



January 2011

country summary

Ukraine

The February 2010 presidential election ended the political turmoil that has characterized Ukraine in recent years. Viktor Yanukovich won the election over incumbent Viktor Yushchenko in a contest that international observers declared generally in accordance with international standards. Upon taking office President Yanukovich initiated far-reaching reforms, drawing criticism for pushing through changes without respecting democratic procedures or engaging the opposition.

Ukraine's relationship with Russia improved significantly in 2010. Russian President Dmitry Medvedev, who had clashed frequently with Yushchenko, voiced hope that the "black page" in relations between Russia and Ukraine following the Orange Revolution of 2005 would be turned. Yanukovich, widely-seen as pro-Russian, visited Moscow in March and agreed to extend the lease on Russia's Black Sea fleet in the Crimea for another 25 years. Medvedev reciprocated by discounting gas prices to Ukraine.

The human rights situation in Ukraine remains marred by racial profiling; attacks against foreigners with non-Slavic appearances; government-imposed restrictions on freedoms of media; and migration issues including access to asylum, detention conditions, and protection of vulnerable groups.

Migration and Asylum

The European Union-Ukraine readmission agreement that provides for the return of third-country nationals who enter the EU from Ukraine came into force in January 2010, but implementing protocols has not yet gone into effect at this writing.

A stalemate between the executive and legislature in 2009 led to a year-long breakdown in the Ukrainian asylum system until the authority of the State National Committee on Nationalities and Religions to grant asylum was restored in August 2010. Asylum seekers with pending cases, or those in the process of appealing refugee status rejections, remain vulnerable to arbitrary detention, police harassment, and extortion.

Applying for asylum is riddled with obstacles, including lack of access to lawyers in detention, and failure by detaining authorities to transmit asylum applications to regional migration services. Ukraine's asylum system continues to lack complementary forms of protection. There are only two known cases of refugee status granted to Somalis and only one known case of an unaccompanied child receiving refugee status. Unaccompanied children lack protection, access to state accommodation, and are often detained. Failure to appoint legal representatives in some regions leads to unaccompanied children being barred from entering asylum procedures and forces them to remain undocumented.

A Human Rights Watch fact-finding mission in June 2010 revealed many migrants and asylum seekers apprehended in the border region between Ukraine, Slovakia, and Hungary—or returned from these neighboring EU countries—suffer ill-treatment. In some cases, this includes torture with electric shocks, while in the custody of Ukraine's State Border Guard Service and during interrogations about smugglers' networks.

Judicial Reform

President Yanukovich pledged to undertake judicial reform in compliance with European standards and in close consultation with relevant Council of Europe bodies, particularly the European Commission for Democracy through Law (Venice Commission). However, judicial reform, a central element of Ukraine's commitment to the Council of Europe, is being conducted hastily and without apparent consideration of the commission's opinions and recommendations. Authorities submitted the controversial draft law "On the Judicial System and the Status of Judges" for Venice Commission review in March 2010. The Venice Commission and the Directorate General of Human Rights and Legal Affairs of the Council of Europe recommended substantial changes to the draft law, some of which require constitutional reform. In July 2010 the government signed the bill into law without implementing the Council of Europe's recommendations. The law significantly reduces the power of the Supreme Court and increases the authority of the High Council of Justice, a body criticized for lacking independence. In July 2010 Yanukovich appointed Valery Khoroshkovsky—head of the Security Service of Ukraine (SBU), media owner, and the president's close ally—to the High Council of Justice.

Hate Crimes and Discrimination

Racial profiling, non-violent harassment by police, and hate crimes against persons of non-Slavic appearance and ethnic and religious minorities continue to be a serious concern. The authorities' commitment to combating hate crimes weakened significantly in 2010. The Ministry of Interior Human Rights Monitoring Department, created in 2008 with a mandate to

counter racism and xenophobia, was dissolved in June 2010. In August 2010 the same ministry disbanded its hate crimes investigations unit. The government does not gather or publish data on hate crimes. Ukrainian law provides for sentencing enhancements for violent crimes where racial, national, ethnic, or religious hatred is an aggravating circumstance, but this provision is generally not applied by judges due to lack of judicial training on hate crimes.

Crimean Tatars continue to face discrimination and problems with integrating into society, including lack of education in their native language.

