

Ukraine¹

IHF FOCUS: elections; freedom of expression and the media; freedom of association; peaceful assembly; judicial system and independence of the judiciary; fair trial and detainees' rights; torture, ill-treatment and police misconduct; conditions in prisons and detention facilities; religious intolerance; "disappearances"; ethnic minorities; intolerance, xenophobia, racial discrimination and hate speech; asylum seekers and immigrants; rights of the child.

In late March a new parliament was elected. The elections were more in line with international standards than previous elections. However, observers still registered a fair amount of irregularities, and pro-government and opposition candidates did not enjoy a level playing field in terms of their campaigning opportunities. While opposition parties scored great gains in the nation-wide proportionate race, the pro-presidential For a United Ukraine managed to secure a continued position in power on the basis of the votes given in single-mandate constituencies.

Pressure on freedom of expression and the media reached a peak during the pre-election period, but serious problems persisted throughout the year. Journalists who were critical of the government were *inter alia* arbitrarily arrested, convicted of libel and subjected to violent attacks. During the year, a record number of six journalists reportedly "disappeared" under dubious circumstances. Freedom of association remained unduly restricted, and on some occasions the authorities bluntly violated the right to peaceful assembly.

A new framework law on the judiciary took effect in June, but it did not introduce any effective remedy regarding the problem of the dependence of the judiciary on the executive branch. Access to courts remained limited and many court decisions in civil cases were not implemented. In the course of criminal procedures, judges violated the rights of defendants in many ways, including by denying them the right to legal counsel of their own choice and the right to be present at their trial. Courts also often failed to take into account allegations that defendants had been tortured in pre-trial detention.

In particular, torture was a serious problem in special investigation isolators subordinated to the Ministry of Interior. In these facilities law enforcement officials habitually used the method of "beating confessions out of suspects." However, torture methods also included a number of other brutal techniques. There were several cases where suspects reportedly committed suicide in order to escape torture.

Conditions in prisons and detention facilities remained far below international standards and – in at least some cases – clearly amounted to inhumane treatment. Tuberculosis was also rampant and death rates were exceptionally high among inmates.

The Ukrainian Committee Helsinki-90 remained concerned about efforts to merge the country's three Orthodox churches into one because it feared that this would have a negative impact on freedom of religion, conscience and thought in the country. As in previous years, minority religious communities sometimes experienced difficulties when dealing with the authorities.

Police officers often subjected people with dark skin and people from the Caucasus to arbitrary treatment. There was also room for considerable improvement in the treatment of asylum seekers, refugees and undocumented migrants apprehended en route to Western Europe.

As the economic transition continued, the economic realities remained harsh for many citizens, above all families with children.

Elections

On March 31, elections to the parliament (*Verkhovna Radna*) were held. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) concluded that the elections represented progress in relation to the 1998 elections in terms of their compliance with international standards. The major reasons for this positive

¹ Unless otherwise noted, based on information from the Ukrainian Committee Helsinki-90 to the IHF.

development were that the elections took place under a considerably improved election law² and that they were well administered by the Central Election Commission. However, the elections also featured serious flaws.³ According to the Ukrainian Committee Helsinki-90, a broad range of irregularities occurred both during the election campaign and on the day of elections. The major effect of these irregularities was to create an uneven campaign environment for pro-government and opposition forces.

Pre-election period

In accordance with the October 2001 election law, multiparty election commissions were formed to administer the election process at district and local level. However, opposition parties were not granted adequate representation in these commissions. About 60% of all chairpersons of the commissions were representatives of parties supporting the government, and no opposition party – irrespective of size – had more than 10 representatives among the total of 225 chairpersons.

There were also numerous cases where opposition candidates were denied registration for arbitrary and unlawful reasons, including because they had allegedly given incorrect information to the tax authorities about their sources of income. On the eve of the elections the authorities withdrew the registration of a number of candidates but failed to inform them that this measure had been taken.

