

Title	2011 Country Reports on Human Rights Practices - Ukraine
Publisher	United States Department of State
Country	Ukraine
Publication Date	24 May 2012
Cite as	United States Department of State, <i>2011 Country Reports on Human Rights Practices - Ukraine</i> , 24 May 2012, available at: http://www.unhcr.org/refworld/docid/4fc75a51c.html [accessed 27 November 2012]
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2011 Country Reports on Human Rights Practices - Ukraine

EXECUTIVE SUMMARY

Ukraine is a republic with a presidential-parliamentary system of government. The constitution provides for a directly elected president, a prime minister who is appointed by the president and confirmed by parliament, and a unicameral parliament (Verkhovna Rada). Recent changes to the constitution strengthened the presidency at the expense of other branches of government. Viktor Yanukovich took office as president in February 2010 following two rounds of voting that met most international standards for democratic elections. Security forces generally reported to civilian authorities.

The most serious human rights development during the year was the politically motivated detention, trial, and conviction of former prime minister Yulia Tymoshenko, along with selective prosecutions of other senior members of her government. The second most salient human rights problem was the government's measures to limit freedom of peaceful assembly. Under political pressure courts denied permits for the vast majority of protests that were critical of the government. For those protests that were approved an overwhelming police presence discouraged

participation; actions by protesters were limited and tracked by the authorities. The third major problem was increased government pressure on independent media outlets, which led to conflicts between the media owners and journalists and to self-censorship.

Other serious problems included police abuse and deaths in custody, beatings and torture of detainees and prisoners, and an inefficient, corrupt judicial system. In addition, the following problems were reported: harsh conditions in prisons and detention facilities, arbitrary and lengthy pretrial detention, government pressure on nongovernment organizations (NGOs), and pervasive corruption in all branches of government. Societal problems included violence against women, trafficking in persons, xenophobic attacks and hate crimes, and societal discrimination, harassment, and attacks on religious and ethnic minorities.

The government generally did not prosecute security officials who committed abuses, especially against ethnic minorities and prisoners.

Prosecutions for corruption, which were frequent, were often criticized as selective. Impunity was a problem throughout the government.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed any politically motivated killings.

According to the Association of Ukrainian Monitors of Human Rights in Law Enforcement, 35 deaths were attributed to illegal actions or negligence by the authorities. This included persons who died either in police custody or shortly after being released from custody.

On April 4, authorities arrested three police officers in connection with the alleged beating death of Kharkiv resident Yevhen Zvenyhorodskyi. According to a report in the *Hazeta po-ukrainsky* newspaper, police detained Zvenyhorodskyi on March 30. He was beaten in custody, left outside a police station, and later died in a hospital as a result of his injuries. A police sergeant was charged with the beating and for exceeding

authority. Two senior officers were charged with failing to prevent the beating, failing to provide medical assistance, and exceeding authority. Their trial continued at year's end.

On March 24, the Prosecutor General's Office charged former president Leonid Kuchma with abuse of office that allegedly resulted in the 2000 killing of investigative journalist Heorhiy Gongadze. On July 7, the Pechersk District Court in Kyiv began the trial of Oleksiy Pukach, a former senior Ministry of Internal Affairs official; according to authorities, Pukach confessed to strangling and beheading Gongadze. A panel of judges ordered the trial closed to the public and rejected repeated motions by the prosecution to open the proceedings. In August the media reported that Pukach had implicated Kuchma, then parliament speaker Volodymyr Lytvyn, and former deputy minister of internal affairs Mykola Dzhyha in a plot to kill Gongadze. In December the court dismissed charges against Kuchma, citing a ruling by the Constitutional Court that the evidence against him was improperly obtained. The case against Pukach continued at year's end.

On April 20, the Dniprovskiy District Court sentenced Viktor Lozynskiy, a former member of parliament, to 15 years in prison for his part in the 2009 death of Valeriy Oliynyk. According to police Lozynskiy and two other local officials pursued Oliynyk into a wooded area where they assaulted him, broke his leg, and shot him multiple times. Lozynskiy appealed the ruling. The court also sentenced two accomplices in the killing. One was serving nine years in prison; the second received a five-year suspended sentence.

On December 23, a district court granted amnesty to a police officer who was found guilty of negligence and exceeding authority in the May 2010 death in custody of university student Ihor Indylo. The trial of a second officer charged in the case was pending at year's end. Indylo's family alleged that police officers beat the student and failed to provide medical assistance.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and the law prohibit such practices; however, there were reports that police continued to abuse and torture persons in custody. For example the Ukrainian Helsinki Human Rights Union (UHHRU), a coalition of human rights organizations, reported it received 240 complaints of torture and abuse during the year.

On August 17, police officers allegedly detained and abused Cherkasy lawyer Dmytro Karpenko. According to Karpenko the officers handcuffed, tortured, and beat him for an hour in a police vehicle following an argument with the officers that his client should be released from detention. Karpenko reported the incident to the Cherkasy prosecutor's office. On August 30, the Cherkasy prosecutor charged Karpenko with resisting arrest and injuring the officers. On September 13, a city court dismissed the charges, but in November the Kirovohrad oblast prosecutor's office charged Karpenko with the same offenses. On December 30, a Leninskiy district court in Kirovohrad dismissed the charges.

On December 8, court officials conducted a 14-hour hearing inside the jail cell of former prime minister Tymoshenko. Her defense counsel reported that she remained bedridden throughout the proceedings and that authorities refused to provide her with proper medical treatment.

According to Nina Karpachova, the human rights ombudsman, the proceedings in Tymoshenko's cell violated the law and were a "flagrant violation" of the European Convention on Human Rights. However, the State Penitentiary Service said that 270 court hearings were held in pretrial detention facilities between 2010 and 2011.

The law does not prohibit introducing into evidence statements made under duress by defendants and witnesses, and police officers reportedly relied excessively on confessions to solve cases because they lacked training and equipment to gather evidence through proper investigations. An ineffective system to investigate allegations of abuse and the lack of access to defense lawyers and doctors hindered efforts to curtail police abuse.

In a 2009 report, the UN Working Group on Arbitrary Detention cited multiple concerns based on a monitoring visit in 2008 to 21 facilities in eight cities. Among them were "numerous, consistent, and often credible allegations from various sources...of confessions obtained under torture"

from persons detained by the police force. The working group also noted that the Prosecutor General's Office indicted few officials even when it was presented with well-founded accusations that evidence was obtained by methods that violated proper procedures. Of some 100,000 such complaints registered in 2008, the prosecutor general considered 30 to be violations. According to the working group, "impunity for perpetrators of ill-treatment largely prevails."

While the government acknowledged the UN report, it did not provide a substantive response on how to correct the problems and abuses. In latter half of the year, the NGO Donetsk Memorial published a report on prison conditions. It cited the "unjustifiably high" use of pretrial detention and widespread corruption among prison staff. The report concluded that no substantial progress toward observing the rights of prisoners had been made during 2010 and the first half of 2011.

The media reported several cases of abuse by police. For example, on April 7, *Hazeta po-ukrainsky* reported that in March police officers of Mohyliv-Podilskyi district in Vinnytsia Oblast stopped Firdovsi Safarov, a local resident of Azerbaijani origin. According to Safarov, the officers made racist comments, handcuffed, and beat him. He was later hospitalized with a concussion. Police claimed Safarov refused to show vehicle documents and resisted arrest. On August 2, the Vinnytsia oblast prosecutor's office opened a criminal case against the officers for abuse of authority. The investigation continued at year's end.

During the year authorities prosecuted 92 police officers who had allegedly abused persons in detention.

In November the UHHRU reported that unknown persons attacked, beat, and assaulted Andriy Fedosov, a disability rights activist and investigator who uncovered poor living conditions and abuse in psychiatric hospitals in Crimea. Fedosov confirmed the attack and left the country with assistance from human rights organizations. In December he requested asylum in France. Both Human Rights Watch (HRW) and Amnesty International had previously expressed concern about Fedosov, saying the attacks appeared to be in retaliation for his activist work.

Physical hazing and violence continued to be a problem in the armed forces. According to the State Judicial Administration, 107 hazing-related guilty verdicts were issued in the first six months of the year. The Prosecutor General's Office confirmed that during the year 239 servicemen were convicted of hazing and 132 hazing-related criminal cases involving servicemen were forwarded to the courts.

