

COUNTRY OF ORIGIN INFORMATION KEY DOCUMENTS

UKRAINE

17 AUGUST 2007

RDS-IND COUNTRY OF ORIGIN INFORMATION SERVICE

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1. Preface

- i This Country of Origin (COI) Key Documents has been produced by Research Development and Statistics (RDS), Home Office, for use by officials involved in the asylum/human rights determination process. It provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The COI Key Documents include information available up to 17 August 2007.
- ii The COI Key Documents is an indexed list of key reports, papers and articles produced by a wide range of recognised external information sources. It does not contain any Home Office opinion or policy.
- iii For Home Office users, the COI Key Documents provide direct electronic access to each source referred to in the document, via a link on the source numbers in the index and list of sources. For the benefit of external users, the relevant web link has also been included, together with the date that the link was accessed.
- iv As noted above, the documents identified concentrate mainly on human rights issues. By way of introduction, brief background information on Georgia is also provided. Please note, this background material is not intended to provide a summary of the material contained in the key documents listed.
- v This COI Key Documents and the documents listed are publicly disclosable.
- vi Any comments regarding this COI Key Documents or suggestions for additional documents are very welcome and should be submitted to the Home Office as below.

Country of Origin Information Service

Home Office Apollo House 36 Wellesley Road Croydon CR9 3RR United Kingdom

Email: <u>cois@homeoffice.gsi.gov.uk</u> Website: <u>http://www.homeoffice.gov.uk/rds/country_reports.html</u>

ADVISORY PANEL ON COUNTRY INFORMATION

The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk.

It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected Home Office COI documents, but neither the

This COI Key Documents contains the most up-to-date publicly available information as at 17 August 2007. Older source material has been included where it contains relevant information not available in more recent documents.

fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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2. Background information on Ukraine

Country Profile: Ukraine Area: 603,700sg km Population: 47.8 million (est.) Capital City: Kiev (Kyiv) population: 2.6 million (Dec 2001 census) People: Ukrainian 77.8%, Russian 17.3%, other 5% (Dec 2001 census) Languages: Ukrainian is the official language, but Russian is widely spoken, particularly in the East and South. There are small numbers of Romanian, Polish and Hungarian speakers, and about 250,000 Crimean Tatars. Religion(s): Ukrainian Orthodox (Moscow Patriarchate) (10-12 million), Ukrainian Orthodox (Kiev Patriarchate) (2-3 million), Ukrainian Greek-Catholic (Uniate) (850,000), Ukrainian Autocephalous Orthodox (800,000), Jewish (70,000), Muslim. Currency: 1 hryvnia=100 kopiykas Major Political Groupings: Our Ukraine (led by Vyacheslay Kyrylenko), Yulia Tymoshenko Bloc (both pro-market economy, pro-reform, pro-EU), Party of the Regions (favours closer relations with Russia, most support in the East), Socialist (more left than centre-left), Communist and various other parties and blocs. The present Government is a coalition of the Party of the Regions, Communists and Socialists. **Constitutional Form:** Parliamentary-Presidential Republic Head of State: President Viktor Yushchenko Prime Minister/Premier: Viktor Yanukovych Foreign Minister: Arseniy Yatsenyuk [4a]

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GEOGRAPHY

Ukraine 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 Russia to the northeast and east. To the south lie the Black Sea and the Sea of Azov. The climate is temperate, especially in the south. The north and north-west share many of the continental climatic features of Poland or Belarus, but the Black Sea coast is noted for its mild winters. The official state language is Ukrainian, although Russian is widely spoken, except in the west. Most of the population are adherents of Orthodox Christianity (which has three separate jurisdictions in Ukraine) and there are many adherents to the Roman Catholic Church (mostly 'Greek' Catholics, followers of the Eastern rites) in western regions. There are also a number of Protestant churches and small communities of Jews and Muslims, the latter principally comprising Crimean Tatars. The national flag (proportions 2 by 3) has two equal horizontal stripes, of pale blue over yellow. The capital is Kyiv. (Europa online) [1]