The authorities widely abused so-called administrative resources to promote the campaign of the pro-presidential bloc For a United Ukraine and other pre-presidential parties. Those running for such parties were, for example, given office space in local administration buildings, granted the opportunity to display campaign material in local administration facilities and openly backed by local administration representatives at official events.⁴ At the same time, opposition candidates often experienced great difficulties in communicating their views to the citizens *inter alia* because they were not able to rent suitable meeting venues or enjoyed poor access to public bulletin boards. In some cases, leaflets, posters and other material in support of opposition candidates were unlawfully confiscated or removed from public places.

The media was generally biased in its reporting. The state-funded national television channel devoted disproportionate attention to pro-presidential candidates and in many regions opposition candidates enjoyed only minimal access to electronic media.⁵ In some cases opposition candidates were bluntly cut off air as they were speaking. According to the Ukrainian Committee Helsinki-90, Russian media, which was widely available in Ukraine, also engaged in active propaganda against the country's opposition forces.

- A pre-election edition of the opposition newspaper *Svobodna* carried an article highly critical of the government-loyal general prosecutor who ran in the elections. On March 24, traffic police reportedly stopped a truck that was transporting 107,000 copies of this edition from the printing house in Cherkassy to Kyiv. The traffic police removed all copies of the newspaper from the truck and threw them into a nearby river, without stating any reasons as to why this was done.

Moreover, a series of acts of intimidation and violence against opposition candidates, campaign workers and members of electoral commissions were reported during the run-up to the elections. Two candidates, one of whom represented a government-loyal party, were allegedly killed for political reasons during this period.

- On March 14, Ihor Avdiyenko, chairman of the district electoral commission in the Donetska *oblast* (administrative region), “disappeared.” Two days later he was found dead near the village of Kodyma. Avdiyenko was the leader of the local branch of the oppositional Social Democratic Party. His party colleagues believed that he had been killed for political reasons.
- On March 29, Mykola Shkribliak, deputy regional governor and candidate for the government-loyal Social Democratic Party-United, was shot dead in the Ivano-Frankivsk *oblast*. Following this event, the state

² For more information on this law see IHF, *Human Rights in the OSCE Region: the Balkans, the Caucasus, Europe, Central Asia and North America, Report 2002 (Events of 2001)*, at www.ihf-hr.org/viewbinary/viewdocument.php?doc_id=97

³ OSCE/ODIHR, *Ukraine: Parliamentary Elections 31 March 2002, Election Observation Mission Final Report*, May 27, 2002, at www.osce.org/odihr/documents/reports/election_reports/ua/ua_pe_march2002_efr.php3#10

⁴ Ibid.

⁵ Ibid.

television accused a member of the opposition, a candidate running for Our Ukraine, of encouraging violence against government-loyal candidates, including Shkribliak. In order to support this claim, the state television showed excerpts from a speech that the opposition candidate in question had given, where he criticized his opponents using harsh words, but did not mention Shkribliak or the Social Democratic Party-United. As of the end of the year, police was still investigating the case.

There were also reportedly cases where voters were placed under undue pressure to vote for pro-government parties. Such cases were for example reported to have occurred within local administrations, state-owned enterprises, schools and hospitals.⁶

- In a particularly shocking case, the administration of a home for elderly people in Zdolbuniv in the Rivnenska *oblast* reportedly did not give the residents any food for several days in order to coerce them into voting for the pro-president party block For a United Ukraine (“Za Yedynu Ukrayinu” in Ukrainian, sometimes abbreviated as “Za YeDu,” which means “for food”).

Election Day

On the whole, voting procedures complied fairly well with legal provisions.⁷ However, breaches of the election law were nevertheless observed in many parts of the country. These breaches included unlawful election propaganda, ballot stuffing, attempts to prevent citizens from voting on opposition parties, and undue pressure on election commissions.