Prison and Detention Center Conditions

Prison and detention center conditions remained poor. Overcrowding, abuse, inadequate sanitation, and the lack of adequate light, food, and medical care were persistent problems, although prisoners had some access to potable water. The government permitted monitoring visits by independent human rights observers, and some visits occurred during the year.

At year's end, according to the latest available statistics from the State Penitentiary Service (SPS), the service held 154,029 persons in its facilities; of these, 37,632 were in pretrial detention facilities. Approximately 9,480 were women, and 2,092 were juveniles. During the year 1,169 individuals died in custody; the number included 60 suicides and four homicides.

According to the Ministry of Internal Affairs, approximately 235,000 persons were held in police-controlled temporary holding facilities during the first 11 months of the year. The ministry confirmed 22 deaths in these facilities; 11 were reported to be by suicide and 11 due to illness.

Conditions in police temporary holding facilities and SPS pretrial detention facilities were harsher than in low- and medium-security prisons. The former were often overcrowded and lacked adequate sanitation and medical facilities. At year's end 228 individuals serving life sentences were held in pretrial detention facilities, according to the SPS.

Overcrowding in prisons and pretrial detention centers continued to be a problem. For example, as of September, there were 3,899 inmates at Kyiv's Lukyanivskiy detention center, which has capacity for 2,850. As a result 1,049 detainees were forced to sleep on the floor or rotate their sleeping places with cellmates.

According to a December 2010 report by the Prosecutor General's Office, overcrowded conditions at pretrial detention facilities operated by the State Penitentiary Service in Crimea, Donetsk, Luhansk, Kharkiv, Kherson, and Kyiv, were especially difficult. The law sets the average space for detainees at 26.9 square feet. According to the State Penitentiary Service, at year's end 37,632 detainees were held in facilities with a capacity for 34,817, making the actual average space per detainee 24.8 square feet.

At year's end an estimated 4,052 persons in custody had tuberculosis, according to the SPS. In tuberculosis hospitals under the responsibility of the SPS, 42 percent of patients were terminally ill with tuberculosis, and 44 percent of patients were terminally ill with HIV/AIDS, according to the most recent available statistics. The penitentiary service acknowledged that tuberculosis was a widespread problem because of poor conditions and inadequate medical resources for examining and treating tuberculosis-infected persons in pretrial detention facilities.

The penal code prohibits racial, ethnic, religious, and other types of discrimination against inmates in penitentiary institutions and stipulates which individuals may visit prisons without special permission, including the justice minister, members of the Council of Europe's *Committee for the Prevention of Torture (CPT)*, and members of civic commissions monitoring prison conditions.

Prisoners generally were allowed to receive visitors and were permitted religious observance, although those who were under a disciplinary regime could not receive visitors. Prisoners and detainees were also allowed to file complaints with the ombudsman about conditions in custody, but human rights organizations noted that prison officials continued to censor or discourage complaints. By law the prosecutor and ombudsman were obliged to disclose the names of inmates who filed complaints to prison and police authorities.

The government allowed independent monitoring of prison conditions and detention centers by local and international human rights groups during the year. According to local human rights activists, the monitoring was infrequent and focused primarily on providing social services to detainees. There was no record of the number of visits that were made.

From November 29 to December 6, a CPT delegation conducted an ad hoc visit to review treatment of persons detained at facilities in Kyiv, Kharkiv, and in other police pretrial detention facilities. The delegation also examined the health care provided to certain prisoners held in Kyiv, including former acting defense minister Valeriy Ivashchenko, former minister of internal affairs Yuriy Lutsenko, and former prime minister Tymoshenko.

Also in November the CPT released its report on its 2009 visits to detention facilities in Kyiv, Dnipropetrovsk and Luhansk. The report noted that the frequency and consistency of allegations heard by the delegation "suggest that methods of severe mistreatment and torture continue to be used with impunity by Internal Affairs Ministry officers."

In addition, the report noted little progress in providing detainees with access to lawyers before questioning by authorities and concluded that Internal Affairs Ministry staff had pressured many detainees to sign statements waiving their right to a lawyer.

d. Arbitrary Arrest or Detention

The constitution and the law prohibit arbitrary arrest and detention; however, in practice serious problems remained.

Role of the Police and Security Apparatus

The Ministry of Internal Affairs is responsible for maintaining internal security and order; it reports directly to the president and oversees the police and other law enforcement personnel. The Security Service of Ukraine (SBU) is responsible for all state security, nonmilitary intelligence, and counterintelligence. It too reports directly to the president. The State Tax Administration, which exercises law enforcement powers through the tax police, is accountable to both the president and the cabinet.

The law provides for civilian control of the armed forces and law enforcement agencies and authorizes members of parliament to conduct investigations and public hearings into national security and defense issues. The parliament's human rights ombudsman is also authorized to initiate investigations into the relevant activities of security forces. There were reports that the Ministry of Internal Affairs and SBU at times acted with

impunity and appeared to act to further the political interests of the presidential administration.

According to the Prosecutor General's Office, during the year 72 criminal cases of police torture or inhuman and degrading treatment were opened, and 91 cases involving 174 law enforcement officers were sent to court.

According to the Ministry of Internal Affairs, during the year 575 criminal cases were opened against police officers. Of these, 166 were linked to abuse of office or power. The other charges included 98 cases of exceeding authority, 17 cases of forgery, 33 cases of negligence, and 61 cases of bribery, as well as 200 cases linked to other offenses. According to the Prosecutor General's Office, 127 law enforcement personnel were convicted of torture or inhuman treatment during the year.

In October 2010 rapporteurs from the Parliamentary Assembly of the Council of Europe expressed concern about credible reports that the SBU was monitoring civil society, noting they had received numerous reports, often substantiated and credible, of pressure by the SBU on journalists, politicians, and civil society activists or on people or businesses close to them.

In July the NGO Foundation of Regional Initiatives reported that an SBU official contacted one of its activists in Zhytomyr and demanded a meeting to discuss the foundation's activities in protesting against the Law on Higher Education. In November more reports surfaced of SBU surveillance of civic groups outside of Kyiv. Some SBU personnel reportedly attended meetings to gather information on activities of specific individuals, while others called activists to ask in-depth questions about their political affiliation and work.

Arrest Procedures and Treatment While in Detention

By law, authorities may detain a suspect for three days without a warrant, after which an arrest order must be issued. The courts may extend detention without an arrest warrant for an additional 10 days and grant extensions for a maximum of 18 months. The law permits citizens to contest an arrest in court or appeal it to the prosecutor. The law requires that detained persons be informed of their rights and that officials notify

family members immediately concerning an arrest; however, in practice police often did not follow the procedures required by law.

The law stipulates that a defense attorney must be provided without charge to indigent detainees from either the time of detention or the date of the filing of charges. However, in practice this often did not occur because of an insufficient number of defense attorneys or because attorneys refused to take on indigent clients, citing low government remuneration.

The law provides for bail, but it was rarely granted. Many defendants could not pay imposed bail amounts. Courts sometimes imposed travel restrictions as an alternative to pretrial confinement. However, courts generally opted to place individuals in pretrial detention.

Arbitrary Arrest: Authorities reportedly continued to make arbitrary arrests in part to extract evidence that could be used against detainees. There were reports of unsanctioned arrests, and police at times failed to keep records or register detained suspects. Additionally, courts often extended detention to allow police more time to obtain confessions.

On August 5, during her trial on abuse of office and exceeding authority, former prime minister Tymoshenko was arrested for allegedly avoiding the investigation and disrupting court proceedings. She remained in detention for the duration of her trial on grounds that if freed she would impede the court's inquiry. According to local and international legal analysts, Tymoshenko's detention was not justified and disproportionate to the charges. Despite her deteriorating health, the court denied repeated requests for bail, and she remained in detention until her conviction on October 11. On December 23, an appeals court upheld Tymoshenko's conviction and seven-year prison sentence.

Pretrial Detention: Lengthy pretrial detention remained a serious problem. Individuals often remain in pretrial detention for months or, in some cases, years.

A 2009 report by the UN Working Group on Arbitrary Detention noted a number of problems related to the country's detention practices, including the continued practice of detaining until trial persons suspected of minor crimes, a perceived lack of independent and effective control by the

judiciary over the detention process, and unlawful restrictions on pretrial detainees, such as denying them contact with their families and medical treatment before court trials.

