week and at least 24 days of paid vacation per year. Stagnation in some industries, such as in defence, significantly reduce the workweek for some categories of workers.[11]

6.25 The law contains occupational safety and health standards; however, these frequently are ignored in practice. Lax safety standards and ageing equipment have caused many serious accidents and even some deaths. In theory workers have a legal right to remove themselves from dangerous work situations without jeopardising continued employment, in reality, independent trade unionists reported that asserting this right would result in retaliation or perhaps dismissal by management.[11]

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People Trafficking

6.26 The law prohibits trafficking in persons; however trafficking in women and girls is a significant problem. Ukraine is a major country of origin and transit country for women and girls trafficked abroad for sexual exploitation. They are solicited with promises of work but once abroad the women find the work to be very different from what was represented to them initially.[11]

6.27 A 1998 amendment to the criminal code imposes harsh penalties for, among other offences, trafficking in human beings, including sexual exploitation and pornography. The new Criminal Code that became effective on September 1 also contains anti-trafficking provisions; Article 149 mandates 3 to 15 years of imprisonment for trafficking. Under some circumstances, for example, trafficking of children or groups of victims, traffickers can be sentenced to prison terms of up to 10 years. The Government does not routinely prosecute suspected traffickers, although the number of such cases has increased in the last year.[11]

6.28 Trafficking is becoming a higher priority for law enforcement agencies, but often these agencies lack the financial and personnel resources to combat criminal organisations that run trafficking operations. The Government generally co-operates with other governments in the investigation and prosecution of trafficking cases; however, efforts are hampered by a number of factors, including insufficient investigative resources, the reluctance of victims to give evidence against traffickers, and in some cases, lack of co-operation from officials in destination countries. **[11]**

6.29 In May 2002 the Cabinet of Ministers approved a programme against people trafficking to run until 2005 to increase efforts against sex industry and donor organ trafficking. As well as providing information for citizens and increasing border controls, the programme will concentrate on helping victims through support services and crisis centres throughout the country. **[55]**

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Freedom of Movement

6.30 The Constitution provides for freedom of movement within the country, foreign travel, emigration and repatriation, and, with some limits, these freedoms are respected in practice. Until November 2001, the propyska system, a nation-wide requirement to register at the workplace and place of residence in order to be eligible for social benefits, remained in place. Access to certain social benefits was limited to the place where one was registered, for example, persons who moved to other regions for work in the private sector could be denied formal access to free medical care and other services provided by the Government. In November the Constitutional Court ruled that the propyska system was unconstitutional. The Government had not yet implemented a substitute informational register by year's end and while fines for residence were no longer applied, information was insufficient to determine whether individuals who had not been registered had access to social benefits they had been denied previously. During 2000, human rights groups reported a number of cases of people being stripped of their residence registration, evicted from their homes, and made homeless through criminal fraud or court error. **[11]**

6.31 Ukrainian citizens are required to carry internal passports, which contain a stamp indicating residence and matrimonial status. **[11]** It is not possible for persons abroad to obtain copies of internal passports, but birth certificates can be obtained by relatives and posted to a person outside of Ukraine. Without a photograph, however, the authorities cannot identify the person in the documentation and can only provide confirmation that the person in question exists. **[8b]**

6.32 Citizens who wish to travel abroad are able to do so freely, although exit visas are required for citizens who wish to take up permanent residence in another country. There were no known cases of exit visas being denied during 1999. **[11]** Under Ukrainian law, a citizen requires an external passport to leave the country and this is not difficult to obtain. The Ministry of Internal Affairs retains information on people who have external passports, and if another country needs to know whether a person is a Ukrainian citizen, it can contact the Ukrainian Embassy which, after making enquiries, should be able to verify whether the person is a citizen. **[8b]** The government may deny passports to individuals in possession of state secrets, but denials may be appealed. **[11]**

6.33 As of 1 January 1998, following an announcement made in October 1997, Soviet

passports ceased to be valid for departure from Ukraine and all citizens wishing to travel are required to hold Ukrainian passports. This applies regardless of the term left in the old Soviet passports. Returning Ukrainians who are Soviet passport holders are allowed entry, but are required to change their passports prior to their next departure (although some flexibility is being allowed in a limited number of individual cases). Ukrainian Embassies abroad are issuing new passports on request.[7b]

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Citizenship

6.34 Since becoming independent in 1991, Ukraine has struggled to manage a complex and unprecedented migration phenomenon. The country now hosts some 1.4 million returnees, primarily ethnic Ukrainians from other countries of the former Soviet Union.[10c] Ukraine passed its nationality law on 8 October 1991 and published it on 14 November 1991.[12] The law entered into force on the day of publication. According to Article 2,[12] 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.[10a]

6.35 According to Article 2.2 of the law,[12] 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.[10a]

6.36 Ukrainian nationality can also be obtained through birth. According to Article 13 of the law,[12] 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[12]). 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 [12]). Children of stateless persons born in Ukraine acquire Ukrainian nationality, provided that the parents are permanently resident in Ukraine (Article 15 [12]). Nationality is automatically acquired by children of unknown parents found on Ukrainian territory (Article 16 [12]).[10a]

6.37 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.[12] 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,[12] 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,[12] 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.[10a]

6.38 The citizenship law was subject to amendment in 1997.[10c] While the law provides the right to Ukrainian citizenship for all individuals who were born or lived in Ukraine before independence and to their descendants who lived outside Ukraine as of 14 November 1991, provided those persons are not citizens of other countries, they must have submitted their application by the year 2000. The amended law also provides the right to citizenship for deported victims of political oppression, like the Crimean Tatars (see **Crimean Tatars**). In addition, refugees can acquire Ukrainian citizenship if they have lived legally in Ukraine for five years and can communicate in the Ukrainian language.[11]

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Refugees

6.39 In August 2001 a revised Law on Refugees entered into effect providing for the granting of refugee and asylee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. The new law governs the treatment of refugees and entitles refugees to all of the benefits accorded to citizens. It also extended the term of refugee status from 3 months to 1 year. The Government co-operates with the UNHCR, and other humanitarian organisations in assisting refugees; however, the UNHCR and refugee protection groups reported that in practice the Government generally did not consider petitions for refugee status on a regular basis following the new law's passage. The Law on Refugees raised the Department for Nationalities and Migration to the rank of a State Committee and transferred authority for refugee adjudication from local branches of the former Department to the Committee. However, the law did not prescribe an adjudication mechanism for this new body. According to UNHCR statistics, 265 persons (112 of whom were Afghans) were granted refugee status during 2001. A commitment was made to award refugee status to all Afghans who arrived in the country before 1995. Under the new Citizenship Law, legally registered refugees may apply for citizenship after 3 years of permanent residence. Under the Refugee Law, refugees are entitled to material assistance. The Cabinet allocates funds in the national budget for payment of refugee pensions and small allowances for indigent refugees, plus transportation fare to a refugee centre. In co-operation with the UNHCR in 1997, the Government established a refugee reception centre in Vinnytsya. In June a small refugee reception centre was opened in Odesa. [11]