- In the Vynnytska *oblast*, government officials, local council chairs and heads of regional farms reportedly gathered outside voting places to call on voters to vote for pro-government parties. By law election propaganda was prohibited on the election day.
- Monitors in the Donetsk *oblast* reported that approximately 300 falsified ballots were placed into the ballot boxes in almost every voting place in the region. This was done by a particular group of people, who appeared to have been charged with the task, as well as members of local election committees.
- Also in the Donetsk *oblast*, the name of the oppositional Block of Yulia Tymoshenko had systematically been deleted from the ballot papers that were used. It had been replaced with the name of the pro-government Socialist Party, which thus appeared twice on the ballots. This measure effectively prevented the citizens of the region from voting on the electoral block led by Yulia Tymoshenko.
- In the Sumska *oblast*, the authorities interfered with the work of election committees in numerous ways. For example, in the village of Sukhoverkhivka of the Buruminskii district, the chair of the local council reportedly demanded that the members of the district electoral committee sign the election result report, although its sheets were yet to be filled out. He threatened to dismiss them from the committee if they refused to comply with his demand. As a result, eight members of the committee signed the blank election report. The remaining two members, who refused to do so, were forced to leave the committee. These members represented the Block of Yulia Tymoshenko.

Election Results

The voter turnout was relatively high: 69% of the registered voters participated. In accordance with the October 2001 Election Law, half of the 450 representatives in the parliament were elected from single mandate constituencies, while the remaining ones were elected from nation-wide party or election block lists on the basis of proportional representation.

There was a great inconsistency between the results from the proportionate vote and the results from the single mandate constituency vote. While the pro-presidential For a United Ukraine won only 11,8% of the vote in the proportionate race (35 seats), it secured more seats than any other party/electoral bloc in the majoritarian contest (151 seats). Similar discrepancies could also be noted in terms of the seats won by the other major contestants: Our Ukraine (70/55 seats); the Communist Party (59/7 seats); the Bloc of Yulia Tymoshenko (22/5

⁶ Ibid.

⁷ Ibid.

seats); the Socialist Party (20/4 seats); and the Social Democratic Party-United (19/15 seats). The Ukrainian Committee Helsinki-90 concluded that the free will of the voters was expressed in the proportionate vote, but that those in power were able to manipulate the elections through the majoritarian vote so as to prevent this will from being realized. Following the elections, several opposition candidates who had gained a seat in the parliament were pressurized into joining pro-governmental forces.

On the same day as the parliamentary elections were held, local elections took place. These elections were characterized by similar irregularities as the parliamentary elections.

Freedom of Expression and the Media

The Ukrainian Constitution safeguarded freedom of expression and the media and particularly prohibited censorship. However, in reality, the government exercised strong influence on the country's media.

All nation-wide television channels were either state-owned or controlled by people with close links to the president. The government actively interfered in the activities of these channels, in particular during the period leading up to the parliamentary elections.

Printing was very expensive due to a lack of competition and most newspaper owners depended on favorable treatment from the government to be able to remain in business. As a result, their editorial independence was restricted.

It was revealed that, for a long period of time, the government had distributed "recommendations" (*temniks*) to media outlet directors, thereby instructing them on how to report on certain topics and what press conferences to attend. In protest, a number of famous journalists left their positions.

Moreover, the National Council on Television and Radio Broadcasting introduced a new regulation that required all broadcasting companies that transmitted foreign stations (such as BBC, Voice of America and Radio Liberty) to apply for a special kind of license by January 1, 2003. It was believed that this move represented an attempt by the government to establish control over these independent sources of information.

Independent media outlets were also sometimes denied registration, and libel suits were widely used to impede critical reporting. As the country's criminal law did not establish any maximum limit for the damages that could be imposed for libel, the amounts were often very high.

- On April 17, the independent television station UTAR was refused a renewed broadcasting license and was thus forced off air. It was believed that the government made this decision because UTAR had reported critically on the process leading up to the March parliamentary elections.
- The mayor of the city of Dnieprodzerzhynsk sued the independent newspaper *Litsa* for libel after it published an article accusing him of corruption. A local court admitted the suit and ordered the newspaper to pay 60,000 hrn (approximately €1,257).

As in previous years, journalists were also the targets of unlawful arrests and detention, and they were subjected to intimidation and physical abuse. During the year, a total of six journalists "disappeared" under dubious circumstances. This was double the number of journalists who "disappeared" in 2001. The investigations into the "disappearances" were ineffective and marred by numerous irregularities. The 2000 murder of the journalist Georgiy Gongazde also remained unsolved.