In December 2010 police detained former minister of internal affairs Lutsenko on charges of embezzlement and abuse of office. His defense team filed repeated motions to release him on bail due to his poor health, but the motions were dismissed. His detention was extended several times until his trial began on May 27.

Former acting defense minister Valeriy Ivashchenko was detained in August 2010 on charges of exceeding authority and abuse of office for sanctioning the reorganization of Feodosiya ship repair plant in Crimea. His trial began in November 2010 and continued at year's end.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, in practice the judiciary remained subject to political pressure, corruption, and inefficiency and lacked public confidence. In certain cases the outcome of trials appeared predetermined.

According to local and international legal experts, the following individuals were victims of politically motivated prosecutions and were denied the right to a fair public trial: former prime minister Yulia Tymoshenko, former minister of internal affairs Yuriy Lutsenko, former acting defense minister Valeriy Ivashchenko, and former head of customs Anatoliy Makarenko, among others.

The right to a fair trial was impeded by lengthy court proceedings, particularly in administrative courts, and by political pressure on judges, inadequate court funding, a shortage of qualified legal assistance for defendants, and the inability of courts to enforce rulings. Judges also continued to complain about pressure from high-ranking politicians seeking improper resolution of cases.

All courts, except for the Supreme Court, were funded through the State Judicial Administration, which was also responsible for staffing. The ministries of justice and education were responsible for training judges.

Trial Procedures

The constitution includes provisions for a fair trial, including the right of suspects or witnesses to refuse to testify against themselves or their relatives. However, these rights were limited in practice by the absence of implementing legislation, which left a largely Soviet-era criminal justice system in place. While the law entitles defendants to a presumption of innocence, the tendency of courts to detain defendants prior to conviction and a 0.2 percent acquittal rate undermined that presumption.

The constitution provides for juries, but a jury system has not been implemented. Most cases are decided by a single judge, although trials on charges carrying a maximum sentence of life imprisonment, the highest penalty in the criminal justice system, were heard by two judges and three public assessors who have some legal training.

By law trials must start no later than three weeks after criminal charges are filed. However, the overburdened court system seldom met this requirement and months frequently passed before a defendant was tried, with complicated cases usually taking longer.

The law specifies that a defendant may consult a lawyer in private. However, human rights groups reported that officials occasionally monitored meetings between attorneys and their clients. The law also requires legal counsel be provided without charge to all defendants, but such counsel was often unavailable. Defendants have the right to confront witnesses, present their own witnesses and evidence, and access government-held evidence. These rights were repeatedly violated in the trials of former prime minister Tymoshenko and former minister of internal affairs Lutsenko.

Investigative files must contain signed documents attesting that defendants were informed of the charges against them, of their right to an attorney at public expense, and of their right not to give evidence against themselves or their relatives. Although the law requires trials to be held in public, courtroom space was often limited, and media were at times prohibited from observing court proceedings.

The law provides for an appeals process. Appeals courts may dismiss convictions or order new trials if certain documents signed by the

defendant are missing from the case file. However, officials sometimes verbally and physically abused defendants to force them to sign copies of the missing documents to avoid dismissal of the conviction or a new trial.

Political Prisoners and Detainees

Authorities selectively detained and prosecuted members of the political opposition.

On January 14, the Czech Republic granted political asylum to the former minister of economy, Bohdan Danylyshyn, who was accused of abusing his office and mispending approximately 14 million hryvnia (\$1.75 million). Czech authorities had initially detained Danylyshyn in Prague in October 2010 on an extradition request from Ukraine.

Between August and December 2010, the prosecutor general charged former prime minister Tymoshenko, former minister of internal affairs Lutsenko, and six other high-level members of Tymoshenko's government with abuse of power and misuse of state funds. Since President Yanukovych came to power, charges have been filed against 13 senior members of Tymoshenko's government: Tymoshenko, four ministers, five deputy ministers, two agency heads, and the head of the state gas monopoly. Many domestic and foreign observers and governments considered the prosecutions politically motivated.

On August 4, the Public Committee for Defending against Political Prosecution, a coalition of 14 domestic human rights NGOs, issued a report that designated Tymoshenko and Lutsenko political prisoners because they were deprived of their liberty and remained in detention on politically motivated charges. The coalition stated that its conclusion was based on "an analysis of the rulings regarding [the court's] choice of restraint measures and the circumstances of [the defendants'] arrest and remand in custody."

Tymoshenko's trial began June 24 at the Pechersk District Court of Kyiv. Her attorneys filed numerous motions to protest violations of her right to a fair trial, such as failure to admit certain types of evidence, failure to call defense witnesses, failure to provide counsel sufficient time to study the case, and limitations on cross-examination. International jurists who observed the trial criticized the trial judge's conduct, noting that

Tymoshenko's detention was unjustified and her right to defense likely violated because her attorneys did not have adequate time to prepare for trial. Tymoshenko was sentenced on October 11 to seven years in prison and ordered to pay the government approximately 1.5 billion hryvnia (\$188 million) for losses allegedly caused by a 2009 natural gas agreement that Tymoshenko signed with Russia. The conviction also prohibited her from running for political office for three years after conclusion of her prison term.

On August 10, Tymoshenko lodged a complaint with the European Court of Human Rights (ECHR) concerning her detention and trial. On December 14, the ECHR announced it would "give priority to the case *Tymoshenko v. Ukraine* ... in view of the serious and sensitive nature of the allegations raised."

The trial of former minister for internal affairs Lutsenko on charges of abuse of office and embezzlement began May 27. He was detained in December 2010 on grounds that he was not reviewing case materials in a timely manner. The charges stemmed from an alleged overpayment of 40,000 hryvnia (\$5,000) to a ministry driver. On January 21, Lutsenko lodged a complaint with the ECHR.

In November Tymoshenko's husband, Oleksandr, fled the country and applied for political asylum in the Czech Republic. His request was pending at year's end.

Regional Human Rights Court Decisions

Individuals may apply to the ECHR to redress alleged violations by the state of human rights as provided under the European Convention on Human Rights. During the year the ECHR handed down 105 judgments against the country. Most of the judgments involved violations of the right to a fair trial, unduly long proceedings, protection of property, the right to liberty and security, and inhumane or degrading treatment. In 2010 the ECHR issued 107 decisions against the country for violations of the European Convention on Human Rights. At year's end 10,271 applications against Ukraine were pending before the ECHR.

Independent observers noted that while the government paid damages to those who won ECHR cases involving financial issues, it failed to institute

reforms to address the root causes of many of the cases brought before the court.

Civil Judicial Procedures and Remedies

The constitution and laws give citizens the right to challenge any decisions, actions, or omissions of national and local government officials that violate their human rights. However, the right of redress was limited by an inefficient and corrupt judicial system. Individuals may also file a collective legal challenge to legislation that they believe may violate basic rights and freedoms. Individuals may appeal to the human rights ombudsman and to the ECHR after they have exhausted all legal remedies in the country.

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

The constitution prohibits such actions; however, in practice authorities generally did not respect these prohibitions.

By law, the Security Service of Ukraine (SBU) may not conduct surveillance or searches without a court-issued warrant. The Office of the Prosecutor General has the constitutional responsibility to ensure that all law enforcement agencies observe the law. Citizens have the legal right to examine any dossier concerning them in the possession of the SBU and the legal right to recover losses resulting from an investigation. However, authorities generally did not respect these rights in practice because implementing legislation was not enacted, and many citizens were not aware of their rights or that their privacy had been violated by authorities.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution and laws provide for freedom of speech and press. However, in practice government pressure on the media intimidated journalists and media owners into practicing self-censorship in some cases. There were numerous reports that central and local authorities attempted to direct media content. There were also reports of intimidation and

violence against journalists by national and local officials and unknown perpetrators.

Freedom of Speech: Individuals could criticize the government publicly and privately, and independent and international media were active and expressed a wide variety of opinions. However, there were reports during the year that some SBU officers attended meetings of civic organizations to gather information on their activities and the political nature of their work.