6.40 By October 1999, there were 3,500 people officially registered as refugees in Ukraine, some 70% of whom are Afghans. A commitment has been made to award refugee status to all Afghans who arrived in Ukraine before 1995,[11] and most of those who qualify had been studying in Ukraine and did not wish to return to Afghanistan.[8b] The other major refugee-producing countries for Ukraine are Angola, the Central African Republic, Iran and Iraq,[10c] with Kurds forming a large number.[8b] Under the citizenship law, legally registered refugees may apply for citizenship after five years of permanent residence.[11] However, large numbers of potential asylum seekers do not register with the authorities or with the UNHCR, as their ultimate objective is to transit Ukraine and obtain refugee status in western Europe. This trend is encouraged by

Ukraine's safe third country regulation, which has led to the majority of asylum seekers being rejected on the grounds that they travelled through other countries before entering Ukraine.[10c] Instances of police harassment of certain categories of refugees appear to have diminished during 1999. According to the State Committee for Nationalities and Migration, the government's first asylum policy means that persons who travel directly from their home country to Ukraine as refugees are assured refugee status. However, in March 1999, four Uzbeks, including two exiled oppositionists, were arrested and forcibly deported to Uzbekistan, where they claimed to have been subsequently tortured and imprisoned. The government has not supported a foreign-funded programme to facilitate the travel to Ukraine of some emigrants who qualify for resettlement as refugees.[11]

6.41 Ukraine has signed re-admission agreements with the Slovak Republic, Poland and Hungary. These agreements foresee the re-admission of three categories of persons: nationals; third country nationals and stateless persons lawfully staying on the territory of one state party; and third country nationals who illegally cross the common border. In practice, the number of people who have been re-admitted under the third category is very limited, and Ukraine is willing to re-admit a person only if clear evidence is provided that the individual has left Ukraine for another country.[10b] Ukraine's major problem is that it has no similar re-admission agreement with Russia and cannot in any case find the funds to repatriate the increasing numbers of immigrants. Ukraine is, therefore, something of an immigrant trap.[7b]

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6B Human Rights - Specific Groups

Ethnic Groups

6.42 Although Ukraine did not experience the inter-ethnic violence that occurred in some other Soviet republics in the late 1980s and early 1990s, the ethnic diversity of the country has caused some serious problems.[1] Throughout his mandate, President Kuchma has taken a clear public stance against xenophobia and has spoken of a need for systematic, considered and constructive steps to strengthen intra-national relations,[8c] and of a need for the peaceful co-existence of ethnic and religious groups.[11] With an estimated 130 minority groups,[8c] which make up approximately 27% of the population,[1] Ukraine is viewed as a diverse country for different peoples and cultures, rather than as an ethnically defined state. The maintenance of inter-ethnic calm there has been attributed to the consistent government stance, aimed at reassuring ethnic minorities concerning their legal status and cultural freedom.[8c] As a sign of its willingness to support ethnic minorities, the government of Ukraine has encouraged ethnic groups expelled by Stalin to return to Ukraine, including Crimean Tatars, Germans and Poles from Central Asia.[8a]

6.43 Several laws guarantee protection of the rights of minorities in Ukraine. These include the 1989 Law on Languages, the 1991 Law on Freedom of Conscience and Religion, the 1992 Law on National Minorities, as well as the 1996 Constitution, which assures their right to receive instruction in their native language, and to study their native language in state and communal educational establishments and through national cultural societies. Several sources indicate that these rights are generally respected in Ukraine, but also suggest that the enforcement of laws protecting minorities is a problem, due to the lack of an effective legal system.[8c]

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Africans and Asians

6.44 There are reports of discrimination and frequent harassment of ethnic minorities and, increasingly, of racially motivated violence against those of Asian and African origin. Police officials harass and abuse dark-skinned people, who are routinely detained for arbitrary document checks. Representatives of these groups have claimed that police officials also routinely ignored, and sometimes abetted, violence against them.[11]

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Carpathians (Rusyns)

6.45 In the western region of Transcarpathia, which had formed parts of Czechoslovakia and Hungary before the Second World War, the independence referendum of 1 December 1991 included a separate question on the introduction of an autonomous status for the region. Demands for the establishment of a Transcarpathian Autonomous Republic have been made especially strongly by the Society of Carpathian Ruthenians (Rusyns), who consider themselves ethnically distinct from Ukrainians. In March 1992, they established the Subcarpathian Republican Party.[1] As part of their efforts to obtain official status as a distinct ethnic group in Ukraine, a congress was held in June 1999, when representatives of the Rusyn community called for Rusyn-language schools and for Rusyn to be included as one of the country's ethnic groups in the 2001 census. According to Rusyn leaders, there are more than 700,000 Rusyns in the country.[11]

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Hungarians

6.46 Estimated at approximately 163,100 by the 1989 census,[1] the Hungarian population of Ukraine is largely concentrated in the multi-ethnic Transcarpathia. No agreement could be reached on an autonomous Hungarian district for the Berehovo region, as requested by the inhabitants. High-level Ukrainian political figures have ruled that only self-government and cultural autonomy would be acceptable, but even so, permission was not granted to make bilingual Ukrainian-Hungarian signs mandatory in minority-inhabited areas. Nonetheless, bilingual road signs were in evidence in the area in 1991.[8a]

6.47 Despite Ukrainian reluctance to grant ethnic Hungarians full territorial autonomy, Hungary has described their treatment by Ukraine as exemplary. Ukraine and Hungary have established co-operation on minority rights which, according to a high-ranking Hungarian official, could serve "as an example for the entire region, as well as for Europe." [8a]

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Roma (Gypsies)