- On January 28, an unknown assailant attacked Tatiana Goriatcheva, editor-in-chief of the newspaper *Berdiansk Delovoj*, outside her home in the city of Berdiansk. The assailant threw acid at Goriatcheva's face, thereby causing her serious burns. It was believed that she was targeted because of her critical reporting.⁸

⁸ International Press Institute (IPI), 2002 *World Press Freedom Review*, at www.freemedia.at/wpfr/world.html.

- On April 11, unknown assailants hit Olha Proshkyna, a journalist reporting for *Political Ukraine*, and her fiancé with a sapper. As a result both of them needed hospital treatment. The attack was allegedly motivated by Proshkyna's professional activities.⁹
- On May 17, a Donetsk court acquitted the man charged with murdering the journalist Igor Aleksandrov, concluding that there was not sufficient evidence to convict him. Aleksandrov, director of the independent television station *Tor*, was brutally attacked in his hometown Slayansk in July 2001 and died as a result of the injuries he sustained. It was believed that he was murdered because of his investigative journalism into government corruption and organized crime.¹⁰ The investigations into the murder were criticized as ineffective.¹¹
- In late October, the body of Mykhailo Kolomiets, director of the news agency *Ukrainsky Novyny*, was found hanging from a tree in a forest near the Belarusian town of Molodeshno. Kolomiets had been missing for more than a week. While police believed that he had committed suicide, the circumstances under which he was found suggested that he could have been murdered. Kolomiets' friends and colleagues dismissed the idea that his death was natural and alleged that it was related to the critical views his news agency had published from time to time. Kolomiets' wife said that her husband had been intimidated and harassed during the months before he died.¹²

Freedom of Association

The 2001 Law on Political Parties required parties that wish to register with the authorities to collect signatures from at least 10,000 citizens in at least two thirds of the country's *rayons* and *oblasts*. It was therefore rather difficult for new parties to register. According to the Elections Law, parties must have been registered at least for a year in order to be able to nominate candidates in parliamentary elections.¹³ Moreover, the Criminal Code established criminal liability for membership of non-registered organizations, including political parties. Violations of this provision could result in fines amounting to €80-450, which were comparatively high sums. The minimum monthly salary in the country was, for example, €30.

Peaceful Assembly

The Constitution granted citizens the right to organize peaceful meetings, rallies and demonstrations on condition that they notified the authorities in advance. Restrictions of the right to peaceful assembly could be imposed by a court in accordance with the law in order to safeguard national security or public order, prevent crimes, protect the health of the population, or protect the rights and freedoms of other persons.

However, in some cases, courts declared peaceful assemblies illegal on the basis of an old Soviet era decision, the provisions of which contradicted the Constitution. The participants in meetings that had been outlawed were punished according to the Administrative Code.

- During the night between September 16 and 17, riot police dismantled a tent camp organized by members of political opposition parties outside the president's palace in Kyiv. The action had been launched to protest government policies. More than 50 participants were arrested and sentenced to 15 days in administrative detention. However, in response to an outcry by human rights activists and the Ukrainian ombudsperson, they were subsequently released.

Judicial System and Independence of the Judiciary

⁹ Ibid.

¹⁰ For more background information on the case, see *IHF, Human Rights in the OSCE Region: the Balkans, the Caucasus, Europe, Central Asia and North America, Report 2002 (Events of 2001)*.

¹¹ Committee to Protect Journalists, "Ukraine: Suspect charged with journalist's murder acquitted," May 17, 2002.

¹² IPI, *World Press Freedom Review*; and Reporters Without Borders, "Reporters Without Borders calls for more tests in Kolomiets death and stresses that enquiry is not over," February 12, 2003.

¹³ Freedom House, *Nations in Transit 2002*, at www.freedomhouse.org/research/nattransit.htm.