Freedom of Press: While private print and broadcast media outlets generally operated free of state control or interference, both independent and state-owned media demonstrated a tendency toward self-censorship on stories that were critical of the government. Although private newspapers and magazines ran on a commercial basis, they frequently operated at a loss, depending on their owners for revenue and thereby giving up editorial independence.

During the year the state of media freedom was the subject of increasing concern by international watchdog groups. For example, in February Freedom House downgraded the country's overall status from "free" to "partly free" due in part to deteriorating media freedom. In a follow-up report in April, *Sounding the Alarm*, Freedom House noted the "increasingly close relationship between media control and political power, and with it a growing degree of self-censorship."

In June the International Press Institute issued a report based on a fact-finding mission to the country from May 31 to June 3. The report found deteriorating conditions for the media due to a lack of respect for a divergence of views, impunity for attacks on journalists, and corruption at multiple levels of society. In particular the report noted that media freedom was perceived to have deteriorated following Yanukovich's election in 2010 and that the financial crisis, which began in 2008, "has pushed more and more media into the hands of oligarchs" who tended to support the government.

In August Reporters without Borders and local media NGOs sharply criticized the National Television and Radio Council for its nontransparent awarding of licenses to local and national broadcasters for digital broadcasting starting in 2015. Some new companies with no history of

broadcasting in the country and opaque ownership registered in Cyprus received multiple licenses. In addition, leading local broadcasters in several regional markets that were seen as unsupportive of local authorities were denied digital licenses.

Violence and Harassment: According to Reporters without Borders, during the first nine months of the year, at least 20 journalists were physically attacked. At least 18 other journalists were subjected to intimidation, and police arrested six in the course of their duties. Many of the incidents occurred at the local level and were attributed to individual politicians, businessmen, organized criminal groups, local police, or unknown assailants.

On July 31, unknown persons in Donetsk set fire to the apartment of Oleksiy Matsuka, the chief editor of *Novyny Donbasa Internet Edition*, and left behind a mock wreath mourning his demise. Matsuka considered the attack an attempt on his life because of his work as a journalist. On September 7, a Zaporizhzhya official beat Alina Kotenko, a journalist with the *Reporter* newspaper.

There were no developments during the year in the disappearance and likely death of Vasyl Klymentyev in August 2010. Klymentyev was editor in chief of the *Novy Styl* newspaper, which had written about corruption among law enforcement officers and other officials in the Kharkiv region. President Yanukovych took personal control of the case and ordered top law enforcement officials to make every effort to solve it.

Censorship or Content Restrictions: On June 20, the Kyiv-based NGO Institute of Mass Information (IMI) reported that local authorities in Donetsk had reverted to issuing "temnyki" – written orders on news coverage – to local state-run television and radio stations. The practice was prevalent under former president Kuchma's administration but ceased after he left office.

On August 16, the NGO Common Business alleged that all state oblast television stations were instructed to make 10 negative prime-time broadcasts about former prime minister Tymoshenko. According to the NGO, stations in Trans-Carpathia and Kherson oblasts had complied.

According to the IML, regional state-funded print media were under significant pressure to praise local officials and governors. Articles often had to be approved by the corresponding headquarters of the ruling Party of Regions. The IML also reported that political parties frequently ordered placement of stories in regional print media in violation of the law. Some journalists maintained that low salaries encouraged reporters to supplement their incomes by writing politically slanted articles in exchange for payments from benefactors seeking to influence news reporting.

On April 15, the United Kingdom-based owner of the English-language *Kyiv Post* fired chief editor Brian Bonner after he ran a story critical of the agriculture minister. The firing led to a public outcry and a strike by the paper's staff. On April 21, the owner rehired Bonner, but as part of a new four-person editorial board.

In August the Kharkiv television station ATN went off the air, followed on September 14 by the stations A/TVK and Fora. The immediate cause was the refusal of intermediary companies to relay the stations' signals. ATN attempted to send signals with its own radio transmitter, but the local sanitary office denied the required health certificate, citing the supposed negative health effects of the transmissions. ATN was owned by an opposition politician who narrowly lost the Kharkiv mayoral election in 2010. ATN alleged that the mayor pressured the intermediary companies not to transmit the station's signal and also ordered the sanitary office to deny the needed certificate. The stations remained off air at year's end.

Libel Laws: Libel is considered a civil offense, and the law limits the amount of damages that may be claimed in libel lawsuits; the press can publish inoffensive, nonfactual judgments, including criticism, without penalty, and public officials enjoy fewer legal protections from criticism than other citizens.

Local media observers expressed concern over high monetary damages that were demanded, and sometimes awarded, for alleged libel. Government entities and public figures in particular continued to use the threat of civil suits based on alleged damage to a "person's honor and integrity" to influence or intimidate the press and investigative journalists.

On November 1, a new libel law took effect that reduced the monetary bond required to initiate a libel case. Local media analysts expressed concern about the new law because the previous law protected media companies from potentially bankrupting libel suits by requiring plaintiffs to deposit 10 percent of the claimed damages. This in effect dramatically reduced the number of lawsuits against media companies and journalists. The new law reduced the bond to a set fee of 2,955 hryvnias (\$370), regardless of the amount of damages claimed.

Internet Freedom

There were no government restrictions on access to the Internet. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, law enforcement bodies engaged in Internet monitoring. While online media remained free of direct state control, there were at least two cases of interference by law enforcement agencies with prominent bloggers and online publications.

On January 12, police searched the apartment of well known blogger Olena Bilozerska and seized her computer, laptop, camera, and video camera. The search was reportedly triggered by a video made by a radical group that Bilozerska reposted on her blog, showing an arson attack on the Party of Regions office in Kyiv. The police previously searched her apartment in March 2010.

On June 25, police opened a criminal investigation against the news Web sites *Ukrainska Pravda* and *Korrespondent.net* after a member of parliament from the Party of Regions complained about threats contained in comments posted by readers. On June 30, police questioned journalist Serhiy Leshchenko of *Ukrainska Pravda* and demanded that the operators of the Web site reveal information from their servers. However, there was no further legal action in the case at year's end.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution generally provides for freedom of assembly. According to local NGOs, however, the government frequently infringed on this right by influencing members of the judiciary to side with local and national governments in challenging the legality of planned protests.

According to the constitution, organizers must inform authorities in advance of a planned demonstration. After notice is given, local authorities have the option to challenge the legality of the protest in court. The courts have wide discretion either to allow or refuse permission on grounds of protecting the public from a possible disturbance or crime.

According to the leader of the initiative "For Peaceful Protest," Volodymyr Chemerys, during the year courts sided with local authorities in 94 percent of cases to deny permission to the protesters. In 2010 the denial rate was 83 percent. Although there are no official numbers, according to numerous NGO sources, the denial rate for protests that were challenged in Kyiv was close to 100 percent.

In cases where protests were not challenged in court, or when protests were conducted in violation of a court order, the government deployed disproportionate numbers of police, sometimes greater in number than protesters. This significantly discouraged public participation. In contrast, police generally allowed progovernment protests to proceed undisturbed.

On May 9, the Kharkiv Human Rights Protection Group (KHPG) released a report outlining its concerns over trends in violations of basic human rights, including freedom of assembly. According to KHPG, there were "far more" violations of freedom of peaceful assembly during all of 2010 and the first five months of the year than in the period between 2005 and 2009.

On August 24, an estimated 13,000 opposition activists rallied to mark the 20th anniversary of the country's independence from the Soviet Union and to protest the arrest of former prime minister Tymoshenko. Demonstrators attempting to march on the president's office were prevented by police in riot gear who outnumbered the peaceful protesters.

On November 18, a court supported a petition from the Kyiv city council to ban mass gatherings by opposition and progovernment groups on the city's

central square that were planned for November 22. Police blocked opposition protesters from setting up tents but allowed some 400 progovernment protesters to set up and use sound amplifying equipment. The police presence was heavy, but no arrests were made.

Freedom of Association

The constitution and the law provide for freedom of association. While the government generally respected this right in practice, some restrictions remained. Although there were extensive registration requirements for organizations, there were no reports that the government used them during the year to disband existing organizations or to prevent new ones from being formed.

c. Freedom of Religion

See the Department of State's [*2010 International Religious Freedom Report*](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and the law provide for freedom of movement within the country, foreign travel, emigration, and repatriation and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection to asylum seekers, stateless persons, and other persons of concern.