MAPS

Map of Ukraine, United Nations, January 2005 [17b]



Administrative Map of Ukraine, Perry-Castañeda [14]



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ECONOMY

Exchange Rate: 5.05 hryvnvya (UAH) per US\$1. (Feb 2006) GDP:2006 US\$ 106.08bn (government figure) GDP per head: 2004 US\$ 1,584 (government figure) Annual Growth: 2006 7.1% (government figure) Annual Consumer Inflation: 2006 11.6% (government figure); Major Industries: Coal, electric power, ferrous and non-ferrous metals, machinery and transport equipment, chemicals, agriculture, food-processing (especially sugar) Major Trading Partners: EU, CIS, China, US. In March 2003 Ukraine signed a bilateral protocol with the EU on WTO accession and the government aims to accede in 2007. Negotiations on a Free Trade Agreement with the EU will follow. Separately in September 2003 it signed an agreement on a Single Economic Space with Russia, Belarus and Kazakhstan. Discussions between the four countries have continued, but it is not yet certain how the SES will be taken forward by Ukraine's government. Aid and Development: The World Bank's US\$750m Programmatic Assistance Loan, allocated in its 2001-03 Country Assistance Strategy, depends on Ukraine agreeing a new lending agreement with the IMF; the first tranche was disbursed in 2001 and a second tranche of US\$250m was agreed in December 2003. The remaining US\$175m will be disbursed when the PAL II benchmarks have been met. A new CAS for the period 2003-07 was launched in May 2003. Governmental aid organisations active in Ukraine include DfID, USAID and the EU's TACIS programme. (Foreign & Commonwealth Office) [4a]

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RECENT HISTORY

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"The Ukrainian people belong to the southern branch of the Eastern Slavs. Their ancestors came from Scandinavia in the 800s. The name 'Ukraina', which originated in the twelfth century, denotes borderland: the area lacks natural frontiers and has a troubled history. Ukraine had only brief periods of independence prior to 1991 – under the Cossacks from the fifteenth century until union with Russia in 1654, and very briefly after the Bolshevik Revolution in 1917.

The chaotic events following the Bolshevik revolution in 1917 and the collapse of the Habsburg Empire in 1918 prompted Ukrainian nationalists to try and create an independent Ukraine. Between 1917 and 1918, three separate Ukrainian republics declared independence. None survived. By 1921 the western part of Ukraine had been incorporated into Poland while the larger, central and eastern part became part of the Soviet Union. Soviet reactions were severe, particularly under Stalin, who imposed terror campaigns that ravaged the intellectual class. He also created artificial famines as part of his forced collectivisation of agriculture, killing millions of previously independent peasants and others throughout the country. Estimates of deaths from the 1932-33 famine alone range from 3 million to 7 million. (Foreign & Commonwealth Office) [4a]

In 1939, under the terms of the Nazi-Soviet Pact, Galacia (now western Ukraine) was occupied by the Soviet Union. During the Second World War Ukraine was under Nazi occupation from 1941 until 1943-4. Kiev was awarded the Soviet title of Hero City for

its resistance and suffering. At the end of the Second World War, Western Ukraine was re-annexed to Ukraine. Khrushchev ceded Crimea (until then part of the Russian Republic) to Ukraine in 1954 as a gift to mark the three hundredth anniversary of Khmelnitsky's union with Russia.

