

**Flygtningenævnets baggrundsmateriale**

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## Ukraine

**Country:**

Ukraine

**Year:**

2018

**Freedom Status:**

Partly Free

**Political Rights:**

3

**Civil Liberties:**

3

**Aggregate Score:**

62

**Freedom Rating:**

3.0

**Overview:**

Ukraine continues to recover from the disorder that surrounded the ouster of Viktor Yanukovich from the presidency in 2014, as well as the related crisis sparked by Russia's occupation of Crimea and military support for separatists in the Donbas area of eastern Ukraine. The authorities' failure to prosecute extensive high-level corruption has undermined the popularity of the government and affected some reform efforts. In the sphere of civil liberties, political pressure and attacks on journalists have threatened freedom of the press.

**Explanatory Note:**

The numerical ratings and status listed above do not reflect conditions in Crimea, which is examined in a separate report. *Freedom in the World* country reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the [report methodology](#) and [FAQ](#).

**Political Rights and Civil Liberties:**

## **POLITICAL RIGHTS: 26 / 40 (+1)**

### **A: ELECTORAL PROCESS: 9 / 12**

#### **A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The president is elected to a maximum of two five-year terms. After Yanukovych fled the country in February 2014, a snap presidential election was held that May. Poroshenko won 54.7 percent of the overall vote and majorities in regions across the country. International observers deemed the vote competitive and credible, although polling could not take place in Crimea and separatist-held parts of Donbas.

#### **A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4**

Early parliamentary elections held in October 2014 were generally deemed competitive and credible, but voting was again impossible in Crimea and separatist-held parts of Donbas. Consequently, the elections filled only 423 of the parliament's 450 seats. Petro Poroshenko's Bloc won 133 seats, former prime minister Arseniy Yatsenyuk's People's Front took 81, Self-Reliance 33, the Opposition Bloc 29, the Radical Party 22, and Fatherland 19. Several smaller parties and 96 independents divided the remainder.

#### **A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4**

The current mixed electoral system for the parliament, in which half of the members are chosen by closed-list proportional representation and half in single-member districts, has been criticized as prone to manipulation and vote-buying. In November 2017, a measure providing for open-list proportional representation was approved on first reading in the parliament. Meanwhile, the mandates of 13 of the 15 members of the Central Election Commission had expired by late 2017.

Election monitors have expressed concern about courts' varying interpretations of electoral laws when faced with complaints regarding candidate registration and other topics, as well as about long delays in the adjudication of election-related cases.

Separately, the 2015 Law on Local Elections was adopted just weeks before that year's vote, in a process that election observers criticized as rushed.

### **B. POLITICAL PLURALISM AND PARTICIPATION: 11 / 16 (+1)**

#### **B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4**

With the exception of a 2015 ban on the Communist Party, there are no formal barriers to the creation and operation of political parties. A number of new political parties have appeared in recent years. A law that came into force in 2016 provides parliamentary parties with state funding, but the provision effectively favors established parties over newcomers.

**B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4**

Opposition groups are represented in the parliament, and their political activities are generally not impeded by administrative restrictions or legal harassment. Newer grassroots parties have difficulty competing with more established parties that enjoy the support and financial backing of politically connected business magnates, widely known as oligarchs.

**B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4 (+1)**

Russia has been able to exert influence over the course of Ukrainian political life through its occupation of Crimea, involvement in the fighting in the east, imposition of economic sanctions on the rest of the country, and manipulation of the price Ukraine pays for natural gas. However, the Russian government's past ability to exert direct influence on Ukrainian politics was in part facilitated by links between it and Yanukovich and his Party of Regions. Since Yanukovich's ouster, Russian influence within Ukrainian politics has declined—though Moscow retains influence in some eastern and southern regions where the Opposition Bloc, a successor to the Party of Regions, performed well in the 2015 municipal elections. People living in occupied parts of Donbas are heavily exposed to Russian propaganda and other forms of control.

Ukraine's oligarchs exert significant influence over politics through their financial support for various political parties.

Score Change: The score improved from 1 to 2 due to a decrease in Russian influence over people's political choices in recent years.

**B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4**

Members of minority groups are able to participate freely in political affairs in Ukraine. However, their voting and representation has been hindered by factors including the conflict in the east, illiteracy and lack of identity documents for many Roma, and rules against running as an independent for many local, district, and regional offices. The Law on Local Elections mandates a 30 percent quota for women on party lists, but it is not effectively enforced.

**C. FUNCTIONING OF GOVERNMENT: 6 / 12**

**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4**

In recent years, elected lawmakers have demonstrated a capacity to craft and implement various reforms, though the process is ongoing and many initiatives stall due to opposition from powerful business groups and other special interests. Aside from the Donbas conflict, the main obstacle to effective governance in Ukraine is corruption.