Citizens who wished to travel abroad were able to do so freely. The government could deny passports to individuals in possession of state secrets, but denials were rare and could be appealed.

Protection of Refugees

Access to Asylum: The country's laws provide for granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In practice, however, authorities failed to provide effective protection for refugees and asylum seekers.

On July 8, the parliament adopted a law on refugees and persons in need of complementary or temporary protection. The law contains provisions designed to improve and streamline procedures for seeking asylum. In particular, it provides that asylum seekers be issued documents which identify them as asylum seekers lawfully present in Ukraine; recognizes minor children as refugees simultaneously with their adult parents; and grants permanent residence immediately after recognizing individuals as refugees, which facilitates their integration in Ukrainian society. The UNHCR noted that the law was not completely in line with international standards, in particular because the definition of "persons of concern" entitled to complementary protection was narrower than in the EU Qualification Directive. Under this law only those who actively apply for asylum are considered "persons of concern" and entitled to complementary protection. Those who do not apply for asylum are not considered "persons of concern," even though they may be in need of international assistance.

In December 2010 the president abolished the State Committee for Nationalities and Religions (SCNR) and established the State Migration Service (SMS) as part of wide-ranging administrative reforms to reduce the size of government. Coordinated by the Ministry of Internal Affairs, this central executive body is responsible for migration management. As of October, regional offices of the SCNR were being shut down; however, the SMS had yet to set up its regional offices. These changes, together with the implementation of the new law on refugees, resulted in processing delays for those seeking refugee and asylee status.

During the first nine months of the year, the SMS received 523 asylum claims. At year's end 170 asylum decisions had been issued. Furthermore, according to the UNHCR, the reshuffling of ministerial positions and responsibilities led to a complete halt in all asylum processing for at least four months.

Administrative courts responsible for reviewing appeals of denied asylum applications were overwhelmed by a backlog of cases, leading the Kyiv Administrative Court of Appeals to postpone its review of deportation appeals until 2012.

There are no legal provisions for voluntary return. However, the local office of the International Organization for Migration (IOM), in cooperation

with the State Border Guards Service (SBGS) and the Ministry of Internal Affairs, continued to operate a program on assisted voluntary return to help stranded migrants and failed asylum seekers to return to their countries of origin. Five local NGOs in the Mukachevo, Chernihiv, Odesa, Kharkiv, and Volyn oblasts participated in the voluntary return program.

Nonrefoulement: The government provided some protection against the expulsion or return of refugees to a country where there was reason to believe their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group or political opinion. However, there were some exceptions. During the year the UNHCR recorded three incidents involving the expulsion of 13 individual asylum seekers or refugees, compared with six individuals in 2010. Incidents included cases in which individuals were denied access to the territory of Ukraine.

In March Russian environmental activist Denis Solopov sought political asylum in the country. While he obtained refugee status from the UNHCR, Ukrainian authorities denied his asylum application. Because Solopov was on the international wanted list, authorities placed him under arrest pending review of Russia's extradition request. According to media reports, Solopov was released in July and went to the Netherlands, where he was granted political asylum.

Refugee Abuse: On March 16, Amnesty International reported mistreatment of and attempts to deport eight Afghan asylum seekers detained by the SBGS in Boryspil Airport. UNHCR spokesman Maksym Butkevych stated the situation showed that "the asylum system in Ukraine does not work."

In December 2010 HRW reported that asylum seekers and undocumented migrants in the country "risk abusive treatment and arbitrary detention." Although torture was "not systemic," the testimonies of refugees, migrants, and asylum seekers indicated that it did sporadically occur. While conditions in some migration detention facilities had improved, detainees alleged that inhuman or degrading treatment, including beatings, kicking, and food deprivation occurred. "All of these abuses took place in a climate of impunity, with victims fearful of reporting the abuse and perpetrators not held to account," the report stated.

Regulations initiated by the SBGS in 2009 require foreign nationals transiting the country to Western Europe and stateless persons to possess no less than "70 subsistence levels," or 12,620 hryvnia, (\$1,580) to sustain their stay in the country. In September 2010 the UNHCR stated that this change "should not affect access to the asylum procedure or undermine the nonrefoulement principle."

Human rights groups noted that the current law on refugees does not expressly provide protection for war refugees, victims of indiscriminate violence, or failed asylum seekers who could face the threat of torture or loss of life or freedom if deported.

According to the UNHCR and local human rights groups, the complicated and burdensome registration system often left asylum seekers without documents during the protracted review of their cases and the appeal process. This left them vulnerable to frequent police stops, detention, and fines. Refugees and asylum seekers, mainly from Africa and Asia, were at times victims of violent, racially motivated attacks. Asylum seekers in detention centers were sometimes unable to apply for refugee status within prescribed time limits and had limited access to legal and other assistance. The problem was further complicated by the lack of access to qualified interpreters to complete registration documents. In addition, some migration service centers closed as part of the administrative reform, limiting the access of asylum seekers to services.

During the year the UNHCR and local NGOs worked with approximately 138 unaccompanied children seeking asylum. The majority were not registered with asylum authorities and were unable to access appropriate services and care, leaving them vulnerable to exploitation and abuse.

The country remained a destination and transit country for migrants. According to the SBGS, 8,100 irregular migrants were identified during the year, 59 fewer than in 2010. Of that number, approximately 6,300 were not allowed into the country, and 1,800 were apprehended when illegally crossing the border. According to the SBGS, 34 Chechens and 1,493 Uzbeks were also apprehended in the first nine months of the year.

According to the Ministry of Internal Affairs, during the year 282 detained irregular migrants were held in two new facilities in Chernihiv and Volyn

oblasts, compared with 350 in 2010. The Ministry of Internal Affairs reported that 205 refugees were housed in two facilities in the Trans-Carpathia and Odesa oblasts. The combined capacity of these two facilities was 270.

Durable Solutions: Refugees who have resided in the country for three years may apply for citizenship.

Stateless Persons

According to the law, citizenship is derived by birth, territorial origin, naturalization, restored citizenship, and adoption.

According to UNHCR estimates, there were 40,353 stateless persons in the country at the end of 2010.

Stateless persons also included an unknown number of persons who either lived in the country for decades but failed to clarify their citizenship status after the collapse of the Soviet Union in 1991 or arrived in the country as students or visitors both before and after 1991. Many did not obtain residency documents or take other steps to register according to the regulations of their country of origin.

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

The constitution and the law provide citizens the right to change their government peacefully. The law guaranteed citizens the right to vote in periodic, free, and fair elections based on universal suffrage. However, some recent elections did not meet international standards of transparency and fairness.

Elections and Political Participation

Recent Elections: The first round of the presidential elections took place in January 2010. International and domestic observers assessed the vote as having met most international standards. As no candidate received 50 percent of the vote, the two candidates with the most votes – Viktor Yanukovich and Yulia Tymoshenko – competed in a runoff election three

weeks later. Observers assessed the runoff as largely free and fair. Yanukovych won by a narrow margin with 48.9 percent of the vote.

Local elections in October 2010 did not meet the standards for openness and fairness set by the presidential election. According to domestic and international observers, numerous procedural and organizational irregularities marred the vote. Specifically, observers noted shortcomings, such as insufficient training for electoral commission members. Other problems were attributed to a new local election law adopted two months prior to the vote. The law blocked participation of new parties, allowed for improper use of administrative resources during the electoral campaign, established unbalanced electoral commissions, and created complicated registration and voting procedures. Election observers also reported incidents of law enforcement authorities pressuring monitors and candidates and election officials selectively barring or removing candidates from ballots. The president's ruling party won clear majorities in most regions and big cities throughout the country.

On November 17, the parliament approved a new law on parliamentary elections that will take effect ahead of parliamentary elections in October 2012. The law introduced a mixed electoral system in which half of the candidates for parliament are elected from proportional party lists and the other half directly elected in single-member districts. The law also raised from 3 percent to 5 percent the percentage of the total votes required for a party to hold parliamentary seats and disallowed party blocs from running.

Participation of Women and Minorities: There were 36 female members of the 450-seat parliament, and a woman held the post of secretary of the National Security and Defense Council. The 18-member Constitutional Court included two female justices.

The exact number of minorities in parliament and the cabinet was not available due to privacy laws.

