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Ukraine

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Ukraine is governed by a directly elected President, a Prime Minister who heads a Cabinet of Ministers, and a unicameral parliament (Rada). The Prime Minister is nominated by the President and approved by the Rada. The cabinet is nominated by the Prime Minister and approved by the President, but generally is under the President's direction. The Parliament is elected partially according to proportional representation and partially by direct constituency mandate. Incumbent President Leonid Kuchma was reelected in 1999 in an election described by the Organization for Security and Cooperation in Europe (OSCE) as having failed to meet a significant number of the OSCE election-related commitments. In June 2000, by-elections were held to fill 10 vacant parliament seats; opposition candidates complained of voting irregularities, a lack of access to the media, and government pressure on behalf of pro-presidential candidates. Despite irregularities most observers agreed that the results of the 1999 and 2000 elections generally reflected the will of the electorate. In an April 2000 referendum, which observers described as flawed in several respects, voters approved changes to the Constitution that would expand presidential powers and increase executive branch influence over Parliament. The Constitutional Court struck down two of the six proposed amendments before the referendum. The Constitution provides for an independent judiciary; however, the courts are funded through the Ministry of Justice, are subject to political interference and corruption, and are inefficient.

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. Members of the security forces committed human rights abuses.

The country has a total population of approximately 48,860,000 (based on the preliminary results of an official census concluded during the year), and its economy incorporates both privately owned and state-owned enterprises. The private sector accounts for approximately 60 percent of gross domestic product (GDP). While the official GDP was only approximately 44 percent of its preindependence (1990) level; the economy grew by 5.8 percent in 2000 and 9 percent during the year. Inflation was 6.1 percent, less than half of the original forecast of 13.6 percent. The country's economic output includes agriculture and heavy industry as well as construction, coal, and other raw materials. The bulk of the workforce—23 percent—is engaged in agriculture and forestry (including production on individual plots). Industry employs 19 percent of the workforce; education, culture, science, and arts employ 6.3 percent. The economy is burdened by nonpayments and wage arrears, and a significant proportion of income is earned in the shadow economy (defined as activity deliberately unreported for purposes of tax evasion). Wage arrears began to decrease in 2000, and by November had decreased by approximately 58 percent. The economy has made significant progress in moving away from barter and non-cash payments. Investment remained at low levels, with many potential investors discouraged by rampant corruption, onerous taxation, arbitrary licensing practices, and an inefficient, politically influenced, judicial system that bends to political pressure. Wealth is concentrated in the political elite and among directors of the state-dominated sectors such as metals, oil, and gas.

The Government's human rights record was poor; however, there were improvements in a few areas. Police and prison officials tortured and beat detainees and prisoners, at times killing them. The beating of conscripts in the army by fellow soldiers was common and at times resulted in death. Police abuse and harassment of racial minorities was a continuing problem. The Government rarely punishes officials who commit abuses. The Rada adopted a progressive criminal code that entered into force on September 1, which includes several criminal offenses, including penalties for torture. Prison conditions remained harsh and life threatening, particularly because of exposure to disease. Arbitrary arrest and detention were problems, as was lengthy pretrial detention in very poor conditions. However, the number of defendants released from confinement pending trial increased during the year. Political interference and corruption affected the judicial process. The judiciary also was overburdened, inefficient, and lacked sufficient funding and staff. Long delays in trials were a problem. In July a series of amendments to the laws that regulate the system of courts and the administration of justice were implemented and included the transfer of the right to issue arrest warrants, residential search warrants, and wiretap orders from prosecutors to the courts. The amendments also provided for a unified system of courts, introduced an appellate process, and allowed appellate and

commercial courts, as well as the Supreme Court, to nominate and elect their own chairmen. The Government continued to infringe on citizens' privacy rights.

The Government interfered with the news media by intimidating journalists and using libel laws. Nevertheless a wide range of opinion is available in newspapers and periodicals. There were some limits on freedom of assembly, and the authorities forcibly disrupted some demonstrations. Freedom of association was restricted. Some minority and nontraditional religions continued to encounter bureaucratic difficulties from local officials; however, the Government continued to return properties expropriated during the Soviet era to religious groups. There were some limits on freedom of movement; however, in November the Constitutional Court held that the "propyska" system was unconstitutional. Violence and discrimination against women, including sexual harassment in the workplace, were problems. Violence against children was a problem. Societal anti-Semitism and discrimination against religious, racial, and ethnic minorities also were problems. The Government discouraged some workers from organizing unions. Trafficking in women and girls for sexual exploitation was a serious problem, one which the Government, through the Ombudsman's office, took steps to combat.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Unlike in past years, there were no confirmed reports of political killings; however, abuse of prisoners and detainees, and harsh prison conditions at times led to death (see Section 1.c.). During the first 6 months of the year, there were 865 deaths in prison and detention facilities, many due to harsh conditions.

Members of the armed forces have killed soldiers during violent hazing incidents in previous years (see Section 1.c.); for example, according to a government official, in 1998 (the latest year for which information was available) 10 to 12 military personnel were beaten to death, and a total of 20 to 30 died as an indirect result of injuries sustained from hazing. At times the authorities reportedly label these deaths as suicides. For example, the Kharkiv branch of the Association of the Soldiers' Mothers reported that a soldier in the Donetsk region who died during the year, apparently from two gunshot wounds to the head, was said to have committed suicide. Human rights groups stated that this practice continued to be widespread, although no official data was available.

In May a parliamentary committee urged the prosecutor's office to open a case against police who allegedly tortured Yevhen Komuta, a resident of the Cherkasy region who was detained in 1999 on suspicion of theft. He later died from injuries sustained from the beating. Local authorities have exhumed his body and opened a criminal case, but no one had been charged with a criminal act by year's end.

The pervasiveness of corruption, connections between government officials and organized crime, and the political activities of organized crime figures often blurred the distinction between political and criminal acts. Politicians, politically connected businessmen, and journalists have been the victims of attacks that were sometimes fatal and possibly were politically motivated. No official statistics for contract killings during the year were available. According to the nongovernmental organization (NGO) Reporters Without Borders, physical attacks on journalists during the year resulted in at least four deaths (see Section 2.a). For example, on July 3, unknown assailants brutally beat a director of a Donetsk regional television station, Ihor Aleksandrov. On July 7, Aleksandrov died from his injuries. Aleksandrov had aired a number of critical reports of Donetsk-based politicians and was a noted critic of alleged corruption among local law enforcement authorities. President Kuchma assigned high level members of his Government to investigate Aleksandrov's killing. In August the Prosecutor General announced that there was no high-level political motivation behind Aleksandrov's killing; Aleksandrov's son issued a public letter in the same month criticizing the conduct of the investigation. According to the police, a homeless man later confessed that he had been hired to kill the head of the television station's legal department and had mistaken Aleksandrov for this person; his trial was scheduled for 2002.

In September 2000, prominent journalist Heorhiy Gongadze disappeared; in November 2000, police found a decapitated body outside of Kiev, which Gongadze's friends and family believed was his. Gongadze was the editor of the on-line news journal *Ukrayinska Pravda* and was a frequent critic of both the Government and leading business figures. In a July 2000 open letter addressed to the Prosecutor General, Gongadze complained of government harassment, including being followed and questioned by security forces. The Government asserted that it was conducting a full-scale investigation into his disappearance, but the authorities did not request a DNA test until the end of 2000. The results of the test were released on January 10. Experts at the Russian Interior Ministry's forensics laboratory determined that the body was that of Gongadze. Another foreign forensics team also asked to administer tests on the body, later confirmed this judgement. In November 2000, the leader of the Socialist Party, Oleksandr Moroz, accused the President and other senior government officials of complicity in the disappearance of Gongadze, and Gongadze's widow also has asserted that the authorities most likely were involved. In May the Ministry of Internal Affairs claimed that Gongadze had been murdered by two thieves who themselves had been killed, but the Prosecutor General's Office did not uphold this charge. The investigation of the killing officially still was ongoing at year's end and remained a source of great concern to observers. Although the Government cooperated with international law enforcement agencies in the identification of Gongadze's body, the authorities did not conduct a prompt and transparent investigation into his killing. As a result, Gongadze's widow and mother, the OSCE representative on Freedom of the Media, and the NGO Reporters Without Borders, called for the creation of an international commission of inquiry into Gongadze's disappearance and killing.

The Government made no known progress in resolving a number of high profile and possibly politically motivated killings from 1999. For example, no progress was made in solving the 1999 killing of the security chief of the independent television station STB or the 1999 killings of the chairman of the regional arbitration court, Borys Vihrov, and the director of local television station, Ihor Bondar in Odesa.

b. Disappearance

There were no reports of politically motivated disappearances during the year. No charges have been filed in the 2000 disappearance and killing of journalist Heorhiy Gongadze (see Section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture; however, police and prison officials regularly tortured and beat detainees and prisoners, and there were numerous reports of such abuse. Amnesty International and other human rights groups continued to receive regular reports that special militia detachments known as Berkut tortured and beat inmates as part of regular training exercises. The media and human rights groups reported that police subjected detainees to various methods of physical torture, including the "swallow," in which the detainee is placed on his stomach and his feet are tied to his hands behind him, forcing his back to arch. Another abuse is the "baby elephant," in which a gas mask is placed on the prisoner's head and the flow of oxygen slowly reduced. Detainees also were subjected to a method called the "monument," in which a prisoner is suspended by his hands on a rope and beaten. Human rights lawyers reported that requesting an attorney often leads to a worse beating, and detainees may be beaten until they waive their right to an attorney.

In January Volodymyr Ivanchenko, who was charged with plotting the killing of former presidential candidate Nataliya Vitrenko, claimed in his trial that police had suffocated, beaten, and used electroshock on him and his codefendants while they were in pretrial detention.

There is no effective mechanism for registering complaints about mistreatment or for obtaining redress for such actions, although in May the Supreme Court ruled that detainees may address complaints directly to the court instead of the Ministry of Internal Affairs. Prisoners and detainees also address complaints to the Ombudsman for Human Rights, and that office received several hundred reports of torture in pretrial detention during the year; however, only 150 official cases have been identified since 1999. According to the Office of the Ombudsman, most of the complaints that it received centered on human rights violations by law enforcement personnel. The Ombudsman also maintained that detainees who were unable to pay a deposit for meals went hungry and that this qualifies as another form of torture. The Ombudsman has publicized reports of such practices actively; however, the Ombudsman has no enforcement authority, and authorities made little documented effort to end such practices or to punish officials who committed or abetted abuse.

Disciplinary action against law enforcement authorities that commit abuses was rare. In its 2000 report, the Ombudsman noted that in 1998 and 1999, 285 members of the police were charged with torture and mistreatment of prisoners. In October the Kiev Appeals Court convicted three policemen for beating to death a man in custody in 1995. One policeman was sentenced to life imprisonment and two others received 5-year jail terms. A new Criminal Code that came into effect on September 1 mandates 3 to 10 years of imprisonment for torture; however, human rights groups reported that during the year there were no prosecutions for torture under the new Criminal Code.

Police also abused Roma, particularly in the Transcarpathian region, and harassed and abused dark-skinned persons. Representatives of these groups claimed that police officials routinely ignored, and sometimes abetted, violence against them (see Section 5). Police also harassed refugees (see Section 2.d.).

Police corruption remained a serious problem. There were reports that local officials abetted or aided organized crime groups involved in trafficking (see Section 6.f.).

In January the police forcibly dispersed antipresidential demonstrations in Kharkiv and Rivne. In March police were accused of the mistreatment of protesters and rioters in the aftermath of a wreath-laying by the President in honor of the national poet, Taras Shevchenko (see Section 2.b.). Police reportedly hit Socialist parliamentarian Valentyna Semenyuk on the head with a truncheon. There were reports that police beat some protesters while in custody. The press reported that police beat and fractured the skull of Andriy Shkil, the leader of the oppositionist UNA-UNSO party, who was arrested for allegedly attacking riot police (see Section 2.b.).

Police also harassed journalists (see Section 2.a.).