Successful reform initiatives in 2017 included measures to increase the autonomy of regional and local administrations, overhaul the pension system, and improve the performance and anticorruption mechanisms of hospitals. Officials also made efforts to advance a stalled drive to streamline the operations of government ministries.

## **C2. Are safeguards against official corruption strong and effective? 1 / 4**

Corruption remains a serious problem, and there is little political will to combat it despite strong pressure from civil society. The NABU, tasked with investigating corrupt officials, opened a criminal case against Ukraine's National Agency on Corruption Prevention (NAZK) in November 2017, prompted by a whistle-blower's allegations that NAZK officials had received large amounts of money they may have gained through an extortion scheme; the whistle-blower, who had headed the NAZK's financial control department, also claimed that she had been summoned to Poroshenko's office and informed that the agency's decision-making process was subject to presidential approval, a claim his administration denied. Meanwhile, the NABU continued to face pressure from high-level government figures as well as from law enforcement agencies, which late in 2017 arrested NABU officials and seized some of the bureau's files in connection with its investigation of alleged wrongdoing within the country's migration service.

While Poroshenko signed legislation in October to create a long-awaited anticorruption court, at year's end the body had yet to be established, and observers warned that its eventual operations could be hamstrung by pending legislation. In December, the parliament's move to dismiss lawmaker Yehor Sobolyev as chairman of an anticorruption committee prompted expressions of concern from the EU's ambassador to Ukraine, among others. Corruption in the judiciary also remains a problem.

## **C3. Does the government operate with openness and transparency? 2 / 4**

Ukraine has made some progress in advancing transparency, for example by requiring that banks publish the identity of their owners, and by passing a 2016 law obliging politicians and bureaucrats to file electronic declarations of their assets. However, it is possible to bypass some regulations, in part because underdeveloped institutions are not fully capable of identifying and sanctioning violators.

A robust freedom of information law approved in 2011 is not well enforced.

# **CIVIL LIBERTIES: 36 / 60**

## **D. FREEDOM OF EXPRESSION AND BELIEF: 11 / 16**

### **D1. Are there free and independent media? 2 / 4**

The constitution guarantees freedoms of speech and expression, and libel is not a criminal offense. The media landscape features considerable pluralism and open criticism of the government. However, business magnates with varying political interests own and influence many outlets, using them as tools to advance their agendas. Poroshenko owns the television network Fifth Channel and has rebuffed press freedom groups' demands that he honor his earlier promise to sell it.

In 2014, the Interior Ministry banned the broadcast of over a dozen Russian channels, arguing that the country's information space had to be protected from Moscow's

“propaganda of war and violence.” Authorities continued to censor some Russian news sources and ban individual Russian journalists from entering the country in 2017. In May, sanctions were applied to the popular Russian social networking sites Odnoklassniki and VK, the Russian state news agency RIA Novosti, and the search engine Yandex, among others.

Journalists continue to face the threat of violence and intimidation. The independent Institute of Mass Information registered 274 media freedom violations during 2017, roughly the same number of incidents as in 2016. The most common violations included impeding journalists’ activities, intimidation, and assaults.

The media environment in occupied parts of eastern Ukraine is marked by severe violations of free expression, including censorship by the de facto authorities.

**D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4**

The constitution and a 1991 law define religious rights in Ukraine, and these are generally respected. However, the conflict has increased friction between rival branches of the Orthodox Church, and smaller religious groups continue to report some discrimination. In the occupied eastern regions, separatist forces have reportedly persecuted Protestant and other non-Russian Orthodox denominations, forcing them to flee or operate underground churches.

**D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4**

A 2014 law dramatically reduced the government’s control over education and allowed universities much greater freedom in designing their own programs. Universities also gained an expanded ability to manage their own finances, and faculty members were permitted to devote more of their time to research activities.

A law adopted in 2017 was designed to align the country’s education system with those found in the EU, but it drew criticism for provisions that mandate the use of Ukrainian as the primary language of instruction in most publicly funded secondary schools by 2020, affecting numerous schools that currently teach in minority languages.

**D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4**

Ukrainians generally enjoy open and free private discussion, although the polarizing effects of the conflict have weighed on political expression, and intimidation prevails in the separatist-held areas.

**E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 9 / 12**

**E1. Is there freedom of assembly? 3 / 4**

The constitution guarantees the right to peaceful assembly but requires organizers to give the authorities advance notice of any demonstrations. While officials generally foster an open environment for public gatherings in practice, Ukraine lacks a law governing the conduct of demonstrations and specifically providing for freedom of assembly. Moreover, threats and violence by nonstate actors sometimes prevent

certain groups from holding events, particularly those advocating equal rights for LGBT (lesbian, gay, bisexual, and transgender) people.