Crimean Tatar leaders continued to call for changes in the election law to give them greater representation in the Crimean and national parliaments. The law does not allow for the creation of regional political parties, and

Crimean Tatars had to join national political parties or blocs. Only one Crimean Tatar was a member of the national parliament.

In October, Refat Chubarov, the deputy leader of the Crimean Tatar Mejlis (governing body), voiced concerns that representation of Crimean Tatars, who made up 13 percent of Crimea's population, in local government continued to decrease. According to Chubarov, Crimean Tatars were represented at the level of 4-5 percent in local Crimean government. Crimean Tatars occupied seven seats in the 100-member Crimean parliament. The Mejlis was not recognized by national authorities.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, corruption was ineffectively prosecuted, and penalties were rarely imposed. Corruption remained a pervasive problem and was widespread in the executive, legislative, and judicial branches of government and in society. Government officials at all levels often engaged in corrupt practices.

On April 7, the parliament adopted the Law on Basic Principles of Prevention and Counteraction of Corruption, which entered into effect on July 1. The law expanded the list of persons that can be found liable for corruption to include (in addition to civil servants) persons who provide public services, such as notaries, and aides to parliamentarians. It introduced a requirement for public officials to declare their income and expenses and restricted the ability for officials to receive gifts, employ close relatives, or use information they learned in the course of their work for personal gain. The law tasked the Ministry of Justice with designing and maintaining a database of persons guilty of corruption.

On May 27, GRECO (the Council of Europe's Group of States against Corruption) expressed concern that the country's anticorruption efforts lacked an overall, independent anticorruption body and a detailed plan of action for the implementation of the National Anticorruption Strategy.

In April 2010 President Yanukovych announced that the Prosecutor General's Office had opened more than 30 criminal cases against members of the previous government. Opposition politicians and human rights groups claimed the cases were politically motivated. Domestic and international

observers also raised concerns about the charges noting that while the government had a right to investigate corruption, the prosecution should not be selective or politically motivated. President Yanukovych refuted the charge of selective prosecution and stated that, "hundreds of criminal cases have been launched against representatives of current and previous administration." However, these officials do not include any high-ranking officials of the current government.

The trials of five former government officials on corruption charges and abuse of authority continued at year's end. Georgiy Filipchuk and Anatoliy Makarenko were released from pretrial detention and prohibited from travel. Yevhen Korniyshuk was amnestied. Two others remained in custody, former internal affairs minister Lutsenko and former acting defense minister Valeriy Ivashchenko, who has been in custody since August 2010.

On January 21, the Crimean prosecutor's office started a criminal case against Anatoliy Hrytsenko, a member of the Party of Regions and former speaker of the Crimean parliament, on charges of sanctioning fraudulent privatization of state-owned lands between 2001 and 2005. Hrytsenko was arrested on January 25 and remained in custody at year's end.

Police corruption remained a problem. The Prosecutor General's Office reported that during the year prosecutors initiated and forwarded to courts criminal corruption cases against 385 police officers, 120 tax officials, 36 customs officers, 18 prosecutors, six Security Service officers, five border guards, and 86 penitentiary service officers.

Judges are immune from prosecution and may not be detained or arrested unless parliament rescinds their immunity. During the year the Prosecutor General's Office confirmed that it had initiated 33 corruption cases against judges and forwarded 35 corruption cases against judges to court. During the year 16 judges were found guilty of wrongdoing, 12 were convicted of bribery, one of knowingly issuing an unjust decision, and three of abuse of power or office.

On September 20, the Kyiv International Institute of Sociology released the results of a survey on corruption in the country: 60 percent of respondents indicated they had been involved in corrupt transactions with government officials in the previous 12 months.

The constitution and the law authorize public access to government information unless it pertains to national security. Government bodies are required to respond to requests within 10 days and to provide information within 30 days. Denials can be appealed to a higher level at the agency concerned and then to a court. However, access to official information remained difficult. Government officials often did not understand the law and at times withheld information.

In April a new law on access to government information came into force that requires government officials to provide information to the public upon request. However, local media and NGOs reported that the government's implementation of the law had been uneven, and there were reports that officials refused to provide requested information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. However, government officials were not uniformly cooperative or responsive to their views, and in some instances a climate of mistrust existed between the NGOs and officials. Despite reports of intimidation by the SBU, NGOs continued openly to criticize the government's human rights performance.

On May 17, the parliament passed the first reading of the draft law on NGOs to simplify registration requirements and remove restrictions on their activities. Civil society groups, which took active part in developing the draft, welcomed the step and urged the parliament to adopt the law. The draft legislation did not advance further in parliament during the year and was not adopted by year's end.

Government Human Rights Bodies: The constitution provides for a human rights ombudsman, officially designated as the Parliamentary Commissioner on Human Rights. On January 14, human rights ombudsman Nina Karpachova presented a constitutionally mandated report to parliament on the human rights situation in the country in 2010. Human rights groups criticized the report for being too short, and the ombudsman for poor cooperation with human rights organizations and not opening regional

offices. They acknowledged that the ombudsman's office was active but expressed concern that its efforts were not leading to systemic changes.

According to the ombudsman's office, 164,146 persons filed complaints with the office during the year. Of that number, approximately 45 percent related to civil rights, in particular the right to a fair trial, abuse by law enforcement personnel, and timely implementation of court rulings. The remaining complaints involved violations of social rights (15 percent); economic rights (13 percent); individual rights (13 percent), including right to life, respect for personal integrity, and prohibition of torture in detention; and political rights (12 percent).

A parliamentary committee on human rights, national minorities, and interethnic relations continued to operate during the year. The committee's subcommittees work on issues such as interethnic relations, gender policy, indigenous peoples, national minorities and ethnic groups, deported persons, victims of political repression, ethnic policy, prevention of domestic conflict, refugees, and migration.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, language, social status, or other circumstances. However, both governmental and societal discrimination persisted, and the government did not effectively enforce the prohibitions. The constitution and law prohibit discrimination based on race, skin color, and ethnic and social origin. The law criminalizes deliberate actions to incite hatred or discrimination based on nationality, race, or religion, including insulting the national honor or dignity of citizens in connection with their religious and political beliefs, race, or skin color.

Women

Rape and Domestic Violence: The law prohibits rape but does not explicitly address spousal rape. A law against "forced sex with a materially dependent person" may allow prosecution for spousal rape. According to the Ministry of Internal Affairs, during the year police recorded 586 incidents of rape or attempted rape, a decrease of 2.3 percent from the same period in 2010.

Domestic violence against women remained a serious problem. Spousal abuse is illegal but was common. Advocacy groups asserted that the

percentage of women subjected to physical violence or psychological abuse at home remained high.

The law permits the administrative arrest of a person for up to five days for offenses related to domestic violence.

During the year the Ministry of Internal Affairs recorded 162,768 complaints of domestic violence, including 81,304 men and 5,876 women placed under police supervision for domestic violence. At year's end, according to the Ministry of Internal Affairs, 109,468 persons were under police supervision for domestic violence, compared with 102,133 in 2010.

Police issued 76,100 warnings and 3,700 protective orders related to domestic violence in the first nine months of the year. During the same period, administrative charges were brought against 98,928 individuals for domestic violence and for disobeying protective orders.

The law requires the government to operate a shelter in every major city, but in practice it did not, in part due to the lack of municipal funding.

According to the Ministry of Social Policy, there were 21 centers for social-psychological assistance and 15 assistance centers for mothers and children in 18 oblasts, Crimea, and the cities of Kyiv and Sevastopol. During the year these centers provided assistance to 7,722 persons, of whom at least 226 were victims of domestic violence. Additionally the centers provided telephone consultations to 5,526 callers. NGOs operated additional centers for domestic violence victims in Vinnytsia, Donetsk, Zhytomyr, Odesa, Chernihiv, Poltava, Sumy and Khmelnytskyi oblasts.

According to women's advocacy groups, privately and municipally funded shelters were not always accessible. Some did not function throughout the year, and shelters in Kyiv did not admit women who were not registered as Kyiv residents. Government centers offered only limited legal and psychological assistance to victims of domestic violence.

Sexual Harassment: The law on equal rights and opportunities puts sexual harassment in the same category as discrimination; however, women's rights groups asserted that it does not contain an effective mechanism to protect against sexual harassment. Women's groups reported that there was

continuing, widespread sexual harassment and even coerced sex in the workplace.