Despite extensive legislation on the protection of service member rights and official regulations concerning relations among military personnel, reports continued during the year of harsh conditions and violence against conscripts in the armed forces. Unlike in the previous year, there were no reports that senior officers required malnourished recruits to beg for food or money, or employed them in unsanctioned labor activities. Senior conscripts often beat recruits, sometimes to death (see Section 1.a.) and forced them to give them money and gifts that they received from home. According to human rights associations, garrison prosecutors often do not investigate complaints of physical harassment. Punishment administered for committing or condoning such activities did not serve as an effective deterrent to the further practice of such abuses. Between 1991 and 1998, 450 soldiers were convicted of violent harassment of their colleagues; approximately 200 military personnel were prosecuted in 1998 for violent hazing (10 to 12 conscripts were beaten to death, and 20 to 30 died from injuries related to hazing). Although official statistics on the incidence of hazing during the year are unavailable, human rights groups, including the Association of Soldiers' Mothers, reported that violent hazing

continued to be widespread. In January according to media reports, a sergeant was sentenced to a 5-year prison term for hazing a conscript who subsequently committed suicide. In June the press reported that military prosecutors opened five new cases against servicemen accused of physical harassment.

In past years, some politically active individuals were wounded in violent attacks; however, there were no reports of such attacks during the year. In June the Dnipropetrovsk Regions Court sentenced several defendants to jail terms ranging from 4 to 15 years for the October 1999 bombing in which presidential candidate Nataliya Vitrenko was wounded slightly, and more than 30 others were injured. No progress was reported in resolving the April 1999 shooting of Kiev municipal government official Mykola Pidmohylny or the November 1999 shooting of Vinnytsia Mayor Dmytro Dvorkis. There were a number of violent attacks by unknown persons on journalists during the year (see Section 2.a.).

No progress was made in resolving the 1999 firebombing of the office of the Tatar Assembly Mejlis in Simferopol or the 1999 bombing of the office of the Communist Party leader Leonid Hrach in Simferopol. Accusations by former opposition presidential candidate and head of the National Security and Defense Committee, Yevhen Marchuk, linking the Presidential Administration to a false bomb threat that disrupted a 1999 meeting between Marchuk and local residents were never proven.

In 1998 the Government created a penal department to oversee reform of the penal system and to serve as the administrative center of the penal system. The new department originally was placed under the oversight of the Ministry of Internal Affairs, but it was given the status of an independent government agency by presidential decree in 1999; however, human rights groups reported that the reorganization did not affect the Department's practices and that there is little civilian oversight of its activities. Although the Government has implemented some programs for the retraining of prison and police officials, it has punished only a small minority of those who committed or condoned violence against detainees and prisoners. In March the leadership of the penal department changed; some human rights groups reported that the department has addressed human rights complaints more effectively as a result.

Prison conditions remained harsh and life threatening. According to official sources, information on the physical state of prison walls and fences, as well as pretrial detention blocks is considered to be a government secret. Nevertheless the press reported freely about harsh prison conditions. According to complaints received from the Office of the Ombudsman and human rights NGO's, prison officials intimidated and mistreated inmates. Due in part to severe economic conditions, prisons and detention centers were severely overcrowded and lacked adequate sanitation and medical facilities. According to official statistics of the Penal Department, the first 6 months of the year there were 865 deaths in the prisons. Poor sanitary conditions resulted in 300 deaths from diseases such as tuberculosis and 13 from dysentery during the first half of the year. There were frequent incidents of killings by fellow inmates and 13 individuals were reported officially to have committed suicide, although human rights groups believe the suicide figure to be higher. Because the country lacks a well-developed system of suspended sentences, and the law does not differentiate between misdemeanors and felonies, at least one-third of inmates in 2000 were imprisoned because of minor violations. Between July and August, 28,818 minor offenders were released from prison as a result of a general amnesty. This measure did relieve overcrowding to some extent; however, the prisons had begun to fill up again by year's end, and pretrial facilities remained overcrowded.

Unlike in the previous year, there were no reports during the year that prisoners were not being permitted to correspond or that family visits were limited to one per year. Prisoners may complain to the Ombudsman about the conditions of detention, but human rights groups reported that inmates were punished for initiating complaints. In January the Parliament passed amendments to the Penal Code, relaxing Soviet-era restrictions in high-security prisons and removing a requirement that all prisoners' letters should be read. In August, as a result of a petition by the Office of the Ombudsman, the State Penal Department discontinued the transfer of female detainees from a facility in Dnipropetrovsk to Kryvyi Rih. Beginning in 1998 approximately 15,000 female prisoners had traveled to and from the two eastern facilities in small train compartments, without water, toilet facilities, or ventilation.

Conditions in pretrial detention facilities also were harsh. Inmates sometimes were held in investigative isolation for extended periods and subjected to intimidation and mistreatment by jail guards and other inmates. Overcrowding is common in these centers. For example, the pretrial detention center in Kiev houses 4,000 persons, although it was constructed to hold 2,850. The SBU still maintained its own pretrial centers at year's end, although that it had announced it would close them by mid-year.

Conditions in the Corrective Labor and Treatment Centers for Alcoholics (LTP's), operated by the Ministry of Internal Affairs, where violent alcoholics are confined forcibly by court decision, differ little from those in prisons. Although some centers were transferred to the Health Ministry during 2000, the Government has not met its earlier commitment to transfer all of the LTP's to the ministry. Virtually no treatment for alcoholism is available in these centers. In August 1999, the Government issued a decree directing the closure of LTP's by the end of 2000; however, the press reported in June that 5 LTP's with over 2,000 inmates continued to operate during the year.

The Government continued to allow prison visits from human rights monitors; however, some monitors reported that at times it can be difficult to obtain access to prisons to visit specific prisoners. For example, reportedly human rights organizations initially were denied access to Serhiy Potomanov, a journalist detained and later imprisoned in Simferopol, who had complained of severe beatings by other inmates; however, after the prisoner went on a hunger strike, the visit was permitted. Potomanov maintained that the case against him was fabricated and stated that he was tortured after complaining of prison conditions. During the year, the Ombudsman continued to make the treatment of prisoners a priority and to investigate conditions in a number of prisons. In September the Rada ratified the first and second protocols of the European Convention on Prevention of Torture which mandates the inspection of prisons by international observers. Human rights

groups hope these visits may lead to a reduction in the incidence of torture.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, arbitrary arrest and detention remained problems. The Constitution provides for compensation for unlawful conviction and the law allows compensation for illegal arrests; however, these provisions rarely were invoked.

The law provides that authorities may detain a suspect for 3 days without a warrant, after which an arrest order must be issued. Amendments to the law that took effect in July transferred the authority to extend detention without an arrest warrant for an additional 10 days from the prosecutor's office to the courts. 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 pretrial detentions may not last more than 2 months. In cases involving exceptionally grave offenses, the Prosecutor General may petition a judge of the Supreme Court to extend the period of detention to 18 months. The law does not limit the aggregate time of detention before and during a trial. The law permits citizens to contest an arrest in court or appeal to the prosecutor. The Constitution requires immediate notification of family members concerning an arrest, but this action often is not taken in practice.

By law a trial must begin no later than 3 weeks after criminal charges have been filed formally with the court, but this requirement rarely is met by the overburdened court system (see Section 1.e.). Months may pass before a defendant finally is brought to trial, and the situation did not improve during the year. Complicated cases may take years to go to trial. Although an amendment to the Criminal Procedures Code provides for the imposition of monetary bail, it has been used rarely; many of the defendants cannot pay the monetary bail amounts imposed by law. Instead courts increasingly have imposed restrictions on travel outside a given area as an alternative measure to pretrial confinement. Approximately 70 percent of defendants awaiting trial—approximately 150,000 individuals—were released from pretrial confinement during the year, many of them under restrictive travel conditions. The July amendments incorporated changes intended to streamline the bail reform law so that the imposition of monetary bail may be used by the courts as another option in determining whether to release a defendant from pretrial confinement.

According to official statistics published in June, the prison population was 223,000 persons, including 175,000 in prisons and 48,000 in pretrial custody. Many of the individuals in pretrial confinement have been charged with serious violent crimes. Since only the courts may authorize the continuation of pretrial detention pursuant to the July amendments, they began to take a closer look at cases in which defendants had been confined for extended periods in pretrial detention based on previous authorization by prosecutors.

The law stipulates that a defense attorney must be provided without charge to an indigent detainee from the moment of detention or the filing of charges, whichever comes first. There are insufficient numbers of defense attorneys to protect suspects from unlawful, lengthy imprisonment under extremely poor conditions. Although the concept of providing attorneys from the state system exists in principle, public attorneys often refuse to defend indigents for the low Government fee. While in custody, a suspect or a prisoner is allowed by law to talk with a lawyer in private; however, human rights groups reported that the client-attorney privilege occasionally was denied by prison or investigative officials. To protect the defendant, each investigative file must contain a document signed by the defendant attesting that the charges against him, his right to an attorney, and his right not to give evidence against himself or his relatives have been explained to him. An appeals court may dismiss a conviction or order a new trial if this document is missing. As defendants increasingly became aware of their rights, they insisted on observance of these procedures; however, many persons remained unaware of these safeguards.

A package of laws which entered into force on July 5 amended criminal and criminal procedure laws and laws on the judiciary (see Section 1.e.). These amendments and related legislation brought about a number of key reforms in the legal system, including the transfer of the right to issue arrest warrants from the prosecutor's office to the courts. With the exception of a number of serious offenses, the prosecutor's office may no longer initiate new criminal investigations (see Section 1.e.).

The Government occasionally detained persons (usually opposition politicians or editors and journalists from the opposition press) who were openly critical of the Government or challenged the interests of the oligarchs, on charges such as criminal libel or tax evasion (see Section 2.a.). In January the Prosecutor General announced the filing of criminal charges against Yuliya Tymoshenko, Deputy Prime Minister for Energy. The charges led to her dismissal and her arrest in February. Deputy Prime Minister's Tymoshenko's efforts to reform the energy sector had drawn strong opposition, most notably from powerful business persons closely tied to the Government, and Tymoshenko claimed that the charges were politically motivated. In March she was released from detention and in September some of the charges against her were dropped for lack of evidence. In August 2000, her husband, Oleksandr Tymoshenko, and a business associate were arrested on charges of embezzlement of state funds. Although the investigation of Oleksandr Tymoshenko and his associate reportedly had been underway for some time, some observers believed that timing of the arrests was intended to pressure Yuliya Tymoshenko. In August, after 12 months of detention, Oleksandr Tymoshenko was released from pretrial custody on the orders of a lower court, and the Supreme Court subsequently invalidated his arrest warrant. Borys Feldman, former vice president of Bank Slovyanskyy and manager of Yuliya Tymoshenko's business interests, continued to be held in pretrial detention; although one court ordered his release pending trial, another competing court ordered his continuing detention; he has been held since March 2000 on charges of financial mismanagement and tax evasion.

Opposition groups claimed that the detention of several hundred protesters and the criminal charges brought against 15 demonstrators involved in the March antipresidential protests were motivated politically (see Section 2.a.).

Human rights groups reported that they continue to receive complaints from Roma in the Transcarpathia region regarding arbitrary detention and physical harassment by the police.

Police arbitrarily detained persons for extensive document checks and vehicle inspections (see Section 1.f.).

Police have the right to take detain and transport forcibly any person appearing drunk in public to special sobering centers, which were transferred during the year from the Interior to the Health Care Ministry (see Section 1.c.). Police reportedly were more reluctant to transport persons appearing drunk to such centers. Unlike in the previous year, there were no reports of police mistreating, robbing, or beating detainees on the way to and at such centers, although there were reports of police harassing such persons on the street.

At times persons involved in property, inheritance, or divorce disputes were diagnosed wrongfully with schizophrenia and confined to psychiatric institutions.

The Constitution prohibits forced exile and the Government does not employ it.

e. Denial of a Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary is subject to considerable political interference from the executive branch and also suffers from corruption and inefficiency. The courts are funded through the Ministry of Justice, which controls the organizational support of the courts, including staffing matters, training for judges, logistics and procurement, and statistical and information support. The Presidential Administration also reportedly continued the old Soviet tradition of telephoning justices directly to influence their decisions.

Although the Constitution requires that comprehensive implementing legislation to establish an independent judicial system be enacted by June 26, the Rada did not meet this deadline, nor had the legislation been passed by year's end. Pending the passage of the required enabling legislation, the court system remained organized along Soviet lines, with the exception of the Constitutional Court. However, in July 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 authorized to issue arrest or search and seizure warrants. These powers may be exercised only by the courts and by duty judges in the local courts that have been designated to decide on the issuance of warrants. The reforms also give commercial, appellate, and Supreme Court judges the right to nominate and elect their own chairmen. Although local court judges can also nominate their own chairmen, the Ministry of Justice appoints them.