On June 1, a new framework law regulating the judicial branch, the Law on the Judiciary, entered into force. The new law largely corresponded to proposals made by the Council of Europe.¹⁴ However, the Ukrainian Committee Helsinki-90 expressed concern that the law continued to grant the executive power strong influence on the judiciary. In particular, the committee criticized the fact that the new law provided that courts at all levels be funded by the State Court Administration of Ukraine, whose head was appointed directly by the president.

During the year, the Ukrainian Committee Helsinki-90 observed several incidents where judges who clearly manifested their independence of the executive were subjected to pressure.

- Yuriy Vasylenko, a judge of the Kyiv Appeal Court, experienced pressure from the government after he participated in an experimental jury trial organized by the Ukrainian Committee Helsinki-90 in late 2001. The aim of this event was simply to show the pros and cons of such forms of trials. However, the government claimed that Vasylenko had compromised his position by agreeing to preside the experimental trial. The Ukrainian Committee Helsinki-90 believed that the real reason for the government's action against Vasylenko was that he worked on two criminal cases allegedly involving the president.

Most courts struggled with a serious work overload. While one judge dealt with an average of 35 cases per month in 1996, the corresponding figure was 90 in 2002. In Kyiv the number was as high as 113. As a result, legal proceedings were often very lengthy. In extreme cases, defendants had been waiting for their cases to be taken up in court for five years or more.

Access to courts remained limited because of the requirement that all documents presented to a court be typed or printed. Only a small proportion of the population was in the possession of typewriters or computers with printers. Such equipment was also rare in the country's penal institutions. Another serious problem was that many court decisions remained unimplemented. According to official information, only 25% of all court decisions in civil cases were effectively implemented in 2002.

Displaying a striking neglect for the rule of law, Serhiy Kivalov, chairman of the Supreme Council of Justice,¹⁵ refused to leave his position after being elected into the parliament in the March elections. By law, a member of parliament was not allowed to hold any other official position. Even more disturbing, two court decisions subsequently supported Kivalov's stance.

Fair Trial and Detainees' Rights

By law, the public prosecutor and the defense enjoyed equal opportunities to make representations during trial. However, in reality the prosecutor was in a privileged position, and court proceedings were normally biased against the defendant.

The Constitution granted everyone the right to legal assistance, and foresaw that such assistance be provided free of charge to those in need. However, in some cases, courts had difficulties in finding lawyers who were willing to assist defendants who could not afford to pay for legal services themselves. In other cases, courts refused to allow defendants to make use of the services of lawyers of their own choice and instead appointed lawyers to act on their behalf. Typically such lawyers merely played the role of a second prosecutor.

Judges also limited the rights of defendants in many other ways, including by failing to inform them in advance about the time when their cases were due to be considered. During the year, more than 400 rulings were reportedly issued in the absence of the defendant. When there was not enough evidence to convict a defendant, judges often remitted the case for further investigation, instead of passing a sentence of "not guilty" on the basis of lack of evidence.

¹⁴ Ibid.

¹⁵ This is a body charged with proposing judges to be appointed or dismissed by the president.

There were also numerous reports of cases where judges failed to take into account allegations of torture and convicted defendants on the basis of evidence obtained under coercion, including cases where defendants were charged with crimes carrying harsh prison sentences under the Criminal Code.

Torture, Ill-Treatment and Police Misconduct

Although torture was punishable by law, it remained widespread practice among law enforcement officials. Following the establishment of a special government department to monitor the situation in regular pre-trial detention facilities (SIZOs) in 2000, the problem of ill-treatment and torture had decreased in these facilities. However, at the same time, it had become increasingly common to hold suspects for prolonged periods of time in special investigation isolators (IVSs), which were subordinated to the Ministry of Interior.

The special investigation isolators were not proper detention facilities (there were for example no beds in the cells), and they were only intended to accommodate suspects for a maximum of three days. However, suspects were frequently detained there for several months. During this time law enforcement officials typically subjected the suspects to torture in order to coerce them to confess the crimes they were charged with.

Among the torture methods used were the so-called *slonik* (elephant) technique, which meant that a gas mask was placed over the face of the suspect to prevent him or her from breathing. Another method was the so-called *lastivka* (swallow) technique, which involved the suspects having their hands and feet tied together, and a truncheon being inserted into their anus or electric shocks applied to their genitals. All kinds of beatings were also frequent.