A number of large antigovernment protests took place in Kyiv in 2017, many of which were led by former Georgian president Mikheil Saakashvili, a former Poroshenko ally and the ex-governor of Odesa, who has since accused the Ukrainian president of personally benefiting from corrupt activities and turning a blind eye to corruption within his own administration. While scuffles between protesters and police were frequently reported, none escalated into serious violence.

**E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 3 / 4**

Civil society has flourished since 2014, as civic groups with a variety of social, political, cultural, and economic agendas have emerged or become reinvigorated. Many groups are able to influence decision-making at various levels of government. However, in March 2017, Poroshenko signed a law that increased monitoring of NGOs focused on corruption by requiring their leaders, staff, and contractors to submit asset declarations.

**E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4**

Trade unions function in the country, but strikes and worker protests are infrequent, as the largest trade union, stemming from the Soviet-era labor federation, lacks independence from the government and employers in practice. Factory owners are still able to pressure their workers to vote according to the owners' preferences. Some trade unions have limited or no access to oligarch-owned industrial enterprises in eastern Ukraine.

**F. RULE OF LAW: 6 / 16**

**F1. Is there an independent judiciary? 1 / 4**

Ukraine has long suffered from corrupt and politicized courts, and recent reform initiatives aimed at addressing the issue have stalled or fallen short of expectations. In 2016, a competitive selection process for new Supreme Court judges was initiated. However, in 2017 the process came under heavy criticism from civil society and other observers. In particular, NGOs accused the High Qualification Commission of Judges of having failed to select Supreme Court candidates fairly and through transparent processes, neglecting to consider the opinion of the Public Integrity Council during the selection process, and ultimately recommending a number of incumbent or retired judges who were considered to be flawed candidates. Poroshenko formally appointed the 113 new Supreme Court judges in November 2017.

Meanwhile, Poroshenko signed legislation in October 2017 to create a key anticorruption court that would hear cases investigated by NABU. But at year's end the body had yet to be established, and observers warned that its eventual operations could be hamstrung if legislation Poroshenko submitted in December were adopted. Contrary to the recommendations of the Council of Europe, Poroshenko's bill would significantly reduce the role of Ukraine's international donors in the judicial selection process for the new anticorruption court. The bill would also expand the court's jurisdiction, creating the potential for backlogs.

**F2. Does due process prevail in civil and criminal matters? 2 / 4**

Although due process guarantees exist, in practice individuals with financial resources and political influence can escape prosecution for wrongdoing.

The Ukrainian government made little progress in meeting domestic and international demands to investigate and prosecute crimes committed during the last months of the Yanukovych administration in late 2013 and early 2014, which included the shooting of protesters.

**F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4**

At the end of 2017, cease-fire deals had failed to bring lasting peace to Donbas, where intermittent combat between Russian-backed separatist forces and the Ukrainian military continued and frequently endangered civilians. In a May report, the OHCHR found that at least 10,090 people, including over 2,700 civilians, had been killed, and nearly 24,000 injured, since the conflict's outbreak in April 2014.

Several assassinations and assassination attempts occurred during the year. Denis Voronenkov, a former Russian lawmaker, was shot dead in Kyiv in March. In October, Amina Okuyeva, the wife of a man accused by Russian authorities of involvement in an assassination plot targeting Russian president Vladimir Putin, was shot to death in Kyiv; her husband, Adam Osmayev, escaped with injuries. A number of car bombings have taken place in Ukraine since 2016, some of which appeared to target politicians. In October 2017, Ihor Mosiychuk of the far-right Radical Party was injured in such an attack as he left a television studio following an interview.

**F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4**

Although the national government has generally protected the legal rights of minority groups, the Romany population continues to suffer from discrimination, and LGBT people face bias and hostility. The law bans gender discrimination, but rights groups have reported that employers openly discriminate on the basis of gender, physical appearance, and age.

**G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16**

**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

While freedom of movement is generally not restricted in areas under government control, the ongoing conflict with Russian-backed separatists in the east has displaced many residents from their homes and hampered freedom of movement in those regions.

**G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4**

The government has taken steps to scale back regulation of private businesses in recent years. However, the business environment is negatively affected by widespread corruption. In addition, planned land reforms have stalled. In December 2017, the parliament voted to extend a measure banning the sale of agricultural land, citing the potential for land grabs by powerful figures.



In separatist-controlled areas, the de facto authorities have reportedly “nationalized” many enterprises and exert heavy control over business activities.

**G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4**

The government generally does not restrict social freedoms, though same-sex marriages are not recognized in Ukraine. Separately, about 1.85 million Ukrainian women suffer domestic violence annually, according to the UN Population Fund, and police responses to the few who report such abuse are inadequate.

**G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4**

The trafficking of women domestically and abroad for the purpose of prostitution remains a problem. Internally displaced persons are especially vulnerable to exploitation for sex trafficking and forced labor. Reports indicate that separatist commanders in the east have recruited children as soldiers and informants.

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