6.48 There are almost 48,000 Roma residing in Ukraine.[1] They face severe socio-economic disadvantage and also experience prejudice, discrimination and violence on the part of the majority population and sometimes on the part of the authorities. [60] In the Transcarpathian region in particular, the Roma have been subject to violence and abuse by police. Opinion polls have shown that, among all ethnic groups, the level of intolerance is highest towards the Roma. [11] There is widespread lack of awareness of the problems at central level. At local level, awareness is greater but this has not always been reflected in action, partly due to lack of resources. [60]

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Romanians

6.49 Estimated at approximately 134,800 by the 1989 census, ethnic Romanians constitute another significant element of Ukraine's ethnic minority population.[1] Some ethnic Romanians living in the Chernivtsy oblast of south-western Ukraine have accused the Ukrainian authorities of curbing some of their rights, specifically on travel and other contacts with Romania. Ukraine has dismissed these accusations and pointed to the cultural freedoms and facilities enjoyed by the Romanian minority. In 1992, the then chairman of Ukraine's State Committee on Nationality Affairs, Yuri Olenenko, noted that in Chernivtsy oblast, where 20% of the population is Romanian, 86 out of the 420 schools use the Romanian language.[8a] However, in September 1998, the Romanian government accused the authorities in Ukraine of practising discrimination, when eighteen Romanian schools were closed, and spoke of a need to check the way in which Romanians in Ukraine can exercise their rights as laid down in the basic treaty between the two countries.[19]

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Russians

6.50 Russians constitute the largest ethnic minority in Ukraine, numbering over 11 million, comprising 22% of the population as a whole, and 70% in Crimea.[1] These high numbers are largely a reflection of the Soviet policy of in-migration of Russians to Ukraine, as part of its Russification programme throughout the Soviet Union. For Russians, Ukraine was a particularly attractive destination, with its good climate and high level of socio-economic and cultural development, together with a familiar linguistic and cultural heritage. With the number of Russians in Ukraine growing from just three million in 1926 to almost ten million in 1979, there was a high rate of intermarriage between Russians and Ukrainians, which further contributed to the Russification of Ukraine.[3]

6.51 Although large numbers of Russians can be found throughout the country, they are heavily concentrated in the industrial regions of eastern and southern Ukraine, bordering on Russia. Under the Soviet regime, the Russian population of Ukraine had been provided with a full range of Russian language facilities to satisfy its cultural and educational needs. Since independence, there has been an increasing Russian resistance to perceived Ukrainianisation measures, not the least of which has been the rapid growth in the use of the Ukrainian language, which had been widely regarded as inferior under the Soviet regime.[8a] While the Constitution provides for "the free development, use and protection of the Russian language and other minority languages in Ukraine," some pro-Russian organisations in eastern Ukraine have complained about the increased use of the Ukrainian language in schools and the media. They claim that their children are disadvantaged when taking academic entrance examinations, since all entrants are required to take a Ukrainian language test. In addition, a government requirement for political organisations to have representatives in at least half of the country's regions as a prerequisite for registration as a political party has limited the ability of some Russian groups to organise.[11]

6.52 However, while there have been claims of discrimination against Russians in Ukraine, there is no evidence of serious Russian-Ukrainian ethnic tension.[8a] Opinion polls indicate that almost half the number of Russians would prefer to be citizens of Russia or the Soviet Union, rather than of Ukraine.[6] Since independence, over 1 million people, mostly ethnic Russians, have left the country.[11]

6.53 Dissatisfaction among ethnic Russians with the policies of the Ukrainian government has been encouraged by the worsening economic situation, and has tended to increase the demands that Russian be granted the status of second official language, accompanied by calls for dual Ukrainian-Russian citizenship, a federated structure for Ukraine, and closer ties to Russia.[8a] However, although Ukrainian officials may speak of a strategic partnership with Russia, the official view in the country is that Ukraine, unlike Russia, is historically a European state that came under Russian imperial domination for many centuries and is now striving to rejoin its true cultural world of Europe.[5] Russia's ratification of the controversial Russia-Ukraine Treaty of Friendship, Co-operation and Partnership in February 1999, in which Russia finally recognised the territorial integrity of Ukraine within its current borders, met with strong opposition from those who argued that it would deprive Russia of Crimea, worsen the situation of ethnic Russians living in Ukraine, and open the way for Ukraine to join NATO.[20]

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Crimean Tatars

6.54 Following the return by late 1992 of some 250,000 Crimean Tatars to their historic homeland from Soviet Central Asia (where they had previously been deported *en masse* in 1944 for alleged collaboration with the Germans[2]), relations between the local leadership and Crimean Tatars deteriorated steadily.[1] While the Ukrainian Government provided some financial assistance, the Tatars' return has caused tension with other residents in Crimea. The Tatars allege that they are discriminated against by local employers, that they have difficulty securing land, and that in some instances their temporary shelters have been destroyed by local militia. The Russian majority in the peninsula has resisted acknowledging the rights of the Tatars. Crimean Tatars generally support Ukrainian sovereignty over Crimea, but have called for the renewal of their national-territorial status on the peninsula.[8a]

6.55 Crimean Tatar leaders have complained that their community (now numbering about 300,000[6]) has not received adequate assistance in resettling and that an onerous process for acquiring citizenship has excluded many of them from participating in elections and from the right to take part in the privatisation of land and state assets. However, a 1997 amendment to the citizenship law waives some of the usual residence and language requirements for returning deportees and expedites the acquisition of citizenship, including for those Crimean Tatars who were the deported victims of political oppression. The amendment allows deported persons to acquire Ukrainian citizenship without the mandatory five-year term of residence in Ukraine and without Ukrainian language proficiency. In July 1999, the Rada further amended the citizenship law to allow deported persons or their descendants living in the country for five years to acquire automatically Ukrainian citizenship without having to renounce any foreign citizenship they may possess. Previously, Crimean Tatars had difficulty in obtaining documents from Uzbekistan to confirm that they had relinquished their Uzbek citizenship.[11]

6.56 A government requirement for political organisations to have representatives in at least half of the country's regions as a prerequisite for registration as a political party has limited the ability of Crimean Tatar groups to organise.[11] There are however, now three Crimean Tatars in the national legislature and seven in the Crimean parliament.[54] While the approval of a new Constitution for Crimea in December 1998 defused tensions between the central Ukrainian government and the autonomous

republic's predominantly ethnic Russian leadership, it still failed to meet the demands of the Tatars, who are seeking a guaranteed quota of deputies in parliament and official status for the Tatar language.[6] In May 1999, the Crimean prime minister, Serhiy Kunitsyn, agreed to Tatar demands for the creation of a council to represent Tatar interests in the Crimean government, for the right of Tatars returning from Central Asia to own land, and for the creation of Tatar schools.[11]