The judiciary lacks sufficient staff and funds, which engenders inefficiency and corruption and increases its dependence on the executive, since the court receives all its funding from the Ministry of Justice. The court reorganization necessitated by the July amendment package requires more funds than were allotted in the budget and observers believe that significant additional funding is needed to modernize the court system in general and to provide the courts with adequate facilities and equipment.

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 noncompliance with court decisions rarely are 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.

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 authorized specifically to enforce judgments 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 the year, over 1 million court decisions were executed, representing approximately 48 percent of the judgements referred to the State Executive Service.

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 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 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 favor of his dismissal. However, Zamkovenko's supporters charged that he had been targeted for his release of former Deputy Prime Minister Yulia Tymoshenko from pretrial custody and his recognition of Heorhiy Gongadze's mother and wife as victims of a crime (see Sections 1.a. and 1.d.).

The July amendments to a series of 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 specialized commercial (formerly arbitration) courts, and military courts. General jurisdiction courts are organized on four levels: Local courts, regional appellate courts, specialized high courts (the High Commercial Court), and the

Supreme Court. The arbitration courts were redesignated as commercial courts and are intended to operate as specialized courts within the single unified system of courts. As a result, the Supreme Court may review their judgments, including those rendered by the High Commercial Court. Military courts are specialized courts that hear cases only involving military personnel.

The July 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 supercedes the judgment of a lower court.

The Constitutional Court consists of 18 members appointed for 9-year terms in equal numbers by the President, the Parliament, and the Congress of Judges. The Constitutional Court is the ultimate interpreter of legislation and the Constitution, and it determines the constitutionality of legislation, Presidential edicts, cabinet acts, and acts of the Crimean Autonomous Republic. The President, at least 45 Members of Parliament, the Supreme Court, the Ombudsman, and the Crimean legislature may request that the Constitutional Court hear a case. Citizens may apply to the Constitutional Court through the Ombudsman, who started to exercise this right in selected cases. In some limited cases, the Constitutional Court can interpret law for individual citizens, when the applying citizen provides compelling proof that a constitutional provision is violated, or that it is interpreted differently by different government bodies. During the year, the Constitutional Court considered two cases in response to petitions initiated by individuals but submitted by the Ombudsman for Human Rights and a joint stock company.

Many local observers regard the Constitutional Court as the country's most independent judicial body. Human rights groups state that, overall, the Constitutional Court has maintained a balance of fairness. However, in March 2000, the Court ruled that the President's proposed referendum on expanding presidential authority was constitutional, although it threw out two of the six original questions. Observers believed that this decision indicated a pro-presidential bias.

The Constitution includes procedural provisions to ensure a fair trial, including the right of a suspect or witness to refuse to testify against himself or his relatives; however, pending the passage of legislation to implement these constitutional provisions, a largely Soviet-era criminal justice system remained in place, which limits these rights. While the defendant is presumed innocent, conviction rates have changed little since the Soviet era, and nearly all completed cases result in convictions. According to official statistics, in the first half of 2000, there were 113,902 convictions and 375 acquittals. However, since judges frequently send back to the prosecutor for "additional investigation" cases that lack sufficient evidence to support the charges (which usually leads to the dropping of the case), these statistics are somewhat misleading. During the period of 1999-2000, the courts returned more than 10 percent of pending criminal cases to investigative agencies because of the lack of sufficient evidence. In addition, there were indications that suspects often bribe court officials to drop charges before cases go to trial, to lessen sentences, or to commute them.

Under the existing court system cases are decided by judges who sit singly, occasionally with two public assessors ("lay judges" or professional jurors with some legal training), or in groups of three for more serious cases. The Constitution provides for public, adversarial trials, including a judge, public assessors, state prosecutor, defense, and jury (when required by law). With some qualifications, these requirements are respected in practice. The July legislative amendments provide for a jury system, including procedures for the selection of jurors, but the amendments did not address the function and jurisdiction of jurors. Observers believe that the jury system not function until a comprehensive judicial reform is completed and additional funding is provided for the courts.

Complicated cases can take years to go to trial, and pretrial detention is a problem; however, in increasing numbers, defendants are released from confinement pending trial (see Section 1.d.). The condition normally imposed by the court is nonmonetary bail in the form of restrictions on travel. Many of the remaining defendants in pretrial confinement were awaiting trial for very serious criminal offenses. Judges report that there has been a significant increase in the number of defendants who have been charged with very serious crimes during the transitional period from a Soviet command-based economy, which partly accounts for the substantially high number of individuals in pretrial detention.

Prosecutors, like the courts, are organized into offices at the rayon (district), oblast (regional), and national levels. They are responsible ultimately to the Prosecutor General, who is appointed by the President and confirmed by the parliament for a 5-year term. Regional and district prosecutors are appointed by the Prosecutor General. Although by law prosecutors and defense attorneys have equal status, in practice prosecutors are more influential. Although the authority to issue search and arrest warrants has been transferred to the courts and prosecutors may no longer suspend court decisions, they still may file appeals (as may defense attorneys). Before July the procuracy at times used its judicial review powers to annul court decisions unfavorable to the administration's economic or political interests and ordered the case reexamined by a different court. The Office of the Prosecutor General practiced selective prosecution and initiated investigations against the political or economic opponents of the President and his allies. The Prosecutor General also ignored parliamentary and court requests for investigations into high-ranking persons if the accused were presidential allies.

The Constitution and the July amendments have curtailed prosecutors' authority greatly, limiting it to prosecution, representing the public interest in court, oversight of most investigations, and implementation of court decisions in criminal cases. However, prosecutors retain the right to conduct investigations in cases initiated before the amendments were implemented and in cases involving a range of serious offenses, including murder, corruption, and high economic crimes. The procuracy no longer may initiate new criminal cases; its powers are limited to supervising the observance of laws by law enforcement agencies only. In May the Constitutional Court ruled that citizens may challenge court actions by the prosecutors and investigative

agencies, as well as government actions regarding national security, foreign policy, and state secrets.

During the year, the High Judicial Council dismissed 41 judges,—38 for breach of oath and 3 for criminal convictions.

Criminal groups routinely used intimidation to induce victims and witnesses to withdraw or change their testimony. The law requires that a special police unit protect judges, witnesses, defendants, and their relatives; however, the unit has not yet been formed, and trial participants were vulnerable to pressure. There is a witness protection law, but it is in abeyance because of lack of funding. Under a law adopted in March 2000, the names and addresses of victims and witnesses can be kept confidential if they request protection due to fear for their lives.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The authorities infringed on citizens' privacy rights. July legislative amendments to the laws on the judiciary and administration of justice require that search warrants for residential properties and wiretaps—functions that were performed previously by prosecutors—be issued only by the courts (see Section 1.e.); however, prosecutors retain the right to issue warrants for searches of nonresidential properties.

In accordance with the July amendments, the SBU may not conduct intrusive surveillance and searches without a court-issued warrant. The Office of the Prosecutor General has the constitutional responsibility to oversee the observance of the law by law enforcement agencies, including the SBU; however, the extent to which the Prosecutor General uses his authority to monitor SBU activities and to curb excesses by security officials is unknown. The Constitution provides citizens with the right to examine any dossier on them in possession of the SBU and to sue for physical and emotional damages incurred by an investigation; however, necessary implementing legislation has not been passed and the authorities do not respect this right in practice.

Under the law, the police have the right to stop and search a person based on a suspicion that the person has committed a criminal offense. A person suspected of committing an especially grave crime may be arrested and searched without a warrant, but the court must be informed of the arrest within 72 hours. 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.

Journalists whose reports are critical of the Government or who covered opposition politicians and NGO's that engaged in nonpartisan political activity reported that they were frequently followed by SBU agents and that their telephones were wiretapped (see Section 2.a.).

Under the "propyska" mandatory registration system which was in effect throughout most of the year, internal passports contain a stamp indicating residence and matrimonial status (see Section 2.d.). In November the Constitutional Court ruled that the propyska system was unconstitutional; a new "informational" registration mechanism was envisioned but had not been implemented by year's end.

In the period prior to the 1998 parliamentary elections, mass—perhaps coerced—enrollment of public sector and government employees augmented the ranks of progovernment parties, particularly the People's Democratic Party (see Section 2.b). The press and political observers reported that the Donetsk-based Regions of Ukraine Party was recruiting state employees in a similar manner in preparation for the March 2002 parliamentary elections.

At times persons involved in property, inheritance, or divorce disputes were diagnosed wrongfully with schizophrenia and confined to psychiatric institutions. The disputes often entailed the corruption of psychiatric experts and court officials. In February 2000, Parliament adopted a new Law on Psychiatry which bans abuse of psychiatry for political and non-medical reasons and provides safeguards against such abuse; however, human rights monitors reported that procedures regarding the application of psychological treatment have not been determined, and the Soviet system of classifying mental illness was still in use. Persons diagnosed with mental illness may be confined and treated forcibly, declared not responsible for their actions, and stripped of their civil rights without being present at the hearings or notified of the ruling. There are approximately 1.2 million registered psychiatric patients in the country. Within 3 days after forcible confinement to a hospital, a patient must be examined by three doctors. Patients (including convicted prisoners) subsequently must be examined by the senior regional psychiatric commission within 6 months. According to the Ukrainian Psychiatric Association, the Health Care Ministry has not always cooperated with human rights groups attempting to monitor abuse of psychiatry.

In October the Parliament passed the Land Code, creating a legal basis for land ownership as defined in the Constitution and clarifying the property rights of former collective farm workers as well as urban dwellers. Although the Code needs amendment and further clarification, it represents a significant step toward strengthening the rights of landowners. At year's end, the Government was working to develop regulations and additional implementing legislation to reinforce land ownership and use rights.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution and a 1991 law provide for freedom of speech and of the press; however, the Government did not always respect these rights. The Government continued to interfere with news media by intimidating journalists and the use of the libel laws, although the use of libel laws declined in comparison with the previous year. Unlike in the previous year, arbitrary and unannounced tax, fire, and building code inspections were not used during the year to interfere with the news media. A wide variety of privately owned newspapers and periodicals were available which espoused different political points of view and there was an active debate over sensitive questions in the mass media and Parliament. Throughout the year, journalists consistently reported that the principal limitations on their freedom to write came from private owners who were interested in advancing their political interests.

Government entities used criminal libel cases or civil suits based on alleged damage to a "person's honor and integrity" to influence or intimidate the press; however, the use of such cases decreased during the year. Article 7 of the Civil Code allows anyone, including public officials, to sue for damages if circulated information is untrue or insults a person's honor or dignity. Article 125 of the Criminal Code, in effect until September, prescribed imprisonment of up to 3 years for libel. The new Criminal Code that entered into effect on September 1 eliminated any criminal penalty for libel. In addition, a May Resolution of the Plenum of the Supreme Court mandated that in order to prove libel, plaintiffs must demonstrate that journalists had prior knowledge of the falsity of information before publishing it. There is no limit to the amount of damages that may be awarded under a civil libel suit. Before the new Criminal Code came into effect, the Prosecutor General could file criminal libel charges, and libel fines were so large that accounts were frozen and equipment confiscated by the State Tax Administration to enforce payment. Even when the actions of the Tax Administration were overturned by subsequent court decisions, the damage to the newspapers' finances at times was irreparable because accounts remained frozen until all appeals were completed. Lower courts still may order that the accounts of a newspaper be frozen pending an appeal of a civil libel case. Journalists complained that because the law did not limit damages, it was used to drive opposition newspapers out of business. While figures were unavailable, the number of libel cases during the year reportedly decreased.

In October the Kiev Regional Appeals Court annulled the conviction of Oleh Lyashko, editor-in-chief of an opposition newspaper, Svoboda, who had been convicted in June, sentenced him instead to 2 years on probation, and prohibited him from practicing journalism for 2 years; he had been convicted for libel for a series of articles on Vasily Durdinets, the former acting Prime Minister, and the former chief of the Odesa section of the Ministry of Internal Affairs. The Kiev court's decision was based on the September decriminalization of libel. The Government had harassed Lyashko and his publications for some time. Government officials initiated more than 20 criminal and civil libel cases against Lyashko and his publication Polityka (which was forced to close in 1999), asking for more than \$40 million in damages.

In July the Kirivohrad local court imposed a \$8,500 fine on the newspaper Vidomosti for a critical report on parliamentary deputy Hanna Antonyeva; the newspaper subsequently ceased publication.