While the law prohibits coercing a "materially dependent person," which includes workers and employees, to have sexual intercourse, legal experts regarded the safeguards against harassment as inadequate. La Strada-Ukraine, an NGO that focuses on gender issues, operated a national hotline for victims of violence and sexual harassment. During the year 12,162 persons called the hotline for assistance. Of that number, 4.7 percent of the calls related to sexual violence.

Sex Tourism: Sex tourism remained a problem; however, there were no official statistics on its extent. On June 29, Kateryna Levchenko, president of La Strada-Ukraine, stated in interview with the BBC that the number of visitors for sex tourism continued to grow. During the year a local feminist group, FEMEN, held demonstrations against the increase of sex tourism in the country. In 2009 then internal affairs minister Lutsenko stated in an interview with *Segodnya* that "Ukraine is becoming a paradise for sex tourism."

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics and local health NGOs were permitted to operate freely in disseminating information on family planning under the guidance of the Ministry of Health. There are no restrictions on the right to access contraceptives.

Quality prenatal and postnatal care remained inaccessible to many women because state-funded clinics were underfunded and lacked quality equipment and services in private clinics were expensive. According to the Ministry of Health, the maternal mortality rate was 17.6 per 100,000 births during the year. Some of the reproductive health concerns affecting the system included rapidly growing rates of sexually transmitted infections including HIV/AIDS, poor quality sexual and reproductive health services in state-funded hospitals, low awareness of modern contraceptives, and the expense of high-priced medical services in private clinics that made them inaccessible to large groups of local residents.

Men and women received equal access to diagnosis and treatment for sexually transmitted infections, but local health NGOs and clinics reported that women were more likely than men to seek treatment and refer their partners. Romani rights groups reported that Romani women experienced racial discrimination in standards of medical care and lacked access to information on health matters.

Discrimination: Under the law women enjoyed the same rights as men, including equal pay for equal work, a principle that generally was observed. However, industries dominated by female workers had the lowest relative wages. Women received lower salaries due to limited opportunities for advancement and the types of industries in which women were employed.

Children

On August 11, President Yanukovych signed a decree creating the position of a president's ombudsman for children's rights. The envoy monitors compliance with the country's domestic and international commitments on children's rights, participates in developing presidential decrees and draft laws on this subject, and works with the public to inform about the rights and interests of children.

Birth Registration: Citizenship is determined by birthplace or parentage. A child born on the territory of the country in a family of stateless persons residing permanently in the country is a citizen. The law requires that parents register a child within a month of birth.

Education: While education was free, universal, and compulsory until age 15, the public education system continued to suffer from chronic underfunding, and children from poor families continued to drop out of school before turning 15.

According to a 2009 report by a coalition of 14 children's rights NGOs, more than 20,000 children did not attend school in the period 2002-08. Many children were employed in agriculture and illegal coal mines or, in some cases, forced by their parents to beg. NGOs reported that a lack of schooling remained a significant problem among the rural population and within the Romani community. In some cases rural schools were closed due

to the small number of school-age children, forcing children to travel long distances, often at personal expense, to attend schools in other villages.

Child Abuse: Children continued to be victims of violence and abuse. According to the Ministry of Internal Affairs, in the first 11 months of the year, 9,926 minors were victims of crime, including 57 of intentionally inflicted bodily injury. The Ministry of Internal Affairs also recorded 124 cases of child rape and 256 cases of corruption of minors during the first 11 months of the year.

The law sets penalties of up to three years in custody for forcing children into begging.

Child Marriage: The minimum age for marriage is 17 for women and 18 for men. The law provides that a court may grant a child as young as 14 permission to marry if it is in the child's interest. According to UNICEF statistics, 10 percent of women between the ages of 20 and 24 reported being married or in a union before they were 18. Romani rights groups reported that early marriages involving girls under 18 were common within the Romani community.

Sexual Exploitation of Children: Commercial sexual exploitation of children remained a serious problem. Domestic and foreign law enforcement officials reported that a significant amount of child pornography on the Internet continued to originate in the country. In her statement on June 1, human rights ombudsman Karpachova quoted Interpol statistics that estimated the domestic child pornography market to be worth \$100 million per year. Karpachova also stated that in the past five years close to 3,000 persons were convicted of sexual crimes against children.

The law uses an internationally recognized definition of child pornography. The courts have the authority to limit access to Web sites that disseminate child pornography and to impose financial penalties and prison sentences for those running the Web sites.

The minimum prison sentence for child rape is 10 years. Molesting children under 16 is punishable by imprisonment for up to five years. The same offense committed against a child under 14 is punishable by imprisonment for a term of five to eight years.

Displaced Children: According the Ministry of Education, Science, Youth and Sports, as of November there were 117 children shelters and assistance centers across the country in all oblasts and the cities of Kyiv and Sevastopol. The shelters had a capacity for 4,243 children; during the first nine months of the year, 10,700 children came to these shelters.

International Child Abductions: The country is party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's country-specific information at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

According to government census data and international Jewish groups, an estimated 103,600 Jews lived in the country, or approximately 0.2 percent of the population. Local Jewish leaders estimated the number of persons with an ethnic Jewish heritage to be as high as 370,000.

There were a number of acts of anti-Semitism, some involving vandalism of Jewish property. According to the Association of Jewish Organizations and Communities of Ukraine (VAAD), there were 11 incidents of vandalism during the year compared with 16 incidents in 2010 and 19 incidents in 2009. There were no reports of violent incidents of anti-Semitism during the year.

In April paint was thrown on a Jewish community building in Sumy. Other acts of vandalism during the year targeted a Holocaust monument in Lviv Oblast in March, a synagogue in Yevpatoriya in March, and a Holocaust memorial in Feodosia in June.

At year's end there were no reports that authorities had identified suspects or made arrests in cases of vandalism against Jewish property in 2010, which included paint splashed on the monument marking the birthplace of Rabbi Menachem Schneerson in Mykolayiv.

Members of marginal populist and nationalist parties and organizations continued to make occasional extremist, intolerant, and anti-Semitic statements. Spray-painted swastikas were a common sight throughout Kyiv.

According to representatives of the Jewish community in Kherson, the trial of Serhiy Kyrychenko – who made frequent anti-Semitic remarks in media appearances – continued at year's end. Kyrychenko accused Jews of robbing the country's people and plotting to enslave Ukrainians and exterminate Slavs. A judge ordered Kyrychenko to undergo a psychiatric evaluation, but he filed appeals and motions, which delayed the case. In November 2010 the National Television and Radio Broadcasting Council warned the Kherson Television and Radio Company about racist and anti-Semitic remarks Kyrychenko made in 2009 on a local radio show.

Anti-Semitic articles continued to appear in small publications, although their number and circulation continued to decline. According to VAAD, 18 anti-Semitic articles were published in major print media outlets during the year compared with 25 in 2010 and 46 in 2009.

Senior government officials and politicians from various political parties continued efforts to combat anti-Semitism by speaking out against extremism and social intolerance and by criticizing anti-Semitic acts.

The Ministry of Foreign Affairs, Ministry of Internal Affairs, State Border Guard Committee, State Customs Service, State Committee for Tourism, and other agencies cooperated to support Jewish pilgrimages to the burial site in Uman of Rabbi Nakhman, founder of the Bratslav Hasidic movement. According to media reports, approximately 26,000 pilgrims traveled to Uman in September. Growing numbers of Jewish pilgrims visited burial sites of prominent spiritual leaders in Medzhybizh, Berdychiv, and Hadyach.

During the year VAAD reported a spike in anti-pilgrimage and anti-Semitic rhetoric in Uman. In June and July a group called "My Umachany" (We are Uman residents) organized several rallies against an annual Jewish pilgrimage to the city. In mid-September another group wrote a letter to President Yanukovich

proposing to transfer Rabbi Nakhman's remains to Israel to prevent conflicts with pilgrims. At the end of September the right-wing political party Svoboda and the right-wing group Sokil announced their plan to hold a march called "Uman without Hasidim." The court banned this march and police dispersed the Svoboda protesters, briefly detained 67 people, and issued them citations for violating the court order.

Trafficking in Persons

See the Department of State's [*2011 Trafficking in Persons Report*](#).

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and other state services; however, the government generally did not enforce these laws.