6.57 Both Crimean Tatar and Ukrainian minorities in Crimea credibly complain of discrimination by the Russian majority and demand that the Ukrainian and Tatar languages be given equal treatment to Russian. While the Crimean government, pleading insufficient funds, did not assent to requests from the Crimean Tatar community for assistance in re-establishing its cultural heritage through Tatar language publications and educational institutions, the central government is working with the UNHCR (United Nations High Commissioner for Refugees), the OSCE (Organisation for Security and Co-operation in Europe), and the International Organisation for Migration on support for the Crimean Tatar community.[11]

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Other Ethnic Minorities

6.58 Other minorities in Ukraine include Belarusians (440,045), Moldovans (324,525), Bulgarians (233,800), Poles (219,179),[8a] Greeks (98,600), Armenians (38,600), and others amounting to a further 356,800 at the time of the 1989 census.[1] These minorities are relatively small in number, but in a few cases they are heavily concentrated in territories adjacent to states dominated by the same ethnic group.[8a] In early 1999, about fifty ethnic groups from eight regions of western Ukraine formed a confederation, comprising Russians, Poles, Romanians, Hungarians, Jews and Roma. It claimed that ethnic minorities were often prevented from holding important posts in virtually every western region, while the number of schools where ethnic languages are taught had been reduced. It announced its intention to increase the influence of ethnic groups on the local authorities and to improve its dialogue with them.[15]

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Women

6.59 Violence against women is reportedly pervasive. According to new statistics compiled by the United Nations Development Programme, the number of reported rapes and attempted rapes have decreased during recent years, but surveys indicate that the majority of rapes and other cases of physical abuse go unreported. The Criminal Code outlaws rape, including within marriage, but the authorities often pressure women not to press charges against their husbands. Violence against women does not receive extensive media coverage, despite the efforts of human rights groups to highlight the problem. Hotlines, shelters and other practical support for victims of sexual abuse are practically non-existent. In 1998, the Kiev municipal authorities opened the country's first state-funded women's centre, and the government announced plans to establish a network of shelters throughout the country, but it does not appear to have begun to implement these plans yet.[11]

6.60 Ukraine is an important source country of girls and women trafficked to western and central Europe and the Middle East for sexual exploitation. The International Organisation for Migration estimated in 1998 that 100,000 Ukrainians had been trafficked abroad for this purpose since 1991. The government took steps to address the problem in April 1998, with an amendment to the Criminal Code that imposes harsh

penalties on those who traffick human beings, including for sexual exploitation, but the effectiveness of these steps remains unclear. The authorities rarely prosecute men for engaging women in sexually exploitative work, and there are reports that the militia receives bribes in return for ignoring this problem, and even that public officials have abetted or assisted organised criminal groups in trafficking women abroad. The government is unable to assist the victims effectively, primarily due to a lack of funds, and other support services also suffer from a shortage of money.[11]

6.61 Labour laws establish the legal equality of men and women, including equal pay for equal work, a principle that is generally observed. However, the economic crisis has harmed women disproportionately, and women are much more likely to be dismissed than men. The Constitution and the Law on Protection of Motherhood and Childhood prohibit the employment of women in jobs that are hazardous to their health, for example, jobs that involve heavy lifting. However, despite implementation of a government programme to combat dangerous labour, these laws remain poorly enforced and the Ministry of Labour has estimated that 15% of working women are employed at hazardous jobs.[11]

6.62 Few women attain top managerial positions in state and private industry. By law, pregnant women and mothers with small children enjoy paid maternity leave until their children reach the age of three, a benefit which is a disincentive for employers to hire women for responsible or career track jobs. However, educational opportunities for women have generally been equal to those enjoyed by men. Women are active in political life, but hold a disproportionately small percentage of offices. While women hold 28 of the 450 seats in the Rada, only two women hold ministerial posts. The eighteen-member Constitutional Court has two female members.[11]

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Children

6.63 The government is publicly committed to the defence of children's rights, but the deep economic crisis severely limits its ability to ensure these rights. The widely acknowledged problem of growing violence and crime in and outside of schools, especially the notoriously violent vocational schools, is largely ignored by the public and the government. The government does provide free, universal education for children, which is compulsory until the age of fifteen. However, the public educational system has deteriorated as a result of government financial disarray. Teachers often go unpaid for months, while increasing numbers of children from poor families drop out of school, and illiteracy, which was previously very rare, has become a problem. Health care is provided for children, but economic problems have worsened the overall quality of the system.[11]

6.64 There have been increased cases of homeless children, who usually flee poor orphanage or domestic conditions, and drug use and child prostitution among these children are widespread. Several charity groups have been formed to assist these children, but they have failed to reduce the problem. Deteriorating conditions in state orphanages led to government encouragement of families to provide foster homes for orphans, and of the establishment of private government-supervised orphanages. Currently, there are seventy-five such orphanages, with some 800 children. To curb illegal adoption, the April 1998 amendment to the Criminal Code prescribed up to fifteen years' imprisonment for trafficking in children and illegal adoption, although there have been no known successful cases of its application.[11]

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Homosexuals

6.65 There is no official discrimination against homosexuals in Ukraine. The Rada adopted a law in 1991, which decriminalised homosexuality, making Ukraine the first republic in the former Soviet Union where homosexuality was not a criminal offence. Homosexuality between consenting males over the age of sixteen has been legal in Ukraine since then. It is therefore also unlikely that a woman would be persecuted in Ukraine because of her sexuality.[7b]

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Conscientious Objectors & Deserters

6.66 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.[7b]

6.67 A law on alternative service was adopted by the Rada in December 1991.[13] It allows people who object to military service on religious grounds to "perform works for the public good" instead. However, a radio report the following November suggested that the law was not enforced until the end of 1992. 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%.[7b] 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.[22]

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Political Activists

6.68 High profile opposition leaders, journalists who write anti-government articles and leading organisers of anti-government demonstrations *may* have reasons to claim persecution. **See Annex B and C for a list of political parties and prominent people.**

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6C Human Rights - Other Issues

Organised Crime and Corruption

6.69 Since independence, the level of organised crime and corruption within Ukraine has risen sharply. This can be attributed largely to Ukraine's geographical location as a potential transit route for narcotics, laundered money and weapons to central and western Europe. A law on measures to counter illegal trafficking in, and abuse of, drugs was adopted in February 1995, the first occasion when illegal drugs were defined in law, a law which instructed financial institutions to provide information on banking and other activities of people known to be involved in narcotics trafficking.[18]