Two libel suits were filed against Radio Free Europe/Radio Liberty (RFE/RL) during the year, one in February by Rada Deputy Oleksandr Volkov and the other in June by the Darnytsya pharmaceutical factory; however, no decision or settlement had been reached by year's end for either suit. Rada Deputy Viktor Pynzenyk, generally considered a strong supporter of market reforms, filed a libel suit against the Kievskie Vedomosti newspaper after the newspaper alleged his involvement in the embezzlement of compensation funds for individuals forced to work in Germany during World War II. In September a Kiev court upheld Pynzenyk's libel suit, ordering the newspaper to print a series of retractions. The newspaper appealed but the Supreme Court supported the lower court's judgement.

The print media, both independent and government-owned, sometimes demonstrated a tendency toward self-censorship on matters that the Government deemed sensitive. Private newspapers have been established and are free to function on a purely commercial basis, although very few are profitable. However, they are subject to various pressures such as, dependence on political patrons who may facilitate financial support from the State Press Support Fund; and close scrutiny from government officials, especially at the local level. The dependence of some of the press on government patronage has inhibited criticism, particularly at the local level.

Unlike in previous years, there were no reports that the State Committee for Information Policy warned periodicals against fomenting ethnic tensions and conducting antistate propaganda or that the Government targeted opposition newspapers with unannounced inspections or fire and building code inspections.

Many major newspapers are financed by wealthy businessmen with political interests that often favor the Government. This backing gives these newspapers an advantage over smaller, more independent newspapers. Unlike in the previous year, the owners of independent newspapers did not face the threat of litigation from political opponents to force them to sell their shares in the papers.

Despite government pressure and media self-censorship, the variety of newspapers and periodicals on the market, each espousing the view of its respective sponsor, provides a variety of opinions. Foreign newspapers and periodicals circulate freely.

Broadcast media, the primary source of news for most citizens, are either state-owned or owned by oligarchs

and powerful business interests. There are six national television stations. State-run television has the widest geographic coverage but low viewership. Most other television stations are associated with political parties or powerful business interests; such interests may or may not coincide with the interests of government authorities, depending on the issue. The third and fourth most popular stations are seen as pro-presidential. Two of the more outspoken stations have considerable foreign ownership.

In April the National Council for Television and Radio Broadcasting decided against renewing the license of Radio Kontinent (RK), an independent radio station that rebroadcasts news reports of the British Broadcasting Corporation (BBC), Voice of America (VOA), and Deutsche Welle, and has been critical of the Government in its own broadcasts, and whose owner has been highly critical of President Kuchma's relationship with the media. After a successful challenge to its initial rationale that RK's rebroadcasts of foreign stations was illegal, the Council cited a debt owed by the station to the government as grounds for its decision. In October the Kiev Municipal Arbitration court denied RK's request to block the sale of the radio station's frequency. RK continued to operate at year's end pending further appeal.

In 2000 the authorities took steps to strengthen their control over the broadcasting sector. The President and the Parliament each appoint half of the members of the National Council for Television and Radio Broadcasting, which issues licenses and allocates broadcasting time. President Kuchma did not name his half of the eight-member board until June 2000, after the Parliament had replaced its original four members in May 2000. In the absence of a functioning council, the Government had virtually unchallenged control over media licensing in the period before the 1999 presidential election and in the period prior to the April 2000 referendum on amendments to the Constitution to increase Presidential powers. As a result, the 1999 presidential campaign saw a marked imbalance in the coverage of candidates on national television and radio channels, with opposition candidates receiving very limited and often negative coverage at the national level. Opposition candidates had more success in obtaining access to smaller local and regional television channels. Likewise in the period leading up to an April 2000 referendum, television coverage was overwhelmingly pro-presidential and pro-referendum.

The press reported in July assertions by RFE/RL Ukrainian Service chief Roman Kupchinsky that SBU agents warned him against seeking to reenter the country, a charge the Government denied. He subsequently did enter the country and as of year's end there were no reports that any measures had been taken against him.

Intensive international scrutiny has led government authorities to begin addressing their relations with the media. In December 2000, President Kuchma issued a decree to protect the media; however, the decree is judged widely to be ineffectual. In 1999 the Parliament had adopted a resolution on the media, also seen as ineffectual, that called for investigations into complaints of harassment of nonstate media by the State Tax Administration, the Prosecutor General's Office, or the Presidential Administration. In December 2000, government authorities immediately responded to diplomatic protests about interference by the State Tax Administration in the operation of the Eastern Economist magazine; an unwarranted seizure of accounts was remedied quickly and the authorities apologized to the magazine's management. In February the State Tax Administration, in a gesture of transparency, began publishing a monthly list of media outlets scheduled for audits, rather than conducting audits arbitrarily. Since the publication of this list there have been no reported cases in which the State Tax Administration targeted media outlets for arbitrary inspection.

In 2000 the Cabinet of Ministers issued new regulations governing broadcast fees. State and independent channels are subject to the same rates for the majority of broadcasting fees as State channels; however, the Government rarely enforced fee payments for state channels. Private and foreign companies also must obtain licenses in order to establish and operate their own transmission facilities.

The SBU has broad powers over the media in regard to the publication of state secrets, which include information on executions, the physical state of prison infrastructure, pretrial detention blocks, and centers for the forcible treatment of alcoholics (see Section 1.c.). Journalists report that, in general, the SBU did not interfere with their activities and that they were able to report about harsh prison conditions without any inhibition (see Section 1.c.). However, in June independent reporter Oleh Yeltsov complained of harassment by the SBU after he published several articles critical of a former SBU chief in the Internet journal *Ukraina Kriminalnaya*. The SBU searched Yeltsov's home and questioned him for allegedly failing to hand over sensitive state documents.

During the year, journalists were subjected to some physical attacks that may have been related to their professional activities. The national affiliate of Reporters Without Borders reported that 28 similar incidents of physical and verbal harassment against journalists occurred during the year and that 4 had been killed, allegedly due to their trenchant reporting about local and national political authorities. The 2000 disappearance and killing of journalist Heorhiy Gongadze and the July 3 killing of Ihor Aleksandrov have raised serious concerns regarding whether the authorities are targeting journalists specifically for critical political reporting (see Sections 1.a. and 1.c.). On December 13, the Minister of Internal Affairs issued a ruling allowing journalists covering politics, corruption, and crime, to carry guns firing rubber bullets.

In January an unidentified man attacked Yanina Sokolovskaya, the Kiev correspondent for the Russian newspaper *Izvestia*, in her apartment building. She sustained knife cuts to her hands and face after attempting to resist the attacker. She blamed the attack on her newspaper's coverage of opposition protests against the Presidential Administration. As of year's end, no suspect had been identified in the June 24 killing of Oleh Breus, the publisher of the regional weekly *XXI Vek* in Luhansk. Breus was shot to death in front of his home; the motive for the killing was unclear. Breus was a businessman and held a senior position in the regional Communist Party of Workers and Peasants. He had experienced at least one previous attempted killing in December 2000, and his colleagues at the newspaper also had received threats. In July unknown assailants attempted to break down the door of Valentyna Vasylichenko, a reporter for the Cherkasy newspaper *Antenna*. She had been assaulted by two men in August 2000 in the stairway outside her apartment. She attributed the

attacks to her coverage of criminal groups. In August an assailant fractured the skull of a Luhansk television reporter, Oleksiy Movesyan. The press has speculated that he may have been targeted for his coverage of a power struggle in the Luhansk city council. On September 22, the assistant editor of XXI Vek was hit by a car in Luhansk. According to the NGO Reporters without Borders, the police asserted that the event was an accident, but the victim asserted that it was motivated politically.

Some press observers have commented that the Government has become more sensitive to criticism regarding failures to uphold freedom of the press and has been hesitant to intervene against oppositionist media outlets. However, reportedly journalists who pursued allegations of high-level government involvement in the killing of journalist Heorhiy Gongadze were subject to harassment by the Government (see Section 1.a.). In January representatives of RFE/RL complained that the SBU harassed their employees in an attempt to alter the service's coverage of the country's politics. The SBU denied these charges. While the press continued to cover the disappearance of Gongadze and anti-Government demonstrations related to it, they practiced some self-censorship.

A July 2000 Presidential decree identified the development of the Internet as a priority of national information policy and instructed the Government to design a state program to develop the Internet network. According to the SBU, it has set up an Internet monitoring network in order to fight corruption and further the country's integration into the European Community; however, human rights organizations fear that this network has increased the SBU's ability to supervise citizens without cause. Though limited in readership, Internet publications, in particular Ukrayinska Pravda, played a key role in covering the disappearance of Heorhiy Gongadze and the scandal surrounding allegations of Presidential involvement in the case (see Section 1.a.).

While major universities are state-owned, they operate for the most part under full autonomy; however, academic freedom is an underdeveloped and poorly understood concept. Nepotism and bribery reportedly are common during entrance exams and also influence the granting of degrees. Administrators of universities and academic and research institute directors possess the power to silence colleagues by denying them the ability to publish, withholding pay and housing benefits, or directly terminating them. Restrictions by the Communications Ministry on the mailing of scientific documents also have caused concern. Student protesters complained that university administrators in Kiev and Lviv pressured them not to participate in anti-Presidential demonstrations held at the beginning of the year (see Section 2.b). The SBU maintains offices for the protection of state secrets in state scientific and research institutes, including those not conducting any classified research. All private and religiously affiliated universities operated without any reported state interference or harassment.

b. Freedom of Peaceful Assembly and Association

The Constitution and law provide for freedom of assembly and the Government generally respects this right in practice; however, there were some instances in which this right was restricted. While the Constitution requires that demonstrators merely inform the authorities of a planned demonstration in advance, the law on public assembly stipulates that organizations must apply for permission to their respective local administration at least 10 days before a planned event or demonstration; the new Criminal Code prescribes up to 2 months of corrective labor or a fine for repeatedly staging unauthorized demonstrations. Under the law, demonstrators are prohibited from inciting violence or ethnic conflict and from calling for the violent overthrow of the constitutional order. In practice unlicensed demonstrations are common, and most but not all occur without police interference, fines, or detention.

Antipresidential demonstrations took place in central Kiev early in the year. While such demonstrations generally were peaceful, the police forcibly dispersed anti-presidential demonstrations in Kharkiv and Rivne, and in February city marshals acting on a court order dismantled tents erected by protesters on Kiev's main thoroughfare. In March protesters clashed with police while attempting to prevent the President from laying a wreath in honor of the national poet, Taras Shevchenko. Later on the same day, protestors threw rocks and Molotov cocktails at the police. The police arrested several hundred demonstrators, many of whom later were acquitted or given light sentences. The police maintained that the protestors had assaulted the security forces that were trying to keep the peace; however, human rights advocates maintained that some of those arrested were unlawfully detained and beaten while in custody. Subsequent demonstrations proceeded without incident and were small in size.

Communist groups regularly complained that the authorities failed to punish nationalist groups who harassed them during demonstrations held to protest the Government and to mark former Soviet holidays. Nationalist groups in turn complained that the authorities do not protect them from harassment by Communist groups.

The Constitution, the law, and government regulations restrict freedom of association to varying degrees.

In May a new law on political parties entered into force, which provides that a party must inform the Government about its financial holdings and any change in its leadership or program. Political parties may not receive financial support from the state or any foreign patron. In accordance with the Constitution, the law also forbids the establishment of political parties in the executive and judicial branches, military units, law enforcement organizations, state-owned enterprises, and other public institutions; however, this prohibition often is ignored in practice. In the period prior to the 1998 parliamentary elections, the mass—perhaps coerced—enrollment of public sector and government employees augmented the ranks of progovernment parties, particularly the People's Democratic Party. The Supreme Court reserves the right to ban any political party upon the recommendation of the Ministry of Justice or the Prosecutor General.

The new law requires that a political party maintain offices in one half of the regions; however, in practice the law has not impeded greatly the formation of ethnic-based parties and ethnic minorities occupied leadership

positions in national political parties (see Section 3).

Groups must register with the Government to pursue almost any purpose. Unregistered groups are prohibited from opening bank accounts, acquiring property, or entering into contracts. However, unlike in the previous year, there were no reports during the year that the Government used this power to limit freedom of association. The registration law also gives the Government the right to inspect the activities of all registered groups. This law requires that a party specify all its activities in its charter, but the party is not required to notify the authorities of all its meetings. A change in the group's charter necessitates reregistration.

In the past, some authorities interpreted a provision in the Law on Public Organizations stating that public organizations are created to protect the interests of their members to mean that public organizations may offer services only to their members. However, there were no reports that this requirement was used to restrict the activities of any group during the year.