During the year, the media reported numerous cases where persons under investigation jumped out of IVS windows in an alleged attempt to escape torture.

As noted in the section above, courts in most cases paid no attention to torture allegations, which defendants presented during trial.

During the year, at least one conscript allegedly committed suicide because of bullying (*didovschyna*).

Conditions in Prisons and Detention Facilities

There were a total of 180 regular detention facilities in the country, including 43 pre-trial isolators (SIZOs), 131 labor colonies (VTKs), and 11 juvenile penal institutions for prisoners under the age of 20 (ten for boys and one for girls). All these facilities were supervised by a special government department charged with monitoring detention conditions. At the end of 2002, the total number of detainees was 198,400, of which 43,600 were held in pre-trial detention. A total of 751 people were serving lifetime sentences. Approximately half of all detainees were younger than 30.

The detention facilities were normally overcrowded, accommodating 10% more people than they had capacity for. As a result, detainees were frequently forced to sleep in turns. The physical conditions of cells were also generally poor and sanitation inadequate. It was not uncommon that the toilets were not separated from the cells, and in one case there were only two toilets for 1,500 detainees. While cells often became unbearably hot in summer, not all detention facilities were heated during the winter because of the high costs of electricity. In some cases, cell walls were constantly damp. In other cases, there was a lack of air because detainees were allowed to smoke in the cells and there was no ventilation.

Detainees were typically fed very sparsely, and various diseases were widespread among them. Every ninth detainee reportedly suffered from tuberculosis. Those detainees that suffered from tuberculosis were sometimes not isolated from healthy inmates, and insufficient measures were taken to prevent the spread of HIV. Access to medical treatment, as well as medication, was limited. Detainees sometimes had to suffer pains for months before they eventually were granted access to a doctor. The death rate in detention facilities was 11 times higher than the average death rate in the country.

Detainees were also regularly treated in a humiliating and degrading manner.

- In the investigation isolator number 13 in Kyiv, the detainees were reportedly chained to their beds during a major part of the day. They were even chained in this way while having their meals. When taken out of their cells the detainees were reportedly chained to each other and led as if they were dogs.

Detainees had no effective opportunities to complain about their situation since a special government unit reviewed all the letters they sent and those who attempted to submit formal complaints were subjected to pressure.

Conditions in the temporary detention facilities that remained under supervision of the Ministry of Interior (IVSs and RVSSs) were even worse than those in the regular detention facilities. In these detention facilities, diseases were extremely widespread and, as noted in the section above, torture was a serious problem.

- In the special investigation isolator in Fastiv, the cells were reportedly overrun with mice and insects, and the detainees were entirely deprived of fresh air and sunlight. They were only fed with spoiled porridge.

Religious Intolerance

The right to freedom of religion was safeguarded under the Constitution. The exercise of this right could only be restricted for the purpose of protecting public order, the health and morality of the population, or the rights and freedoms of other persons. The Constitution particularly provided that no religion should be recognized as state religion.

Prior to the Soviet era, a majority of the population in the eastern part of the country belonged to the traditional Orthodox Church, and a majority of the population in the western part of the country to the Greek Orthodox Church.¹⁶ In today's Ukraine, the traditional Christian Orthodox Church is split into three churches: the Ukrainian Orthodox Church of the Moscow Patriarchy, which is an integral part of the Russian Orthodox Church; the Ukrainian Orthodox Church of the Kyiv Patriarchy, which is independent; and the Ukrainian Autocephalic Orthodox Church, which is subordinated to the Universal Orthodox Patriarch of Constantinople. In addition, a considerable number of Christian as well as non-Christian minority religious communities operate in the country, including the Roman Catholic Church, several Protestant churches, and Mormon, Jehovah's Witness, Muslim, Jewish and Hare Krishna communities.