6.70 Besides narcotics, there is a close working relationship between corrupt officials and organised crime. Covering corruption and organised crime within the Ukrainian media has resulted in assassination attempts against journalists, in particular in Crimea, a region most heavily affected by organised crime, where the intermingling of officials and organised crime figures is stronger than anywhere else in Ukraine, and where the security service has openly displayed its hostility to ethnic Russian journalists, who are accused of biased reporting. Others at risk include businessmen, tax inspectors and politicians who refuse to co-operate with organised crime figures. The areas most affected, in addition to Crimea, are Donetsk and Dnipropetrovsk.[18]

6.71 Organised crime elements are widely alleged to influence court decisions. The Justice Ministry reported that in 1997, 135 judges were disciplined, 22 dismissed, and 5 prosecuted for bribery. Evidence indicates that suspects often bribe court officials to drop charges before cases go to trial, to reduce sentences or to commute them. Meanwhile, criminal elements routinely use 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, but this has not yet been formed and trial participants remain vulnerable to pressure.[11]

6.72 The main Ukrainian criminal elements can be divided into three groups; black market criminals who pose no security threat to the state; the commercial criminal group, which came into being under the favourable conditions created by the state monopoly within the economy; and the political group, who have set up their own enterprises, trading in state goods sold to them at low prices and resold for a large profit, which is used to create support groups within the higher echelons of the state. The government is unable to liquidate these criminal elements, and its ability to limit criminal activities is hampered by a lack of security personnel and equipment, which often fails to meet the standards of that possessed by the criminals. In addition, the fusion of corrupt state officials with criminal formations is so strong that the measures taken against them frequently encounter resistance on the part of the violators and their highly-placed protectors.[18]

6.73 There is no doubt that the authorities are alarmed at the growth of organised crime and corruption, and regard it as a threat to national security. President Kuchma has described organised crime as the 'fifth estate' and noted the failure of earlier anti-crime campaigns launched in 1994 and 1995. A new decree, issued in August 1996, came a month after the attempted assassination of the then Prime Minister, Pavlo Lazarenko, and called for the development of a comprehensive crime-fighting programme for 1996-2000.[18] However, the pervasiveness of corruption, connections between government officials and organised crime, and the political activities of organised crime figures continued during 1999 and often blurred the distinction between political and criminal acts. The 'Kuchmagate' tapes, if authentic, would confirm that the ties between the political and the financial spheres reached to the highest level of the

state. Politicians, politically connected businessmen, and journalists, such as in the Georgi Gongadze case, were all victims of attacks, which were sometimes fatal.[11] In January 1999, the Prosecutor General accused members of parliament of trying to protect criminals and of hindering the state's fight against organised crime and corruption. Following an intensified fight against organised crime and corruption, there was an 11% increase in the number of bribery cases leading to criminal proceedings in 1998 compared to 1997.[21] However, many high-profile corruption cases have been dropped, ostensibly because of lack of incriminating evidence, and anti-corruption legislation has been enforced selectively, mostly against government opponents and low-level officials.[11]

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HIV/AIDS

6.74 Ukraine has among the highest number of HIV/AIDS patients in Europe. There are currently 43,600 registered HIV-infected persons in the country but experts suggest the true figure could be 10 times that number. Experts from the Ukrainian AIDS centre predict that the epidemic will peak in 2007-2017. Two scenarios are posited – European and Asian. In the first case 900,000 people are predicted to die, in the second the figure could be over 2 million.[58]

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Treatment of Non-Governmental Organisations

6.75 A wide variety of domestic and international human rights groups operate in Ukraine without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally co-operative and responsive to their views, but enquiries into penal conditions, which are a significant human rights concern, are limited by their status as state secrets, and human rights groups have reported increased difficulties in investigating in this area.

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ANNEX A: CHRONOLOGY OF EVENTS, 1921-2002

1921: Following a few years of partial, ill-fated independence following the Bolshevik revolution in 1917,[7a] the Treaty of Riga, which formally ended the Soviet-Polish War, assigned western Ukraine to Poland, Czechoslovakia and Romania, while eastern and central lands formed the Ukrainian Soviet Socialist Republic (SSR).[1]

1922: The Ukrainian SSR was one of the founding members of the Union of Soviet Socialist Republics (USSR) in December.[1]

1920s: A period of national development for Ukrainians: the use of the Ukrainian language was encouraged, literacy improved and the New Economic Policy (NEP) gave to peasants a certain measure of prosperity.[1]

1930s: The end of the NEP and the collectivisation of agriculture resulted in famine, in which an estimated seven million Ukrainians died. The repressive policies of Stalin were particularly severe in Ukraine, where advocates of the wider use of the Ukrainian language, or of greater autonomy for the republic, were arrested. By the late 1930s, almost the entire Ukrainian cultural and political élite had been imprisoned, killed or exiled. Later, the repression's were extended to include people from all sectors of society.[1]

1940s: The Second World War brought further suffering to Ukraine and led to the deaths of around six million Ukrainians, although Soviet victory did unite the east and west of the country.[1] Ukraine was also subsequently enlarged by territories once Polish, Czechoslovakian and Romanian.[7a]

1954: Crimea, formerly an autonomous republic within the Russian Federation and home of the Tatars (deported *en masse* to Soviet Central Asia in 1944), was handed to Ukraine.[1]

1960s: Encouraged by the thaw of de-Stalinisation, there was an increase in overt criticism of the regime, when political and religious dissidents began to demand greater civil, religious and national rights.[3] This led to a widespread repression of the critics.[1]

1970s: The repression of dissidents continued, while there was also a purge of the membership of the ruling Communist Party of Ukraine (CPU) in the 1972.[1]

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.[1]

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.[1]

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.[1]

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.[1]

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.[1]

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.[1] Also in 1991, Ukraine became a founder member of the Commonwealth of Independent States.