The law provides also for restrictions on organizations that are considered dangerous, such as those which advocate violence or racial and religious hatred, or which threaten the public order or health. The Government had not publicly identified any such groups as "dangerous" as of year's end; however, far right political organizations report that they are subject to harassment and surveillance by government authorities.

c. Freedom of Religion

The Constitution and the law provide for freedom of religion, and the Government generally respects this right in practice; however, some minority and nontraditional religions continued to experience difficulties registering, and buying or leasing property at the local level, although there were fewer reports of such difficulties than in the past. The Constitution and the law provide for the separation of church and state.

The law requires all religious organizations to register with the State Committee on Religious Affairs. If a group chooses to register as a national organization, it must register with the central office of the State Committee for Religious Affairs, and each of its local groups must register with the local office of the State Committee in the region where it is located. Those groups that choose to register as local organizations must register only with the regional office of the State Committee. This status is necessary to own property or carry out many economic activities, such as publishing religious materials or opening bank accounts. By law this process should take not more than 1 month, or 3 months if the State Committee requests an expert opinion on legitimacy of a group applying for registration; however, in practice this process can take up to 6 months or longer.

Some nonnative and minority religious organizations have reported that, especially at the local or regional levels, officials of the State Committee delayed registration of their organizations for extended periods. However, there were fewer such reports during the year. Representatives of the Progressive Jewish communities claimed that pressure from Chabad Lubavitch officials on local Dnipropetrovsk authorities has led to a 5-year delay in the granting of registration to a Progressive Jewish community in the city. According to representatives of Jewish communities and the press, the Dnipropetrovsk Chabad community opposed the registration of any Jewish community but Chabad in the city, which was the home to the father of the Lubavitcher Rebbe, Menachem Schneerson. In October members of the Community withdrew their petition for registration, citing harassment by local authorities. In April a longstanding registration case was resolved in Sevastopol, when an 18 month-old registration application from a Progressive Jewish community finally was approved by the local Committee for Religious Affairs.

No religious communities claimed to have experienced problems obtaining religious worker visas during the year and in previous years the State Committee on Religion reported that less than 1 percent of applications were refused, usually because forms were completed improperly.

The law restricts the activities of nonnative, foreign-based, religious organizations ("native religions" are defined as Orthodox, Greek Catholic, and Jewish), and narrowly defines the permissible activities of members of the clergy, preachers, teachers, and other foreign citizen representatives of foreign-based religious organizations. They may preach, administer religious ordinances, or practice other canonical activities "only in those religious organizations which invited them to Ukraine and with official approval of the governmental body that registered the statutes and the articles of the pertinent religious organization." However, in practice the Government has not used the law to greatly limit the activity of nonnative religious organizations. Nonnative religions reported some difficulties in obtaining visas for foreign religious workers, registering, and carrying out their activities during the year; however, the Government generally did not discriminate against individual believers of nonnative religions.

There is no state religion, although the Ukrainian Orthodox Church, Moscow Patriarchate, tends to predominate in the east, the Ukrainian Orthodox Church, Kiev Patriarchate and the smaller Ukrainian Autocephalous Orthodox Church are strong in the central regions, and the Ukrainian Greek Catholic Church predominates in the west. These churches exerted significant political influence at the local and regional levels. Reportedly each of these churches, within its respective sphere of influence, also pressured local officials to restrict the activities of the others.

The dispute among competing Orthodox Christian administrative bodies continued (see Section 5). The State Committee on Religious Affairs, although supportive of a unified, independent Orthodox Church for the country, has maintained neutrality in its relations with the various Orthodox churches. The Kiev Patriarchate of the Orthodox Church and the Greek Catholic church complained of harassment by local authorities in the predominantly Russian-speaking eastern region of the country, while the Moscow Patriarchate of the Orthodox Church complained that local governments ignored the appropriation of its churches by Greek Catholics in the

western region.

Representatives of evangelical Christian communities expressed concern over instances of discrimination against their adherents. Such incidents appeared to be isolated. In two cases, they asserted that believers were forced to leave jobs in the military or in military production because their evangelical churches had contact with missionaries from abroad. An evangelical pastor also noted that local authorities in some cities had denied permits for religious processions and that in a village in the Odesa region an evangelical church opposed by a local Orthodox community had been refused permission to hold regular Church services. Evangelical churches, like many other religious communities, experienced difficulties in obtaining land plots.

Representatives of the Ukrainian Autocephalous Orthodox Church cited instances of difficulties in providing religious services to soldiers and of the need to obtain approval for prison ministry activities from prison chaplains of the Moscow Patriarchate.

Members of numerous communities encountered difficulties in dealing with the Kiev municipal administration in obtaining land permits and building permits, problems not limited to religious groups.

According to the State Committee for Religious Affairs, the transfer of most places of worship to their original owners according to a 1992 decree on restitution was nearing completion. At year's end, 268 former houses of worship that were used for non-religious purposes had not been returned; however, 215 of them were not claimed by any religious group. During the year, the State Committee oversaw the return of 44 religious buildings (including 2 mosques, 2 Roman Catholic cathedrals, 1 Greek Catholic cathedral, and 3 Orthodox monasteries). Outstanding claims for restitution remain among all the major religious communities. Many properties that remain subject to restitution are occupied, often by state institutions, or are historical landmarks. The slowing pace of restitution is, among other things, a reflection of the country's difficult economic condition, which severely limits funds available for the relocation of the occupants of seized religious property. Competition among Orthodox churches for particular properties also complicates the restitution issue. In conjunction with a Cabinet of Ministers decree issued on January 15, the State Committee on Religious Affairs began a project to facilitate the periodic usage by religious groups of religious buildings that are state architectural landmarks whose return is not planned.

The Government also continued to return to religious groups properties expropriated during the Soviet era. It returned two churches that were rebuilt with government funds. The government has finalized the return of a number of major religious edifices for use by the main Orthodox churches in Ukraine. In May 2000, the Kiev Patriarchate received the newly rebuilt, historic St. Michael's Cathedral in central Kiev for its exclusive use. In September 2000, the Moscow Patriarchate received for its use the newly rebuilt Uspenskyy Cathedral of the Lavra Monastery, which also was restored using government funds. In August the Cabinet of Ministers issued an order confirming the respective use of these two religious properties and the use of St. Andrew's Church in Kiev for the Ukrainian Autocephalous Orthodox Church and St. Magdalene's Cathedral in Lviv for the Greek Catholic Church. According to Jewish community representatives, progress on restitution generally is satisfactory, although more could be done.

Officially religious instruction is prohibited in the public school curriculum. Schools run by religious communities can and do include religious education as an extracurricular activity. During the year, the Government began attempts to introduce training in "Basic Christian Ethics" into the schools. While the country's Jewish leaders support the teaching of ethics and civics in school, they insist on a nonsectarian approach to this training. A working group of the All-Ukrainian Council of Churches has been formed to discuss the content of such a program.

President Kuchma issued an official invitation to Pope John Paul II to visit, despite criticism by the Moscow Patriarchate. The Pope's June visit widely was considered successful. The Government actively promoted the Pope's visit as a sign of tolerance and most religious and political leaders supported it. The Moscow Patriarchate organized small peaceful protests before the visit but not during the event itself. Public services led by the Pope were attended by tens of thousands of persons in Kiev and hundreds of thousands of persons in Lviv, including President Kuchma himself.

In September the Government commemorated the massacre at Babyn Yar, one of the most serious Nazi crimes of the Holocaust. In March Kiev municipal authorities also granted land for the building of Babyn Yar Jewish Community.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice; however, there were some limits. Until November the propyska system—a nationwide 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 at year's end to determine whether individuals who had not been registered had access to the social benefits they had been denied previously. Human rights groups reported cases of persons being stripped of their residence registration, evicted from their homes, and made homeless through criminal fraud or court error. Police also arbitrarily detained persons for extensive document checks and vehicle inspections (see Section 1.f.).

Citizens who wished to travel abroad generally were able to do so freely. Exit visas are required for citizens who intend to take up permanent residence in another country but there were no known cases of exit visas being denied to citizens during the year. The Government may deny passports to individuals in possession of state secrets, but denials may be appealed.

A new Citizenship Law implemented in March provides the right to citizenship for all individuals who were born or lived in the country before independence and to their descendants who lived outside the country as of November 13, 1991. Dual citizenship is not recognized. Under the terms of the new Citizenship Law, refugees may acquire citizenship if they have lived legally in the country for 3 years (instead of 5 years for other foreigners) and can communicate in the Ukrainian language. Furthermore refugees do not have to terminate foreign citizenship with their home country formally unless the Government has signed a specific agreement with this country mandating such a procedure; they must only notify the authorities of their rejection of foreign citizenship. Since independence over 1.5 million Ukrainians have returned to the country, while over 1 million persons, mostly ethnic Russians have left the country.

The Government has not supported a foreign-funded program to facilitate travel to the country of some emigrants who qualify for resettlement as refugees; however, more than 260,000 Crimean Tatars have returned from exile to Crimea, mainly from Central Asia. According to the U.N. High Commissioner on Refugees (UNHCR), between 220,000 and 230,000 Tatars have acquired citizenship. Crimean Tatar leaders have complained that their community has not received adequate assistance in resettling and that an onerous process of acquiring citizenship previously excluded many of them from participation in elections and from the right to take part in the privatization of land and state assets. However, amendments to the 1991 Citizenship Law facilitated the acquisition of citizenship by Crimean Tatars, who were deported victims of political oppression, by waiving some of the usual residence and language requirements. In addition, a 1998 agreement signed with Uzbekistan, where many of the Crimean Tatars outside Crimea resided, provided a simplified procedure for Crimean Tatars to renounce their former citizenship and acquire Ukrainian citizenship; however, this agreement expired at the end of the year. A new citizenship law enacted in March gave citizenship to all persons and their descendants who resided on Ukrainian territory prior to July 16, 1990. Under the terms of this agreement, citizens of foreign countries with which there are bilateral agreements mandating renunciation of foreign citizenship before new citizenship can be acquired, still must fulfill this obligation. Citizens of other countries must demonstrate renunciation of foreign citizenship one year after they acquire Ukrainian citizenship.

In August the revised Law on Refugees entered into effect. It provides for the granting of refugee and asylee status in accordance with the 1951 U.N. 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 cooperates with the UNHCR, and other humanitarian organizations 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 the year. 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 center. In cooperation with the UNHCR in 1997, the Government established a refugee reception center in Vinnytsya. In June a small refugee reception center was opened in Odesa.

According to the State Committee for Nationalities and Migration, the Government has a first asylum policy, but no data was available on the number of persons granted first asylum status during the year.

Instances of police harassment of certain categories of refugees reportedly decreased during the year. The UNHCR issued beneficiary cards to persons it recognized as refugees. Presentation of this card to law enforcement authorities reportedly led to some reduction in harassment, although this procedure did not help the large numbers of unrecognized refugees. In May the UNHCR began holding training seminars for police to prevent further harassment.

There were no reports during the year of the forced return of persons to a country where they feared persecution, although there were such cases in past years.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens generally exercise this right in practice; however, the 1999 presidential elections were marred by government pressure on the media that resulted in significantly unbalanced election coverage and by the efforts of the administration to influence voters by pressuring local leaders and officials. Subsequent parliamentary by-elections and a constitutional referendum also were marred. However, most observers agreed that all of these votes generally represented the will of the electorate.

The Constitution provides universal suffrage for citizens at least 18 years of age and for periodic elections every 4 years for Parliament and every 5 years for President. A Presidential election was held in October and November 1999. Parliamentary elections took place in 1994 and in 1998 and are scheduled for March 2002.

In the view of many observers, the March parliamentary elections are likely to constitute a major test of the country's democratic political development.

According to the Constitution, power is divided among the executive, legislative, and judicial branches. Although nominally independent, the judicial branch in practice is influenced heavily by the executive (see Section 1.e.). The President appoints the Prime Minister, who appoints the remainder of the Cabinet with the President's consent. The appointments of the Prime Minister and certain other officials, including the Prosecutor General, are subject to parliamentary approval. The Constitution grants the President limited power to pass binding decrees and directives that have the power of law.

In June 2000, by-elections were held to fill 10 vacant parliament seats. Opposition candidates complained of voting irregularities, a lack of access to the media, and government pressure on behalf of pro-presidential candidates. However, observers believed that it was unlikely that these problems significantly altered the outcome of the election (see Section 2.a.).