A specifically established parliamentary group advocated the merger of all Orthodox churches in the country. The Ukrainian Committee Helsinki-90 was concerned about these efforts because it feared that the authorities would use such a united church as a tool to exercise political control and to undermine the position of minority religious communities. So-called non-traditional religious communities were already frequently depicted as "sects and cults" in the media and sometimes experienced problems when attempting to register with the authorities. By law, religious communities were not obliged to have official registration, but registration involved several advantages, including the possibility of acting as a legal subject. There were also reportedly cases where law enforcement authorities treated unregistered religious communities as illegal.

Moreover, the authorities sometimes acted in an openly biased manner when dealing with confessional issues.

- In the Crimean city of Sevastapol, which is primarily inhabited by ethnic Russians, a conflict arose between the small local Ukrainian Orthodox Church of the Kyiv Patriarchy and Ukrainian Orthodox Church of the Moscow Patriarchy. The former one had lacked a proper church building for many years, but thanks to generous donations it managed to renovate the Saint Vladimir Cathedral, which is located at the spot where Prince Vladimir of Kyiv was believed to have been baptized in 988. However, the renovation had hardly been finalized when the administration of the local Orthodox Church subordinated to the Moscow Patriarchy seized the cathedral and refused to allow the believers of the local Orthodox Church of the Kyiv Patriarchy to use it. Although the legal situation was unclear, the city administration openly supported the Orthodox Church of the Moscow Patriarchy. In this situation, 20 local political

¹⁶ The Greek Orthodox Church recognizes the confessional power of the Pope of Rome but uses Orthodox religious ceremonial rituals. During the Soviet era this church was forbidden.

parties and NGOs appealed to the government to intervene in the situation, noting that the position taken by the Sevastopol administration had a negative impact on the relations between the Russian and Ukrainian communities in the city. The government did not respond to the appeal.

Intolerance, Xenophobia, Racial Discrimination and Hate Speech

Police racism remained a serious problem. Police often subjected people with dark skin as well as people from the Caucasus (Armenians, Georgians, Chechens and Azerbaijanis) to unlawful identity checks and arbitrarily detained them. Police also often failed to take effective measures to investigate complaints that people representing these categories made about racist attacks they had suffered at the hands of skinheads and other private citizens.

During the year synagogues were vandalized in Kyiv, Lviv, Lutsk and Mykolayiv. Those responsible for the acts were punished under the Criminal Code. According to the Ukrainian Committee Helsinki-90, the media sometimes resorted to anti-Semitic or other forms of xenophobic expressions.

Asylum Seekers and Immigrants

In 2001, Ukraine ratified the UN Refugee Convention and its 1967 Protocol. In that year, the Ukrainian parliament also adopted a new Refugee Act, a new Immigration Act as well as a new Citizenship Act. The provisions of these acts largely correspond to international standards.

However, at the end of 2002, the Immigration Act and the Citizenship Act were yet to be effectively implemented. As a result it remained difficult for non-nationals, including refugees, to obtain the right to legal residence or to naturalization in the country.

As of October 1, there were a total of 2,961 refugees from 47 different countries in the country. More than half of all the refugees originated from Afghanistan. In addition, 2,883 people fleeing the conflict in Abkhazia had been granted temporary protection. No more than 224 Chechens had been granted refugee status. Since 1996 about 10,000 people had applied for asylum in the country.

Illegal immigrants were frequently arrested at the western borders of the country as they were passing through Ukraine on their way to Western European countries. By law, illegal immigrants could be detained for a maximum of 30 days. However, in reality, they were often detained for longer periods of time – sometimes for more than six months – pending deportation. Most illegal immigrants who were detained were held in a special center in the town of Mukachevo. This center lacked central heating, hot water and showers, and the food that was served there was of very poor quality. The center was reportedly guarded by soldiers with dogs.

Rights of the Child

According to official statistics, 27% of the population lived in poverty. However, Ombudsperson Nina Karpachova stated that more than 70% of the population could be considered poor. Families with small children were particularly badly affected by the economic realities in the country.

The principle of the best interests of the child, which is the guiding principle of international standards regarding the rights of the child, was not properly reflected in the legislation of the country. Mentally disabled children were sometimes locked up in institutions that did not offer them any instruction, and there were reports of children who were unlawfully employed by private companies.