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.[1]

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.[1]

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.[1]

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.[1]

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.[1]

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.[1]

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,[1] which gained a total of 122 seats,[6] 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.[1]

1999: In May, the Crimean Prime Minister agreed to Tatar demands for the creation of a council to represent Tatar interests in the Crimean government, for the right of Tatars returning from Central Asia to own land, and for the creation of Tatar schools. President Kuchma was re-elected after two rounds of voting on 31 October and 14 November.[11]

2000: There were numerous Minister changes during the first half of the year. [1] In September, up to 400 Ukrainians, were found to be suffering from an illness blamed on pollution from nuclear missile fuel in Soviet-era silos, in the southern Mykolayiv region. Symptoms experienced have not been diagnosed as fatal, President Kuchma has declared the region an "ecological emergency zone".[24] 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 in being involved in the journalist's death. These 'Kuchmagate' tapes put Ukraine into an extended political crisis. The last working reactor at the Chernobyl power station was finally closed on December 15th. [25]

2001: The Ukrainian Deputy Prime Minister for energy was dismissed on January 17 over allegations of smuggling Russian gas and tax evasion. [26] 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. [27] [28] [29] 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.[30] 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.[31] [31A] 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.[35] 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.[36] 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.[37]

2002

January Viktor Yushchenko, leader of the Our Ukraine electoral bloc, claimed that he had 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.[38]

In the run-up to the parliamentary elections there were several beatings of candidates.[39] [40] Bloc leader Yulia Tymoshenko was injured in a car crash, her coalition headquarters in Kiev were also raided.[41] [43] Volodymyr Yevstratov from the All Ukrainian Labour party was shot and killed. [42] When leaving his home, Mykola Hladkyy and his bodyguard were admitted to hospital after a bomb explosion.[44]

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. [47] 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.[62]

May First instance of damages awarded against security forces for torturing to death a suspect [56]

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 president's offices: several thousand riot police used rubber truncheons and shields to break up the camp.[51]

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.**[52]**

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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 1988 and 1991, became a political party, the People's Movement of Ukraine, in 1993, and by the beginning of 1994 both extreme left-wing and extreme right-wing parties had been formed. The CPU was banned after the *coup* attempt in Moscow in August 1991, but re-registered in 1993, and remains the largest single party in the Ukrainian parliament. By early 1996, there were 38 political parties registered with the Ministry of Justice, which registered 67 new political parties in 1998.[1]

Agrarian Party of Ukraine (Ahrarna Pariya Ukrainy): founded 1996; advocates revival of the Ukrainian countryside.[1] Opposes the free sale of agricultural land and campaigns for state support for agriculture. Leader: Mykhaylo Hladiy, Governor of Lviv Region. In Autumn 2001, the party negotiated with three pro-presidential parties to create the "TUNDRA" electoral block (see below) for the 2002 parliamentary elections.

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

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** [7b]

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

Christian Popular Union: One of five parties which in October 2001 announced their intention of joining the "Our Ukraine" electoral bloc (see below) for the 2002 parliamentary elections.

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.GenCtte: Petro Symonenko; 120,000 members. [1] Won 122 seats in the March 1998 parliamentary elections. [6]

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** [1]

Congress of Ukrainian Nationalists (Kongress Ukrainskykh Natsionalistiv): founded

1992; radical nationalist party; **[1]** electoral front of the **Organisation of Ukrainian Nationalists**; in 1997 formed the National Front bloc with the **Ukrainian conservative Republican Party** and the **Ukrainian Republican Party**; three deputies form the CUN were elected in March 1998 elections; **[8c]** leader: Yaroslava Stetsko. **[1]**

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. **[1]**

Fatherland Party (Batkivshchyna): the only "oligarch" party in opposition to Kuchma. Founded on the basis of the now defunct Hromada Party, Fatherland has support in southern and eastern Ukraine. Controls 26 seats in the current parliament. Leader: Former Deputy Prime Minister Yulia Tymoshenko, who also lead the National Salvation Forum (see below).

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. **[1]** Won 26 seats in the March 1998 parliamentary elections. **[6]**

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). **[7b]** Won 45 seats in the March 1998 parliamentary elections. **[6]** Since Lazarenko's fall from power, the party has become defunct.

Interethnic Understanding: founded 2000 to promote and safeguard the rights of indigenous Crimeans. **[1]**

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. **[1]**

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

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. With 45 seats it currently has the second largest faction in the Verkhovna Rada. **[1]** Leader Serhiy Tihipko. In Autumn 2001, the party negotiated with three other leading pro-presidential parties to create the "TUNDRA" electoral bloc for the 2002 parliamentary elections.

Liberal Party: founded 1991; centrist pro-economic reform; leader: Volodymyr Shcherban. **[7b]** The party has joined the "Our Ukraine" electoral block which has been set up for the 2002 parliamentary elections.

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. **[7b]**

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; **[1]** leader: Fedor Zaviryukha. **[8c]**

National Salvation Forum: a coalition of Fatherland and other smaller parties. Set up in February 2001 to agitate for Kuchma's removal from office. Leader: Yuliya Tymoshchenko.

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**. **[1]**

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. **[8c]**

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. **[8c]**

Our Ukraine (Nasha Ukraina): In July 2001, former Prime Minister Viktor Yushchenko announced the formation of a new election bloc, uniting moderate parties and founded on democratic principles. It consists of some 20 political parties and 30-40 civic groups and movements. On 8 October 2001, five political parties signed a formal agreement on creating "Our Ukraine". These were the two wings of "Rukh", the Reforms and Order Party, the Liberal Party and the Christian Popular Union.

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. **[1]**

Party of Industrialists and Entrepreneurs: set up in February 2000 as the sister organisation to the Union of Industrialists and Entrepreneurs, an influential business lobby representing Ukraine's "red directors". It is the strongest in Odesa, Sumy, Chernihiv and Dnipropetrovsk Regions. It lobbies for the development of free enterprise and for state support for business. It advocates co-operation with foreign partners and calls in particular for free trade with Russia; leader: Anatoliy Kinakh.

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

Party of the Regions: set up in March 2001 and modelled on Russia's pro-Kremlin "Unity Party", a pro-presidential alliance of regional leaders. Has a strong base in Donetsk Rgion. The party faction controls 20 seats in the current parliament, where its

faction is allied with that of the Agrarian Party; leader: Kykola Azarov, head of the State Tax Administration. In Autumn 2001, the party negotiated with three other leading pro-presidential parties to create the "TUNDRA" electoral bloc for the 2002 parliamentary elections.

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

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

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. [1] As part of a bloc with the Socialist Party, won 25 seats in the March 1998 parliamentary elections. Independently won 15 seats. [6] In 2000, many members defected to the new Working Solidarity Party.