In the April 2000 referendum on amendments to the Constitution that would increase presidential powers, the voting process was conducted in a generally free and fair manner; however, there were some serious problems. While most observers agreed that there were few procedural irregularities on voting day, the period leading up to the referendum was marked by unbalanced media coverage and inappropriate involvement of Government officials in turning out the vote and influencing voters on behalf of President Kuchma. Voter turnout was reported to be higher than during the October 1999 Presidential election, raising suspicions of manipulation on the part of the presidential administration. For example, an unusually high number of voters were allowed to vote before election day. Pollsters reported that exit poll results on turnout were notably lower than results reported by the Government. However, most observers believe that the outcome of the referendum generally reflected the will of the electorate.

In the month before the April referendum was to take place, the Constitutional Court invalidated two questions planned for inclusion: the first asked if the population wanted to disband the Rada and the second asked if the Constitution should be adopted by a future referendum. The Court ruled that the Constitution did not provide for the disbanding of the Rada by a popular vote of no-confidence and that the Constitution's validity could not be the subject of a popular referendum.

International observers noted violations of election day procedures in the 1999 Presidential elections, with more numerous and serious violations occurring in the second round of voting. In addition, the media coverage was significantly unbalanced. The OSCE also was concerned over pressure exerted on voters in prisons, hospitals, and educational institutions on behalf of President Kuchma. A representative of the Parliamentary Assembly of the Council of Europe declared that the elections were "far from fair and democratic." OSCE observers noted that unauthorized persons, including SBU officers, were present in polling stations, especially during the runoff election; they also stated that they had received reports of militia involvement in campaigning. After the first round of voting, three regional administrators were dismissed, allegedly for failing to produce sufficient votes for President Kuchma in their districts. After the second round of voting, President Kuchma dismissed two oblast governors and six rayon heads in those regions where Kuchma received fewer votes than Communist Party rival Symonenko. Very high voter turnouts, particularly in western districts, aroused suspicion of ballot stuffing on President Kuchma's behalf in the second round of voting. However, because of President Kuchma's 18-point margin of victory, observers concluded that it was unlikely that these problems significantly altered the final outcome of the election.

In the 1999 preelection period, various forms of government pressure on the media served to limit the independence of the press (see Section 2.a.). The Parliamentary Assembly of the Council of Europe found that state media coverage of the presidential campaign was biased strongly in favor of President Kuchma. The Government allegedly used official agencies, especially the State Tax Administration, to disrupt or eliminate the businesses of political opponents prior to the elections. Presidential candidate Yevhen Marchuk reported that police ordered a meeting with voters evacuated in Luhansk in August 1999, citing an anonymous bomb threat. Political candidates also reported difficulty in renting meeting halls, closure of their local campaign offices by government officials, confiscation of campaign vehicles, and pressure on employees from directors of state-owned enterprises. Many opposition presidential candidates credibly complained that the SBU overstepped its mandate and interfered in the campaign to the benefit of President Kuchma. Presidential candidates complained about the presidential administration's dominance over the media and the illegal involvement of state officials in Kuchma's campaign. There were confirmed reports that the SBU monitored NGO's engaged in nonpartisan political activity (see Sections 1.f. and 4). In November 1999, the Supreme Court threw out lawsuits challenging the presidential election results, ruling that according to the election law the Central Election Commission's decision regarding President Kuchma's electoral victory could not be disputed or annulled.

While in the past a number of mayors reported harassment by law enforcement and other authorities, there were no such reports during the year.

In February Kirovohrad mayor Oleksandr Nikulin, who also supported the opposition during the 1999 presidential elections, was arrested on bribery charges; some in the press believe the charges against him are credible.

The percentage of women in government and politics does not correspond to their percentage of the population, although some women are active in government and politics. Women hold 37 of the 450 seats in the Rada. Only one woman holds a ministerial post. The 18-member Constitutional Court has 2 female members.

Jews are well represented among the political elite and hold several parliamentary seats. Many Crimean Tatars are unable to participate fully in the political process, primarily because they do not constitute a majority in any one Crimean electoral district. Previous delays in granting citizenship to Crimean Tatars also negatively affected their ability to influence the political process (see Section 2.d.).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, there were confirmed reports that the SBU monitored NGO's engaged in nonpartisan political activity during the 1999 Presidential election campaign (see Section 3). According to Amnesty International, in what reportedly was an isolated incident, local police summoned Amnesty International's members in Lviv and questioned them about their activities related to human rights problems in Pakistan. Government officials frequently were cooperative and responsive to the views of NGO's; however, human rights groups reported continued difficulties in investigating penal conditions, which are a significant human rights problem (see Section 1.c.).

The Parliamentary Commissioner on Human Rights is a constitutionally mandated independent human rights ombudsman. In 1988 Parliament elected the first Ombudsman, who serves a 5-year term and, in principle, is invested by law with very broad powers. The law provides the Ombudsman with unrestricted and unannounced access to any public official, including the President; unrestricted access to any Government installation; and the oversight of implementation of human rights treaties and agreements to which the country is a party. However, the law provides no penalties for those who obstruct the Ombudsman's investigations, nor does it create sufficient enforcement authority for the Ombudsman. The law requires the Government to submit amendments to existing laws to provide the legal framework for the operation of the Ombudsman's office; however, although the Ombudsman noted the lack of effective mechanisms for protection of human rights in a November 2000 report to Parliament, no such amendments had been enacted by year's end. All citizens and residents can address their concerns to the Ombudsman, and the Ombudsman serves as an intermediary between citizens and the Constitutional Court, since citizens cannot address the Court directly (see Section 1.e.).

In September the Ombudsman's office reported that it had received letters from more than 180,000 individuals since its inception; however, many of those letters were requests for information rather than complaints of human rights violations. The office's staff grew by 12 percent during the year to approximately 76 full- and part-time workers; however, according to the Ombudsman, underfunding of the office continued to hamper its activities. The Ombudsman continued to make the combating of trafficking in persons (see Section 6.f.) and improving prison conditions (see Section 1.c.) major priorities during the year.

Citizens have the right to file appeals with the European Court of Human Rights in Strasbourg about alleged human rights violations. From January to July, 1,725 appeals were made to the court. Of these 786 were registered with the court for further review and 6 accepted for determination. No judgements were rendered during the year, but one case was settled amicably outside the court; in April the Government agreed to enforce a domestic court ruling regarding the payment of back wages and compensation to 13 miners (see Section 6.b.).

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, sex, and other grounds; however, due in part to the absence of an effective judicial system, the Government does not enforce these provisions effectively.

Women

Violence against women reportedly was pervasive. While statistics compiled by the United Nations Development Program showed that the number of reported rapes and attempted rapes had decreased over the previous few years, surveys indicated that the majority of rapes and other cases of physical abuse went unreported. Past surveys by women's groups indicated that between 10 and 15 percent of women had been raped, and that over 25 percent were abused physically in their lifetimes. The International Helsinki Federation for Human Rights reported in 2000 that 20 percent of women aged 17 to 21 had faced attempted rape. During the year, 1,051 rape cases under Article 117 of the old Criminal Code and 152 under the new Criminal Code were opened. Information on convictions was not available. Spousal abuse is illegal, but the authorities often pressure women not to press charges against their husbands. The Criminal Code outlaws rape and "forced sex with a materially dependent person," which may allow prosecution for spousal rape. Official statistics on prosecutions for wife beating or on average sentences were not available; however, the Institute of Sociological Research reported in September 2000 that 12 percent of women under the age of 28 had been victims of domestic violence.

Violence against women does not receive extensive media coverage, despite the efforts of human rights groups to highlight the problem. State-run hot lines, shelters, and other practical support for victims of abuse are few in number. Municipal authorities in Kiev run a women's center, the only municipally supported shelter in the country. NGO's have attempted to provide services for abused women through the establishment of women's support centers in seven cities (see Section 6.f.).

The country is a significant source and transit country for women trafficked abroad for sexual exploitation (see Section 6.f.).

Women's groups reported that there was widespread sexual harassment in the workplace, including coerced sex. Apart from the law that prohibits forced sex with a "materially dependent person," which applies to employees, legal safeguards against harassment are inadequate. There were no known prosecutions for sexual harassment during the year.

Labor laws establish the legal equality of men and women, including equal pay for equal work, a principle that generally is observed; however, the economic decline of the past decade has harmed women disproportionately. Women are much more likely to be laid off than men. At the end of 2000, according to the State Committee on Statistics, overall unemployment was 4.2 percent and women accounted for 65 to 70 percent of the unemployed. Industries that are dominated by female workers also are those with the lowest relative wages and the ones that are most likely to be affected by wage arrears problems. At the end of 2000, the average monthly wage for women was 70.9 percent of the average monthly wage for 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, such as those that involved heavy lifting. However, despite implementation of a government program to combat dangerous labor, these laws remain poorly enforced. The Ministry of Labor estimated that at the end of 2000, 16 percent of working women are employed in hazardous jobs, and human rights groups have maintained that management selectively observed the law only as necessary to lay off or fire female workers. Many women's rights advocates expressed concern that the law may be used to bar women from the best paying blue-collar jobs. By law pregnant women and mothers with small children enjoy paid maternity leave until their children reach the age of 3 years. However, this benefit is a disincentive for employers to hire women for high-responsibility or career track jobs.

Few women attain top managerial positions in state and private industry. A March 2000 business survey found that half of private-sector employees are women, and that women run 30 percent of private small businesses and 13 percent each of large and medium businesses. According to Government statistics, at the end of 2000, 72.7 percent of the country's approximately 1,825,000 civil servants were female, including 52.2 percent of the managerial positions. However, of the highest "first" category offices, only 8.3 percent were women. (These numbers do not include the "power ministries"—the Ministries of Defense, Internal Affairs, Foreign Affairs, and the SBU, which have substantially more male employees at all levels.)

Educational opportunities for women generally continued to be equal to those enjoyed by men; however, the Government has limited the number of women who can receive military officer training to only 20 percent of the total number of students accepted. In addition, the military forces limited the role of women to certain functions, which limited their chances for promotion and training opportunities; women in the military generally occupy low-paying, routine positions.

Children

The Government is committed publicly to the defense of children's rights, but the economic decline has limited severely its ability to ensure these rights. The Government has attached a low priority to children's rights, as has the public. There is an absence of government or NGO groups that aggressively promote children's rights. In May the Parliament passed a new Law on the Protection of the Child to bring the country into line with U.N.-mandated standards regarding children's safety and quality of life. Children's protection groups have commended the law's stated purposes, but noted that it does not include an implementing mechanism for the large variety of services it proposes.

Education is free, universal, and compulsory until the age of 15; however, the public education system has deteriorated as a result of the Government's financial disarray. Teachers were paid their salaries during the year, but other monetary benefits due to them were not paid in some localities. Increasing numbers of children from poor families dropped out of school, and illiteracy, which previously was very rare, has become a problem. Of the 6.5 million children attending school, 3.2 million were girls and 3.3 million were boys. Official statistics on the proportion of school-age children attending school were not available at year's end; however, according to a Ministry of Education sponsored organization, Vseobuch, more than 8,000 school-age children did not attend school. The All-Ukrainian Committee for the Protection of Children reported that lack of schooling remained a significant problem among the rural population. The problem of growing violence and crime in and outside of schools continued, especially in the notoriously violent vocational schools. The Government has ignored this problem.

Health care is provided equally to girls and boys, but economic problems worsened the overall quality of the health care system.

Child abuse was a problem. An October 2000 survey by the UNICEF found that 38 percent of the children it polled had suffered some form of violence. In 1997 the All-Ukrainian Committee for Protection of Children released a survey that revealed that every fifth or sixth child of both sexes under age 18 suffered from sexual harassment (including every third girl), and that every 10th girl is raped. Although statistics were unavailable, drug use and child prostitution were widespread and received substantial media attention during the year. Several charity groups were formed to assist these children, but they have not been able to reduce the problem.

Trafficking in children is a serious problem (see Section 6.f.).

The numbers of homeless children, who usually fled poor orphanage or poor domestic conditions, remained high. According to a 2000 press release from the Ministry of Internal Affairs, 100,000 children were registered

as homeless; of those, 14 percent were under age seven. In January 2000, President Kuchma issued a decree aimed at reducing homelessness among children; however, the effect of that decree is unknown. Deteriorating conditions in the state orphanages has led the Government to encourage families to provide foster homes for orphans and to facilitate the establishment of private, government-supervised orphanages. There are 75 such orphanages with approximately 800 children.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities; however, the Government did little to support programs targeted at increasing opportunities for persons with disabilities. Legally mandated levels of employment of persons with disabilities at state enterprises were not observed. There were only five special vocational schools for persons with disabilities. As a result, according to one NGO, approximately 7,000 children with disabilities received an incomplete secondary education. Advocacy groups for persons with disabilities maintain that there is societal discrimination against persons with disabilities.