Civil Society

Despite Yanukovich's vows to protect freedom and media pluralism, numerous newspapers and independent journalists reported increased pressure by law enforcement agencies and some television stations alleged censorship. 2010 also saw increased pressure and attacks on human rights activists.

In August 2010 Vasyl Klymentyev, editor-in-chief of the Kharkiv-based *Noviy Stil* newspaper known for its critical coverage of the authorities, went missing. Klymentyev investigated several high-profile corruption cases involving local officials. Before disappearing, Klymentyev received threats and bribes not to release certain materials, increasing concerns that his disappearance is tied to his work. A national investigation into his disappearance has produced no results at this writing. The case echoes that of Georgy Gongadze, an online journalist who had reported on high-level corruption and was killed in 2000. On September 16, 2010, 10 years after his decapitated body was found, the Prosecutor General's office issued a statement identifying the late interior minister, Yuri Kravchenko, as the mastermind behind Gongadze's murder.

In May 2010 Ukrainian disability-rights activist Andrey Fedosov, who was documenting poor living conditions at several governmental psychiatric institutions in the Crimea region, was hospitalized after an attack by unknown assailants. He had previously received anonymous threats not to publicize his findings. In October Fedosov was informed by the Ministry of Internal Affairs that an inspection was underway into his organization's economic affairs.

On October 15, police searched the office of the Vinnytsya Human Rights Group under the pretext of investigating pornography distribution by the group's coordinator, prominent human rights activist Dmytro Groisman. Police, who did not have a warrant, seized the office's computers and confidential materials related to current refugee cases and two pending cases at the European Court of Human Rights. At this writing, no one has been

charged in connection with the alleged investigation and the group's materials and equipment has not been returned.

Health Issues and HIV/AIDS Therapy

Ukraine continued to expand provision of antiretroviral therapy for people living with HIV/AIDS. As of January 2010, 15,871 people were receiving medication. It also expanded the number of people with opioid drug dependence receiving medication-assisted treatment (MAT) with methadone and buprenorphine, from none in 2004 to about 5,550 in 2010.

However, an increasing number of attacks by law enforcement agencies on drug treatment clinics called into question the new government's commitment to the HIV response. Police have raided drug treatment clinics; interrogated, fingerprinted, and photographed patients; confiscated medical records and medications; and detained medical personnel in cities nationwide. Many raids appear to have been conducted without probable cause and in violation of Ukraine's rules for police operations. The raids resulted in disrupted treatment, and two doctors face drug trafficking charges punishable by up to 10 years in prison.

Accessibility to palliative care continued to be limited, resulting in tens of thousands of patients suffering unnecessarily. Human Rights Watch research found that Ukraine's narcotics regulations severely limit the availability and accessibility of morphine, essential for treating severe pain, and that most healthcare workers are not properly trained in internationally accepted pain treatment best practices.

Key International Actors

In 2010 the EU and Ukraine continued to seek a closer relationship on economic, trade, and energy issues. President of the European Commission José Manuel Durão Barroso and Yanukovich met in Brussels in September to discuss establishing a visa-free regime between Ukraine and the EU, the vital role of media, and an independent judiciary for Ukrainian democratic development.

After a June 2010 fact-finding mission to Ukraine, the Monitoring Committee of the Council of Europe Parliamentary Assembly (PACE) commented on the increased allegations of state pressure on freedom of assembly and media. In his September visit PACE President Mevlüt Çavusoglu raised issues of media freedom, minority rights, integration of Crimean Tartars, and the integration of Ukraine in the EU. He called on Ukrainian authorities to seek the opinion of the Venice Commission before adopting new legislation to ensure compliance with international standards.

During the second session of the United States-Ukraine Strategic Partnership Commission in July 2010, the sides agreed to establish working groups on nuclear power cooperation, political dialogue and the rule of law. US Secretary of State Hillary Clinton met civil society and independent media leaders to discuss safeguarding media independence and strengthening civil society in Ukraine.

The UN Committee on Elimination of Discrimination against Women reviewed Ukraine during its January 2010 session and concluded that gender inequality and women's rights violations in Ukraine continue. The committee criticized the Ukrainian government for not sufficiently addressing the roots of trafficking in women and girls in the country, and the lack of resources allocated to combating the problem.