People's Democratic Party of Ukraine: (Narodno-Demokratychna Partiya Ukrainy): centrist party advocating a socially oriented market economy. Set up in 1996. [1] At that time it was known as "the party of power", that is, the party on which the government depended for its main support, and it contained cabinet ministers and regional leaders. It has 16 seats in the current parliament. Leader: Transport Minister (and former Prime Minister) Valeriy Pustovoytenko. In Autumn 2001, the party negotiated with three other leading pro-presidential parties to create the "TUNDRA" electoral bloc for the 202 parliamentary elections.

People's Movement of Ukraine (Rukh) (Narodnyi Rukh Ukrainy): founded 1988/89 as popular movement (Ukrainian People's Movement for Restructuring); registered as political party in 1993. [1] Rukh supports the national idea as a guarantee of Ukrainian statehood and unity of the Ukrainian nation. It favours measures to encourage use of the Ukrainian language. But it has also campaigned for the human rights and freedoms of all ethnic groups in Ukraine, including those of the Crimean Tatars. It supports market reform. It lost momentum in the early 1990s and has since been severely weakened by splits within its ranks. When, in 1999, Rukh's longtime leader Vyacheslav Chornovil was killed in a car crash, the party split into two wings - one led by Hennadiy Ukoenko (the People's Movement of Ukraine) and the other led by Yuriy Kostenko (the Ukrainian People's Movement). Both claim to be the successor to the original party. There is in addition a third splinter group. The splits appear to be fuelled more by personal differences than by policy disagreements and neither wing has been able to gain the popularity of the original, united movement. Both have declared their intention of joining the "Our Ukraine" electoral bloc.

People's (Popular) Democratic Party of Ukraine: founded 1996, on the basis of the New Ukraine movement amongst others; leader: Anatoly Matvienko; 20000 members. [7b] Won 77 seats in the March 1998 parliamentary elections. [6]

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

Progressive Socialist Party (Prohresyvnna Sotsialistychna Partiya): founded 1996 by members of the Socialist Party of Ukraine; ideology closer to communists; opposes moves towards social democracy; Chair: Nataliya Vitrenko. [7b] Won 14 seats in the March 1998 parliamentary elections. [6]

Reforms and Order Party: founded 1997; favours radical market reform and anti-corruption; leader: Viktor Pynzenyk (ex-Deputy Prime Minister). [1], [7b] Advocates liberal, market-orientated reforms and the rule of law. Stresses the importance Ukraine's European orientation. Former Foreign Minister Borys Tarasyuk is a leading member. The party has 17 seats in the current parliament, where its faction is called Reforms - Congress. The party joined the "Our Ukraine" coalition that was set up by Yushchenko to fight the 2002 elections.

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; 127,000 members. [1]

Socialist Party of Ukraine (SPU) (Sotsialistychna Partiya Ukrainy): founded 1991; formed as partial successor to CPU; advocates democratic socialism; leader Oleksandr Moroz; 38,000 members. [1]

State Independence of Ukraine Party (Derzhavna Samostiinist Ukrainy): founded 1990; radical nationalist party; [1] 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**, [8c] leader: Roman Koval [1]

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. [7b]

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. [7b]

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. [8c] 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, [7b] in which it failed to secure seats; [8c] has since had its registration again revoked; advocates violence and ethnic intolerance; [7b] Chair; Oleh Vitovych; Deputy Chair; Dmytro Korchynsky; [1] 10,000 members.

Ukrainian National Self Defence Organisation: the paramilitary wing of the **Ukrainian National Assembly**, established during the August 1991 Moscow *coup*, [8c], whose activities were declared illegal after they were perceived as a threat to the stability of Ukraine and to relations with Russia. [7b]

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. [8c]

Ukrainian Student Union: one of the founder groups of the Ukrainian Popular Movement's youth wing in 1993. [7b]

Union of Industrialists & Entrepreneurs: founded 1992; centrist movement; advocates retention of major state participation in the economy; leader: Anotoly Kinakh. [7b]

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

United Social Democratic Party: "Oligarch" party based in Donetsk Region. Leaders: Victor Medvedchuk and Hryhory Surkis. The party currently has 35 parliamentary seats, putting it in third place, behind the Communists and Labour Ukraine. The party is loosely allied to another "oligarch" group, the Democratic Union.

Working Solidarity of Ukraine (Solidarnist): Began life as a parliamentary faction in February 2000. In March 2000, it opened its ranks to members of the Peasant Party, which disbanded its parliamentary faction after its members defected *en masse* to Solidarity. It has 21 parliamentary seats; leader: Petro Poroshenko.

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. [1]

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

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

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. [1]

Party of the Economic Renewal of Crimea: the most powerful of several parties promoting business interests, formed in 1994. [12]

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. [1]

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ANNEX C: PROMINENT PEOPLE

Mykola Azarov: Head of the State Tax Administration and leader of the Party of the Regions. Thanks to his official post, Azarov is one of the most influential people in Ukraine. He is close to Kuchma.

Ihor Bakay: Leader of the Democratic Union, member of parliament and rich businessman with interests in the energy industry.

Stepan 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.[7b]

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.

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.[1]

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.

Arkadiy Demydenko: Prime Minister of Crimea until he was dismissed in June 1997, and replaced by Anatoliy Franchuk.[1]

Andriy Derkach: Unofficial leader, Labour Ukraine. Derkach is an influential businessman and son of Ukraine's former head of Ukraine's Security Service, Leonid Derkach, who resigned in 2001 in the wake of the scandal concerning the disappearance of opposition journalist Gongadze.

Serhiy Dovhan: Leader of the Peasants' Party of Ukraine, founded in 1992, which advocates retention of the collective farm system, and is opposed to radical economic reform and land privatisation.[1]

Mustafa Dzhemilev or Jemilev: see Mustafa Cemiloglu.

Volodymyr Filenko: Leader of the Party for Democratic Renewal of Ukraine, founded in 1990 as the democratic platform within the CPU, which advocates close economic links with Russia and CIS (Commonwealth of Independent States), a market economy and privatisation.[1]

Vitold Fokin: Replaced Vitaliy Masol, who 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. Fokin was seen as a compromise candidate who could unite the opposition and liberal communists behind a programme of economic reforms.[1]

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.[1]

Georgy Gongadze: Internet-based investigative journalist who reported on the financial machinations of Ukraine's oligarchs and disappeared in September 2000; his headless body was discovered two months later. The case developed into the deepest political crisis in Ukraine since independence when, on 28 November 2000, Socialist Party leader Olexandr Moroz revealed the existence of tape recordings implicating Kuchma, his chief of staff, head of state security, and interior minister in the journalist's disappearance.