The law mandates access to buildings and other public facilities for the disabled; however, the law is enforced poorly.

Religious Minorities

Societal anti-Semitism persisted; however, during the year there was a continued decrease in anti-Semitic acts and anti-Semitic publications in local newspapers and an increase in government action against anti-Semitism. Anti-Semitic incidents continued to occur but, according to local Jewish organizations, declined in number and were concentrated in western regions of the country.

Disputes over the erection of crosses in Jewish cemeteries remained unresolved. In 2000 in Sambor, Lviv Oblast, Jews, with foreign assistance, began construction of a memorial park at the site of an old Jewish cemetery, which was the scene of Nazi atrocities. Nationalists erected crosses on the site to commemorate Christian victims of Nazi terror. While memorial organizers supported the recognition of all groups who suffered on the Sambor site, they opposed the use of Christian religious symbols on the grounds of the Jewish cemetery. At the same time, local nationalists remained opposed to the use of Jewish symbols or Hebrew in the memorial. Jewish and Greek Catholic leaders intervened in an attempt to find a just and peaceful solution to the dispute. In spite of a proposal by the memorial's foreign sponsor to relocate the crosses to another site at his expense, local government leaders had not resolved the conflict by year's end. In Kiev crosses remained on the territory of an old Jewish cemetery near the site of the Nazi massacre at Babyn Yar. Jewish leaders asserted that the crosses were erected without a building permit and have asked that the crosses be removed; however, they remained at year's end.

In 1999 in Crimea, Bishop Lazarus of the Ukrainian Orthodox Church, Moscow Patriarchate, announced an initiative to place 1,000 crosses around Crimea to celebrate the second millennium of the birth of Jesus and a millennium of the Christianization of Kievan Rus. One of the crosses, in the village of Morskoye, was placed on a hilltop overlooking a Crimean Tatar Muslim village and cemetery. Local Tatars, who were not consulted about the placement of the cross, removed it. Through dialog Bishop Lazarus, Crimean Mufti Ablayev, Orthodox residents, and the local Crimean Tatar Mejlis (Council) were able to come to a peaceful settlement of the conflict over this cross by relocating it to a nearby hill overlooking a predominantly Orthodox community.

Some ultranationalist groups and newspapers continued to publish and distribute anti-Semitic tracts regularly. Anti-Semitic publications also are imported from Russia and distributed without the necessary state license. The procuracy warned certain publications against publishing anti-Semitic material. In 1999 three authors of a collection of scholarly articles, "Judeophobia Against Ukraine," filed suit against the nationalist newspaper Vechirniy Kyiv for publishing an anti-Semitic criticism of the collection. The newspaper countersued one of the authors, Oleksandr Naiman, claiming that it had been charged falsely of being chauvinistic. On March 15, a Kiev court ordered that the newspaper pay damages of approximately \$550 (3,000 hryvnia) to each author and that Naiman pay \$1,100 (6,000 hryvnia) to the newspaper. At year's end, Naiman planned an appeal. Leaders of the Jewish community welcomed changes in the editorial staffs of the newspapers Vechirniy Kyiv and Za Vilnu Ukrainu in late 2000. Under new editors, these newspapers, which had been among the chief offenders in publishing anti-Semitic articles, ceased such activity.

Jewish community representatives were disturbed by the presence of anti-Semitic slogans in anti-Kuchma demonstrations that took place in the spring.

Evangelical Christian missionaries reported some instances of societal discrimination against members of their churches, such as public criticism for betraying "native religions," although there were no reports of salary cuts or layoffs as reported in the previous year.

Tension also persisted between the different branches of the Orthodox church (see Section 2.c.).

National/Racial/Ethnic Minorities

The frequent harassment of racial minorities is an increasing problem. The police routinely detained dark-skinned persons for arbitrary document checks, whereas document checks of foreigners of European descent are performed rarely (see Section 1.c.). Although the authorities disciplined police who engaged in this harassment when incidents have been brought to their attention, such instances remained common. In addition there were increased reports of racially motivated violence against persons of African and Asian

heritage. Representatives of these groups claimed that police officials routinely ignored, and sometimes abetted, violence against them.

Roma face considerable societal discrimination. Opinion polls have shown that among all ethnic groups, the level of intolerance is highest toward Roma. Roma continued to be subject to violence and abuse by police, particularly in the Transcarpathian region (see Section 1.c.).

The Constitution provides for the "free development, use, and protection of the Russian language and other minority languages in Ukraine." This provision expands a 1991 law on national minorities, which played an instrumental role in preventing ethnic strife by allowing individual citizens to use their respective national languages in conducting personal business and by allowing minority groups to establish their own schools. However, some pro-Russian organizations in the eastern part of the country complained about the increased use of Ukrainian in schools and in the media. They claimed that their children were disadvantaged when taking academic entrance examinations, since all applicants are required to take a Ukrainian language test. According to official statistics, there are 16,532 Ukrainian schools, 2,215 Russian schools, 97 Romanian schools, 68 Hungarian schools, 9 Moldovan schools, 10 Crimean-Tatar schools, and 3 Polish schools in the country.

In May 2000, a popular folk singer was killed at a cafe in Lviv, allegedly by Russian-speakers who objected to his singing Ukrainian songs. The killing sparked protests and prompted a national debate over the use of Ukrainian and Russian languages. In July 2000, the city council issued a decree banning the broadcast of "amoral songs" in public places, which some observers interpreted as a prohibition against Russian language music; however, the decree never was enforced and in August 2000 the local procuracy declared the decree unlawful. At year's end, a Lviv court sentenced the singer's assailants to terms of imprisonment ranging from 13 to 15 years.

Ukrainian and Crimean Tatar minorities credibly complained of discrimination by the ethnic-Russian majority in Crimea and demanded that the Ukrainian and Crimean-Tatar languages be given a status equal to Russian. In May 1999, on the anniversary of Stalin's deportation of the Tatars to Central Asia, 35,000 Tatars demonstrated for official recognition of the Mejlis, Tatar representation in the Crimean parliament, and for official status for the Tatar language. Tatar protesters also erected a tent camp in front of the Crimean government building. In response President Kuchma created a Presidential Tatar advisory committee that included all members of the Mejlis. Tatar leaders reported that during the year the committee helped promote Tatar interests at the national level. Then-Crimean Prime Minister Serhiy Kunitsyn agreed to the right of Tatars returning from Central Asia to own land and the creation of Tatar schools. Demonstrations held on the anniversary of the deportation of Crimean Tatars during the year were smaller and less politicized; however, Crimean-Tatar leaders continued to call for changes in the electoral law that would allow them to achieve greater representation in the Crimean legislature.

The Crimean Government, pleading insufficient funds, did not assent to requests from the Crimean Tatar community for assistance in reestablishing its cultural heritage through Tatar language publications and educational institutions. However, the central Government continued to work with the U.N. Development Program (UNDP), OSCE, and the International Organization for Migration (IOM) on support for the Crimean Tatar community. According to the UNHCR, 92 percent of the 258,000 Crimean Tatars who returned to the country from exile in Central Asia have received citizenship. However, Crimean Tatar leaders complained that their community has not received adequate assistance in resettling and that the previously onerous process of acquiring citizenship excluded many of them from participating in elections and from the right to take part in the privatization of land and state assets (see Section 2.d.).

Romanians continued to call for university-level instruction in Romanian or the establishment of a Romanian technical college. There are 86 Romanian-language schools in the Chernivtsi oblast.

Rusyns (Ruthenians) continued to call for status as an official ethnic group in the country. At a congress held in Uzhhorod in 1999, representatives of the Rusyn community called for Rusyn-language schools, a Rusyn-language department at Uzhhorod University, and for Rusyn to be included as one of the country's ethnic groups in the 2001 census. A census was held in December and residents were permitted to declare any nationality they wished; the results were not available by year's end. According to Rusyn leaders, more than 700,000 Rusyns live in the country.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right to join trade unions in order to defend "professional, social and economic interests;" however, while in principle all workers and civil servants (including members of the armed forces) are free to form unions, in practice the Government discourages certain categories of workers, for example, nuclear power plant employees, from doing so. Under the Constitution, all trade unions have equal status, and no government permission is required to establish a trade union. The Law on Citizens' Organizations (which includes trade unions) stipulates noninterference by public authorities in the activities of these organizations, which have the right to establish and join federations on a voluntary basis. There are both official and independent trade unions.

In January 2000, independent unions challenged the 1999 law on trade unions, which replaced Soviet-era legislation, on the grounds that it was unconstitutional. According to the law, to acquire national status a union must have representation in more than half of the regions of the country, or in one-third of the enterprises in a

regionally based sector, or have a majority of union members in the sector. National status and registration confer the right to acquire property, to maintain bank accounts, and to enter legally binding agreements. Registration also determines participation of a union in the national collective bargaining agreement with the Government, as well as membership on the Social Insurance Fund Board (see Section 6.b.). Another contentious requirement of the law is mandatory registration with the Justice Ministry.

In October 2000, the Constitutional Court ruled that some provisions of the 1999 Labor Union Law were unconstitutional; specifically the court rejected the requirement of the 1999 law that unions register with the Ministry of Justice and the requirement that unions have a certain level of membership and regional representation in order to qualify for national status. Although the Constitutional court suspended these provisions of the law, at year's end, the Rada had not passed legislation to make the law conform to the ruling. On December 13, the Rada adopted amendments that continued to require unions to register with the Ministry of Justice and to impose numerical and territorial requirements for registration. As of October, the Justice Ministry had not applied administrative sanctions against unregistered unions; however, in a number of instances management denied unregistered trade unions the right to participate in collective bargaining (see Section 6.b.). Unlike in the previous year, there were no reports during the year that the Ministry had denied registration to unions not loyal to the Government; however, some independent unions, including the Independent Miners' Union of Ukraine (NPGU) chose not to register because the requirement had been declared unconstitutional. The NPGU reported that management refused to recognize and cooperate with its local affiliates because their national organization was not registered. All unions affiliated with the Federation of Trade Unions (FPU), which maintains strong ties to the Government and inherited assets from the official Soviet unions, and 14 independent unions are registered. The International Labor Organization (ILO) has stated that the labor union law violates ILO Convention 87 on the freedom of association.

Although the FPU often coordinates its activity with the Government, it continued to work independently of the Government some of the time and advocated workers' right to strike. The FPU has supported the protests of some professions over unpaid wages; however, most FPU affiliates work closely with management. Enterprise managers are free to join the FPU. In 1997 the FPU leadership created a political party, the All-Ukrainian Party of Workers, which remained virtually indistinguishable from the FPU.

Independent unions provide an alternative to the official unions in many sectors of the economy. There were 40 FPU-affiliated unions and 24 independent unions. The NPGU, unions representing pilots, civil air traffic controllers, locomotive engineers, aviation ground crews, and other unions operate either independently or within one of three national confederations. While exact membership is unknown, there were estimated to be approximately 3 million members of non-FPU members and 14 million members of FPU-affiliated unions. Independent unions have been denied a share of the former Soviet trade unions' huge property and financial holdings, especially the social insurance benefits funds, a Soviet-era legacy on whose boards FPU-affiliated unions hold the majority of seats. Independent trade union leaders also have complained that state representatives have sought to influence union votes and pressure members to report on union activities. Independent trade union leaders also report that they are subject regularly to surveillance by law enforcement authorities.

According to additional provisions of the law, management no longer is obligated to provide free accommodations and telephone lines to unions. However, the law gives unions a say in labor safety and in the allotment of newly built public housing. These aspects of the law have not been contested.

The Constitution provides for the right to strike "to defend one's economic and social interests," but states that strikes must not jeopardize national security, public health, or the rights and liberties of others. The law prohibits strikes that jeopardize life or health, the environment, or that can hinder disaster, accident, or epidemic-related operations. The law does not prohibit specifically strikes based on political demands; however, it prohibits strikes based on demands to change the constitutional order, state borders, or the administrative division of the country, as well as on demands that infringe on human rights. The law does not extend the right to strike to members of the procuracy, judiciary, armed forces, security services, law enforcement agencies, and public servants. The law extends the right to strike to employees of "continuing process plants," for example, metallurgical factories, provided that they give 15 days' advance notice of their intent to strike. According to the International Confederation of Free Trade Unions (ICFTU) 1999 report, the Law on Transportation does not allow strikes in the transport sector. Workers who strike in prohibited sectors can receive imprisonment of up to 3 years.