Following the attempted coup against the Soviet leader Gorbachev, the Ukrainian parliament (the Supreme Rada) declared Ukraine's independence on 24 August 1991. This was confirmed by referendum on 1 December 1991, with 90% approving the decision. Ukraine's formal independence was recognised by the international community on 30 December 1991. (Foreign & Commonwealth Office) [4a]

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RECENT EVENTS AND POLITICAL DEVELOPMENTS

MARCH 2006 PARLIAMENTARY ELECTIONS

"Parliamentary elections were held on 26 March 2006. The parties which passed the 3% electoral threshold were: Party of Regions (32% - 186 seats), Bloc Yuliya Tymoshenko (22% - 129 seats), Bloc Our Ukraine (14% - 81 seats), Socialist Party of Ukraine (6% - 33 seats) and Communist Party of Ukraine (4% - 21 seats). The elections were assessed by the OSCE to have been conducted largely in line with international standards, and were probably the freest and fairest elections ever held in the CIS region. They were held under constitutional changes which have given Ukraine a hybrid parliamentary-presidential system of government.

On 2 April President Yushchenko issued a decree dissolving Parliament and ordering pre-term elections to be held on 27 May. The President's decree was in response to the Governing coalition's attempts to form a constitutional majority in Parliament through the incorporation of opposition deputies into the coalition. Both Government and Parliament refused to recognise the President's decree and instead forwarded it to the Constitutional Court to rule on its legality. On 26 April, President Yushchenko issued a further decree superseding his earlier one. The new decree again ordered the dissolution of Parliament but extended the date for fresh elections to 24 June. Parliament again forwarded the decree to the Constitutional Court. The political situation remained deadlocked until 27 May when President Yushchenko, Prime Minister Yanukovych and Parliamentary Speaker Moroz agreed a compromise package of measures to end the crisis. This package included provision for pre-term parliamentary elections to be held on 30 September 2007..." (Foreign & Commonwealth Office) [4a]

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UKRAINE'S RELATIONS WITH NEIGHBOURS

Russia

"After a period of strain in the early-mid 1990s, a major breakthrough in Russia-Ukraine relations occurred in May 1997 when Presidents Yeltsin and Kuchma signed an agreement on the Black Sea Fleet, whereby Ukraine undertook to lease the harbour of Sevastopol to Russia until 2017. The presidents also signed a Bilateral Treaty on

Friendship and Co-operation, recognising each other's sovereignty and territorial integrity within their existing borders.

President Putin's backing for President Yushchenko's opponent in the 2004 Presidential election and Yushchenko's government's pro-EU and NATO policies strained Ukraine's relations with Russia in 2005-6. Nevertheless, Yushchenko made Moscow his first overseas visit after his inauguration and Putin made a return visits to Ukraine in March 2005 and December 2006. Since his appointment as Prime Minister in August 2006, Yanukovych has sought to develop relations with Russia." (Foreign & Commonwealth Office) [4a]

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POLAND

"Poland was the first country to recognise Ukraine's independence and in 1992 Poland and Ukraine signed a Treaty of Friendship and Co-operation, renouncing territorial claims and confirming the inviolability of their frontiers. Poland sees itself as Ukraine's best ambassador to Euro-Atlantic institutions (e.g. Poland lobbied for Ukrainian membership in the Council of Europe), and Ukraine welcomes Polish support for its European aspirations. Ukrainian troops in Iraq served in the Polish-led part of the multinational force. The role played by then President Kwasniewski in helping to facilitate a resolution to Ukraine's political crisis in 2004 and Polish support for Ukraine's aspiration to join the EU have further strengthened this relationship." (Foreign & Commonwealth Office) [4a]

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GEORGIA, UKRAINE, AZERBAIJAN AND MOLDOVA (GUAM)

Ukraine has been a leading member of GUAM (Georgia, Ukraine, Azerbaijan and Moldova) since 1996 and has played an active part in its development. GUAM states seek to co-operate on economic and democratic development. At a summit meeting in Kiev in May 2006 GUAM leaders agreed to turn the grouping into a formal regional organisation (Organisation for Democracy and Economic Development) with a Secretariat based in Kiev. Uzbekistan, which joined the group for a few years, left in 2005. (Foreign & Commonwealth Office) [4a]

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HUMAN RIGHTS AND DEMOCRACY

The Foreign & Commonwealth Office Country Profile 2007 stated that:

"The death penalty in Ukraine was abolished in February 2000, when the Ukrainian parliament removed the death penalty from the criminal code. Ukraine has also ratified Protocol No. 6 to the European Convention on Human Rights in line with her commitments to the Council of Europe." [4a]

The US State Department Report 2006 (USSD 2006), published on 6 March 2007, also recorded that:

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"Problems with the police and the penal system remained some of the most serious human rights concerns. Problems included torture in pretrial detention facilities; wrongful confinement in psychiatric hospitals; harsh conditions in prisons and pretrial detention facilities; and arbitrary and lengthy pretrial detention. There was also continued violent hazing of conscripts and government monitoring of private communications and movements of individuals without judicial oversight. Slow restitution of religious property continued. There was societal violence against Jews and anti-Semitic publications were a problem. There were serious incidents of refoulement - the forcible return of persons to a country where they feared persecution. Refugees were abused at detention facilities. Serious corruption in all branches of government and the military services also continued. Trends of violence and discrimination against children and women, including sexual harassment in the workplace and trafficking in persons remained concerns. Frequent police and societal harassment of minorities, particularly Roma and dark-skinned persons, remained a problem. Violence against dark-skinned persons was a growing problem in the last half of the year. Inadequate labor legislation permitted both government and companies to limit the ability of workers to form and join unions of their choice and to bargain collectively." (USSD 2006) [2a]

Threats to Media Freedom

Ukraine's constitution provides for freedom of speech and freedom of the press. But under President Kuchma the government interfered with the news media and restricted those rights through use of tax inspections, libel cases, subsidy of friendly media, and intimidation of journalists. Journalists also received forms of pressure to provide positive coverage of President Kuchma, via so-called 'temniki' issued by the Presidential Administration.

This media control and manipulation worsened during the election campaign with an overwhelming bias against the opposition and in favour of the official candidate, Prime Minister Yanukovych. After the first round of the election a defection by journalists weakened the bias against Yushchenko. This weakening of government control of the media continued apace after the second, fraudulent, round and as opposition to the stolen election mounted. As a result of this, the defection of various media outlets to the opposition and the ending of the issuing of 'temniki' the re-run election on Boxing Day election was held in a comparatively free media environment. No one has been convicted for the murder in 2000 of Georgiy Gongadze. In January 2006, the Kiev Court of Appeals began hearings in the case of three defendants (including two senior police officers) accused of being accomplices in the murder. [4a]

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PEOPLE - TRAFFICKING

The US State Department Report 2006 (USSD 2006), published on 6 March 2007, also recorded that:

"The law prohibits trafficking in persons; however, there were numerous reports that persons were trafficked to, from, and within the country. The country remained a point of origin for internationally trafficked men, women, and children. The main destinations were Russia, Turkey, Western and Central Europe, particularly Poland and Czech Republic, and the Middle East. The country also was a transit route for individuals from Central Asia, Russia, and Moldova." (USSD 2006) [2a]

The USSD report further noted that Seventy-six percent of victims identified by IOM during the year were women who were forced into prostitution and used as housekeepers, seamstresses, dishwashers, and at various small and large manufacturing plants. There is still a lack of statistical information regarding male victims of trafficking; however, the number of men identified as victims of trafficking for labor exploitation, mainly as construction workers and miners, increased. (USSD 2006) [2a]

The Foreign and Commonwealth Office Human Rights Annual Report 2006 on Ukraine reported that:

"Ukrainian men, women and children are trafficked to the EU, including for the purpose of sexual exploitation. The UK is a final destination for some of them. The Ukrainian police have been active in fighting trafficking, upgrading their counter-trafficking unit in 2005. On 12 January 2006, Ukraine's parliament amended article 149 of the criminal code to criminalise trafficking in line with the additional Protocol to the UN Transnational Organised Crime Convention on the Prevention and Suppression of Trafficking in human beings, especially women and children. The amended article expands the definition of trafficking and punishable offences. The penalty for human trafficking is now three to 15 years' Human trafficking imprisonment." [4a]

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