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).[1] However, Gorbachev's policy of *glasnost* (the new freedom of expression) became a means for the nationalities of the USSR to voice their grievances and aspirations, and precipitated the dissolution of the USSR in December 1991.[3]

Leonid Grach: Leader of the Communist Party of Crimea and Speaker of the Supreme Soviet of the Autonomous Republic of Crimea.

Mykhaylo Hladiy: Governor of Lviv Region, leader of the Agrarian Party.

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.[1]

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.[1]

Stanislav Hurenko: Replaced Volodymyr Ivashkova as First Secretary (leader) of the CPU in June 1990.[1]

Volodymyr Ivashko: Replaced Vladimir Shcherbitsky as First Secretary (leader) of the CPU in 1989, and in June 1990 was also elected Chairman of the Supreme Soviet (the highest state post in the republic). In response to subsequent protests by deputies of the Democratic Bloc, who asserted that the Chairman of the Supreme Soviet should not also be CPU leader, he resigned later in the month as First Secretary of the party and was replaced by his former deputy, Stanislav Hurenko. However, in July 1990, he also resigned as Chairman of the Supreme Soviet, after his appointment as Deputy General

Secretary of the Communist Party of the Soviet Union (CPSU). He was succeeded as Chairman of the Supreme Soviet by Leonid Kravchuk.[1]

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

Anatoly Kinakh: Leader of the Union of Industrialists & Entrepreneurs, founded in 1992, which advocates the retention of major state participation in the economy.[7b] Since May 2001, Prime Minister.

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).[1]

Yuriy Kostenko: Leader, Ukrainian People's Movement ("Kostenko's Rukh"). Kostenko was elected to parliament in 1998 on the Rukh party list. When, in 1999, Rukh's longtime leader was killed in a car crash, the party split into two wings -- one led by Kostenko and the other by Hennadiy Udovenko.

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

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.[1]

Leonid Kuchma: 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.[1] Kuchma was reelected to a second five-year term in November 1999.

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

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.[1]

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.[1]

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.[1]

Anatoly Matviyenko: Leader of the People's (Popular) Democratic Party of Ukraine, founded in 1996, on the basis of the New Ukraine movement amongst others.[7b] Also leader of the Labour Congress of Ukraine, founded in 1993.[1]

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

Oleksandr Moroz: Leader of the Socialist Party of Ukraine, founded in 1991, as a partial successor to the CPU. Was elected Chairman of the Supreme Council in May 1994.[1]

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.[1]

Vasyl V Onopenko: Leader of the Social Democratic Party of Ukraine, founded in 1995 by a merger of the Ukrainian Party of Justice, the Party of Human Rights and the Social Democratic Party.[1]

Viktor Pinchuk : Unofficial leader, Labour Ukraine. Pinchuk is Kuchma's common-law son-in-law. He has important interests in the media, metallurgy and pipe-making industries.

Petro Poroshenko: Young businessman in the confectionery business who leads the party Working Solidarity of Ukraine (*Solidarnist*).

Viktor Prysyzhnyuk: Leader of the Ukrainian Peasant Democratic Party, founded in 1990, which advocates private farming and the dissolution of collective farms.[1]

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

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.[1] Leader of Reforms and Order, founded in 1997, which favours radical market reform

and anti-corruption.[7b]

Volodymyr Shcherban: Leader of the Liberal Party, founded in 1991.[7b]

Vladimir Shcherbitsky: A loyal ally of the Soviet leader, Leonid Brezhnev, replaced Petr Shelest as First Secretary (leader) of the CPU in 1973. However, his failure to control the growing influence of Rukh or to address worker unrest led to his dismissal in 1989.[1]

Petr Shelest: First Secretary (leader) of the CPU, accused of tolerating dissent in the republic in 1973, and subsequently replaced by Vladimir Shcherbitsky.[1]

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.[1]

Yaroslava Stetsko : Leader of the Congress of Ukrainian Nationalists, founded in 1992.[1]

Volodymyr Stretovych: Leader of the Christian Democratic Party of Ukraine, founded in 1989.[1]

Petro Symonenko: Leader of the CPU, until 1990 the only legal political party in Ukraine, and an integral part of the Communist Party of the Soviet Union.[1]

L Taburyanskiy: Leader of the People's Party of Ukraine.[1]

Borys Tarasyuk: Former Foreign Minister, dismissed by Kuchma in September 2000. Now a member of the Reforms and Order Party.

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

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

Yuliya Tymoshenko: Leader of the Fatherland Party and the National Salvation Forum. Rich businesswoman with interests in electricity distribution. As deputy prime minister in charge of energy, Tymoshenko in 2000 introduced reforms that weakened the position of oligarchs close to Kuchma, who got her sacked her from the government in 2001. She went into opposition and is now under investigation on charges of corruption.

Hennadiy Udovenko: Leader, People's Movement of Ukraine ("Udovenko's Rukh"). Former Foreign Minister who was elected to Parliament on the Rukh party list in 1998. When, in 1999, Rukh's longtime leader was killed in a car crash, the party split into two wings -- one led by Udovenko and the other by Yuriy Kostenko.

Oleh Vitovych: Leader of the Ukrainian National Assembly, founded in 1990, which advocates violence and ethnic intolerance.[7b]

Nataliya Vitrenko: Leader of the Progressive Socialist Party, founded in 1996 by

members of the Socialist Party of Ukraine.[7b]

Oleksandr Volkov: Leader of the Democratic Union political party and member of parliament. Formerly an adviser to Kuchma, whose business interests he oversaw.

Bohdan Yaroshynskiy: Leader of the Ukrainian Republican Party, founded in 1990 as a successor to the Ukrainian Helsinki Union (founded 1988), and advocating immediate departure from CIS and consolidation of independence.[1]

Volodymyr Yavoriskiy: Leader of the Democratic Party of Ukraine, founded in 1990, which opposes CIS membership, and advocates national cultural and linguistic policies to support Ukrainian heritage.

Leonid Yershov: Leader of the Party for the National Salvation of Ukraine, registered as a political party in 1993.[1]

Viktor Yushchenko: Prime Minister (2000-2001), now leader of the "Our Ukraine" electoral bloc which announced its formation on 8 October 2001. [Source: RFE/RL Newline, 9 October 2001]

Anatoliy Zlenko: Foreign Minister since September 2000.

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