The Government has relied on the prosecutors and the courts to deal with strikes that it considered illegal. The law does not extend the immunity from discipline or dismissal to strikers who take part in strikes that later are declared illegal by the courts. A union that organizes an illegal strike is liable for strike-inflicted losses. According to official statistics, there were 49 strikes during the year. In 2000 an estimated 20,600 workers from 76 enterprises participated in strikes.

There are no official restrictions on the right of unions to affiliate with international trade union bodies. The NPGU is a member of the Federation of Chemical, Energy, Mine, and General Workers' Union.

b. The Right to Organize and Bargain Collectively

According to the law, joint worker-management commissions should resolve problems concerning wages, working conditions, and the rights and duties of management at the enterprise level. The Law of Collective Bargaining provides the right to collective bargaining; however, overlapping spheres of responsibility frequently impeded the collective bargaining process, and the manner in which the collective bargaining law is applied prejudices the bargaining process against independent unions and favors the official unions (affiliates of the FPU). Most workers are not informed that they are not obligated to join the official union. Renouncing

membership in the official union and joining an independent union can be bureaucratically onerous and typically is discouraged by management. Under the 1999 trade union law, an independent union also can be removed easily from the collective bargaining process at the enterprise level. Under earlier legislation, if several unions at an enterprise failed to agree on joint representation, the larger union—that is the FPU—represented labor in the bargaining process. The 1999 law failed to address this problem.

The Government, in a negotiation with trade unions in which all unions were invited to participate, established wages in each industrial sector in the form of a General Collective Bargaining Agreement signed in April. The Law on Labor Disputes Resolution provides for the establishment of an arbitration service and a National Mediation and Reconciliation Service to mediate labor disputes. According to official statistics, the service resolved 264 out of 554 labor disputes during the year. The collective bargaining law prohibits antiunion discrimination. Under the law, discrimination disputes involving a union that is barred from participating in a collective bargaining agreement should be resolved by the courts. There have been cases in which such disputes were not settled in a fair and equitable manner.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution and the Labor Code prohibit forced and compulsory labor; however, women were trafficked abroad for sexual exploitation (see Section 6.f.). Human rights groups described as compulsory labor the common use of army conscripts and youths in the alternative service for refurbishing and building private houses for army and government officials (see Section 1.c.).

The law does not prohibit specifically forced and bonded labor by children, and girls were trafficked abroad for sexual exploitation (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum employment age is 17; however, in certain nonhazardous industries, enterprises may negotiate with the Government to hire employees between 14 and 17 years of age, with the consent of one parent. The State Department for Monitoring Enforcement of Labor Legislation within the Ministry of Labor and Social Policy is responsible for enforcing child labor laws and was generally effective; however, some children under the minimum employment age worked in the informal sector. According to research conducted by the Ukrainian Institute of Social Research in cooperation with the ILO, 6.8 percent of children between the ages of 7 and 17 work. In August an interagency commission released a report on the status of child labor in the country and the Government's steps to minimize it.

The new Criminal Code prescribes up to 5 years in prison for involving children in criminal activities, drinking, begging, prostitution, gambling, or other exploitation.

The Government does not prohibit specifically forced and bonded labor by children, and girls were trafficked abroad for sexual exploitation (see Section 6.f.).

e. Acceptable Conditions of Work

Work conditions and pay levels were impacted adversely by the overall poor state of the economy. The minimum monthly wage is approximately \$22 (118 hryvnia), and the minimum monthly pension is \$6.37 (34 hryvnia). The minimum wage is enforced in the official economy for employees who work full time; however, Parliament declared that the official subsistence level for the year was approximately \$58 (311 hryvnia) per month. The average monthly salary is \$54 (290 hryvnia), which does not provide a decent standard of living for a worker and family. While the government sector has repaid wage arrears in most areas, in some parts of the country teachers had not been paid monetary benefits (back holiday pay and service bonuses) due to them. Official estimates placed wage arrears at \$565 million (2.99 billion hryvnia) as of December. Wage arrears remained a problem in the private sector (which includes large enterprises in which the State is a shareholder). Official estimates placed arrears at 3.4 billion hryvnia as of October. The national pension system repaid all arrears during 2000. However, average wages are not as low as these statistics suggest, since the untaxed and unreported "shadow economy" is estimated to account for 50 percent of total economic activity. Activity in the shadow economy tends to be concentrated in retail trade and services but touches every sector and provides a means for individuals to supplement their often meager salaries. In rural areas, where reported incomes tend to be the lowest, families subsidize their incomes by growing fruit and vegetables and raising livestock.

The Labor Code provides for a maximum 40-hour workweek, a 24-hour period of rest per week, and at least 24 days of paid vacation per year. Stagnation in some industries, for example, in defense, significantly reduced the workweek for some categories of workers.

The law contains occupational safety and health standards; however, these frequently are ignored in practice. Lax safety standards and aging equipment caused many serious accidents, resulting in approximately 14,000 work-related injuries for the first half of the year. The number of cases of work-related injuries in the first half of the year was lower than during the same period in 2000 in the coal sector (by 86 percent), in agriculture (by 19 percent), in the construction sector (by 8 percent); however, the number of work-related injuries increased in the chemical and transportation sectors (by 13 percent). According to official statistics, 151 persons died in work-related accidents during the first half of the year, in addition, to mining accidents that killed 261 miners

during the first half of the year. In the coal-mining sector, it has been estimated that there are 5.2 deaths for every million tons of coal extracted.

In theory workers have a legal right to remove themselves from dangerous work situations without jeopardizing continued employment; however, in reality, independent trade unionists reported that asserting this right would result in retaliation or perhaps dismissal by management.

f. Trafficking in Persons

The law prohibits trafficking in persons; however trafficking in women and girls is a significant problem. The country is a major country of origin and transit country for women and girls trafficked abroad for sexual exploitation. There were some reports of men and boys being trafficked abroad primarily for labor purposes; however, the majority of trafficking victims are women. No reliable figures are available on the extent of the problem and estimates vary widely. According to official figures, 300 persons contacted law enforcement or consular authorities during the year and identified themselves as victims of trafficking; however, this number represents a small fraction of the real number of women trafficked abroad. The IOM estimated in 1998 that 100,000 citizens had been trafficked abroad since 1991. In 1999 an NGO, La Strada, estimated that 420,000 women had been trafficked abroad between 1991 and 1998. There were reports that local officials abetted or assisted organized crime groups involved in trafficking.

Women and girls are trafficked to Central and Western Europe (including Austria, Germany, Switzerland, the Czech Republic, Hungary, Macedonia, Bosnia, Poland, Slovenia, Greece, Turkey, and Yugoslavia), the United States, and the Middle East (including Israel and Lebanon) for sexual exploitation; there also are reports that women and girls are trafficked from the country to Australia, Japan, and South Africa. Women who are trafficked out of the country often are recruited by firms operating abroad and subsequently are taken out of the country with legal documentation. They are solicited with promises of work as waitresses, dancers, or housemaids, or are invited by marriage agencies allegedly to make the acquaintance of a potential bridegroom. Once abroad the women find the work to be very different from what was represented to them initially. There are credible reports of widespread involvement of organized crime in trafficking.

NGO's reported that local militia and border guards received bribes in return for ignoring trafficking. Some reports alleged that local public officials abetted or assisted organized criminal groups in trafficking women abroad. In a 1999 report, the UNDP identified graft of officials and political corruption as two of the factors causing the spread of trafficking and prostitution. Data on the possible prosecution of law enforcement and border control authorities for their involvement in trafficking was unavailable.

A 1998 amendment to the criminal code imposes harsh penalties for, among other offenses, trafficking in human beings, including for sexual exploitation and pornography. The new Criminal Code that became effective on September 1 also contains antitrafficking 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. According to the Ministry of Internal Affairs, 145 cases have been opened against traffickers since 1998. During the year, 90 cases were opened, which resulted in at least 4 reported convictions in which the accused were sentenced to real or suspended jail terms. However, sentences for those convicted of trafficking generally were not severe and usually consisted of fines. A November 2000 case, in which a Greek man and two Ukrainian women were convicted of trafficking in human beings and sentenced to 7 years and 5 years in prison, respectively, marked the first time convicted traffickers received jail sentences. The Government reported that it regularly reviews the licenses of Ukrainian employment agencies, and has suspended the licenses of 125 individuals and companies suspected of trafficking in human beings since 1998.

Trafficking is becoming a higher priority for law enforcement agencies, but these agencies often lack the financial and personnel resources to combat well-established criminal organizations that run trafficking operations. The Ministry of Internal Affairs has established special antitrafficking units at the national and oblast levels. These units became operational in 2000; however, they have had a limited impact. They suffer from lack of adequate resources and often are tasked to work on cases involving other crimes.

The Government generally cooperates 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 cooperation from officials in destination countries. The law permits the extradition of foreign nationals charged with trafficking when appropriate bilateral agreements with the country in question have been signed, when the crime was committed within the jurisdiction of another country, and when trafficking is a crime under the laws of the requesting country; however, there have been no cases of extradition of trafficking suspects. The Constitution prohibits the extradition of citizens.

The Deputy Prime Minister for humanitarian affairs is responsible for implementing all antitrafficking programs. In 1999 the Human Rights Ombudsman established a National Coordinating Council for the Prevention of Trafficking in Human Beings, and the organization increasingly has become an outspoken and leading advocate in the government in raising public and international awareness of the trafficking problem; however, the Ombudsman's office lacks enforcement powers and has yet to demonstrate its effectiveness (see Section 4). In September 1999, the Cabinet of Ministers adopted a national program for the prevention of trafficking in women and children, involving 20 ministries, local governments, international organizations, donors, and domestic and international NGO's. The goal of the program was to combat trafficking as well as to assist victims; however, severe budget constraints limited the ability of the Government to implement the program effectively. This program ended in 2000 and a new National Action Plan for Anti-Trafficking for 2002-2005 was developed and was awaiting approval by the Cabinet of Ministers at year's end. In September 1999, the

Ministry of Education adopted a curriculum in trafficking as part of the first national program for the prevention of a curriculum on trafficking prevention and awareness in high schools.

Victims often are reluctant to seek legal action against traffickers out of fear of reprisals or an unwillingness to tell their stories publicly. Societal attitudes toward trafficking victims often are harsh, which deters women from pursuing legal action against traffickers. In addition, law enforcement officials do not provide sufficient protection to witnesses to encourage them to testify against traffickers, and traffickers are able to intimidate victims to withdraw or change their testimony. A witness protection law exists, but is in abeyance because of lack of funding. Under the law, names and addresses of victims of crimes can be kept confidential if they request protection due to fear for their lives.

The Government is unable to assist victims effectively, primarily due to lack of funds. Some NGO's, such as the domestic affiliates of La Strada and Winrock International, have offered some support services for victims of trafficking, but these groups also suffer from a shortage of funds. NGO's, particularly La Strada and Winrock International, worked closely with government officials; however, NGO's report that lack of a central government authority on trafficking issues can be frustrating. With foreign government assistance, four regional trafficking prevention and women's support centers were opened in January in addition to the three already in existence. Centers operate in Donetsk, Lviv, Dnipropetrovsk, Chernivtsi, Kherson, Rivne, and Zhytomyr. The centers offered job-skill training, have telephone hot lines, and serve as referral centers for health, legal, and psychological counseling. They also played an important role in facilitating good relations between communities and law enforcement organizations in addressing trafficking issues. NGO's also operate hot lines in Luhansk, Odesa, Kharkiv, Ternopil, and Sevastopol. From January through November, La Strada hot lines received 1,754 calls, 70 percent of which concerned trafficking problems. Winrock International reported 18,925 calls to its hot lines during the year; 15 percent concerned trafficking. The Government has worked to improve assistance provided by its diplomatic missions to victims in destination countries.

In June 2000, a joint U.S.-Ukraine Regional Workshop on Combating Trafficking of People was held in Kiev, which facilitated cooperation between law enforcement and NGO's in combating trafficking. In October national television premiered a documentary film, produced with foreign assistance, which highlighted the danger of trafficking and reportedly generated increased public awareness.

NGO's have conducted general awareness campaigns throughout Ukraine, often in cooperation with government entities. For example, in February a brochure entitled "When a Woman Disappears Abroad" was published by Winrock International in conjunction with the Ministry of Foreign Affairs, the Ministry of Internal Affairs, Interpol, and La Strada, which provided information for both law enforcement officials and citizens seeking information on helping someone who has disappeared abroad.

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