As of January, according to the State Committee for Statistics, the number of persons with disabilities was 2,709,982, including 165,121 children. NGOs complained that the government did not allocate adequate resources to help those with disabilities.

According to Semen Gluzman of the Ukrainian Psychiatric Association (UPA), patients in mental health facilities remained at risk of abuse, and many psychiatric hospitals continued to use outdated methods and medicines. According to the UPA, insufficient funding, the absence of public watchdog councils at psychiatric hospitals, patients' lack of access to legal counsel, and poor enforcement of legal protections deprived patients with disabilities of their right to adequate medical care.

According to the law, employers must allocate 4 percent of employment opportunities to persons with disabilities. NGOs noted that many of those employed to fill these positions received a nominal salary to meet the requirement but did not actually work at their companies. During the first nine months of the year, 7,900 persons with disabilities received jobs through government employment-placement services, according to the Ministry of Social Policy.

The Ministry of Education confirmed there were 382 specialized secondary schools and boarding schools with a total of 46,327 children, as well as 40,371 classes with inclusive education serving 69,621 children with special educational needs. In general secondary schools there were 508 classes for children with disabilities serving 4,845 children.

Advocacy groups maintained that despite existing legal guarantees most public buildings remained inaccessible to persons with disabilities. Access

to essential services and activities such as employment, education, health care, transportation, and financial services remain difficult. NGOs expressed concern over the lack of programs to promote the integration of students with disabilities into the general student population and noted that the lack of needs assessment programs by state-funded employment centers led to the placement of graduates with disabilities in inappropriate jobs.

National/Racial/Ethnic Minorities

Mistreatment of minority groups and harassment of foreigners of non-Slavic appearance remained a problem, although NGO monitors reported that hate crime incidence continued to decrease. While incitement to ethnic or religious hatred is a crime, human rights organizations stated the requirement to prove actual intent, including proof of premeditation and intent to incite hatred, made its legal application difficult. Police and prosecutors generally prosecuted racially motivated crimes under laws against hooliganism or related offenses.

The government acknowledged that racism and ethnically motivated attacks were a problem. However, some officials continued to minimize their seriousness, maintaining that xenophobia was not a problem and violent attacks were isolated incidents. Law enforcement authorities often recommended that Africans studying in the country stay at home after dark and generally stay away from areas where young people congregate.

No official statistics were available on the number of racially motivated attacks. However, the Diversity Initiative monitoring group, a coalition of international and local NGOs headed by the IOM mission in Kyiv, reported 23 attacks involving 40 victims during the year. During the same period in 2010, seven attacks were reported. According to the Diversity Initiative, police initiated eight criminal cases in the attacks they documented during the year.

According to the Prosecutor General's Office, courts received three cases involving criminal intent to incite hatred, and investigations into three other cases remained pending at year's end. During the year five persons were found guilty of violating the law against inciting hatred, compared with three in 2010 and four in 2009. According to the Prosecutor General's

Office, four of the five people received amnesty and the fifth person was freed because of "active repentance." The IOM noted that members of law enforcement agencies are generally poorly trained on the application of the law against inciting hatred, and police generally applied laws against hooliganism to make arrests in such cases.

The criminal code provides increased penalties for hate crimes. Premeditated killing on grounds of racial, ethnic, or religious hatred carries a 10- to 15-year prison sentence. Other hate crimes can be punished by a fine from 3,400 to 8,500 hryvnias (\$425 to \$1,063) or up to five years in prison.

Advocacy groups asserted that police occasionally detained dark-skinned persons and subjected them to far more frequent and arbitrary document checks. At times victims of xenophobic attacks were prosecuted for acting in self-defense.

Some of the most active xenophobic groups were the unregistered Ukrainian National-Labor Party, the Patriots of Ukraine organization, the Ukrainian Movement against Illegal Immigration, White Power-Skinhead Spektrum, the country's branch of Blood and Honor, and the World Church of the Creator Ruthenia. Such groups appeared to be marginal and poorly organized.

Roma continued to face governmental and societal discrimination. Romani rights groups estimated the country's Romani population to be between 200,000 and 400,000. Official census data placed the number at 47,600. The discrepancy was due in part to a lack of legal documentation and poor record keeping in the Romani community. According to experts, there were 200 Romani NGOs, of which two were national.

Approximately two-thirds of Roma were illiterate, 15 percent were infected with tuberculosis, and 60 percent of Romani children in Trans-Carpathia were infected with tuberculosis. One-third of Roma had no funds to pay for medicine or doctors' services.

Representatives of Romani and other minority groups claimed that police officials routinely ignored and sometimes abetted violence against Roma and referred to Romani ethnicity in crime reports. Romani rights NGOs reported several incidents in Lviv Oblast, where police entered Romani

settlements, detained men, and brought them to police stations for fingerprinting and identification. According to these reports police did not identify the reason for detention or fingerprinting and mistreated the detained Roma.

There were fewer reports of government cooperation with the Romani community than in 2009. The chairman of the Roma Congress of Ukraine, Petro Hryhorychenko, was formerly a member of the presidential council on ethnic-national policy and a member of the NGO advisory council with the SCNR.

The constitution provides for the free development, use, and protection of Russian and other minority languages. According to the Ministry of Education, 1,149 educational facilities used Russian as the main language of instruction, serving 685,806 schoolchildren. According to ministry figures, 1,242,184 students studied Russian as a separate subject in secondary schools, and 13,147 secondary school students studied Russian as an extracurricular course.

Ukrainian and Crimean Tatar minorities in Crimea continued to complain of discrimination by the ethnic Russian majority on the peninsula and in Sevastopol. They urged that the Ukrainian and the Crimean Tatar languages be given a status equal to Russian.

As of January 1, the Crimean Republican Committee for Interethnic Relations reported that approximately 264,500 registered Crimean Tatars lived in the country, including in Crimea and in Kherson Oblast.

According to the committee, Crimean Tatars resided in 300 settlements on the Crimean Peninsula, and authorities allocated 24.9 million hryvnias (\$3.1 million) for their integration during the year. Crimean Tatars asserted that discrimination by local officials deprived them of equal opportunities for employment in local administrations and that propaganda campaigns, particularly by pro-Russian groups, promoted hostility against them. On October 5, during a meeting with the representatives of the diplomatic community of Ukraine, Mustafa Jemilev, the chairman of the Crimean Tatar Mejlis, warned of increasing discrimination against Crimean Tatars. He stated that many Crimean Tatars were beginning to think that the "government considers them as second class people."

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The lesbian, gay, bisexual, and transgender (LGBT) community continued to suffer societal stigma and discrimination. Those who openly declared their sexual orientation experienced discrimination in education, the workplace, and access to medical treatment and to information on the prevention of HIV/AIDS.

According to the registered LGBT rights group Our World (Nash Mir), law enforcement representatives were involved in 69 identified instances of discrimination against gay men and lesbians during 2010-11. The group also maintained that police mistreated and collected personal data on gay men and lesbians, while the Ministry of Internal Affairs ignored homophobic attitudes among its personnel.

On February 20, according to the Nash Mir, there was an incident in Makiivka, Donetsk oblast, in which several young men broke into a room where a Christian LGBT organization was making a presentation, threw firecrackers, and shouted homophobic slogans. The head of the organization filed a complaint with police. As of October the police had not announced the results of the investigation.

Other Societal Violence or Discrimination

Persons with HIV/AIDS faced discrimination and at times lacked access to treatment. The All-Ukrainian Network of Persons Living with HIV continued to note that persons with HIV/AIDS faced discrimination in the workplace, job loss without legal recourse, harassment by law enforcement officials and prosecutors, social isolation, and stigmatization.

HIV service providers reported that police checks of substitution therapy clinics, which began at the end of 2010, continued throughout the year. On January 18, the Ministry of Internal Affairs issued an order for law enforcement to collect personal data of patients enrolled in opiate-substitution programs. According to HRW, police raided drug treatment facilities, demanded that patients disclose confidential information, "including their HIV status and criminal records," and ordered that HIV service providers surrender their project documents, "effectively paralyzing essential HIV prevention and outreach programs for drug users."

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers with the right to form and join unions without previous authorization. By law all trade unions have equal status, and the establishment of a trade union does not require government permission.

The law provides for the right of workers to strike on condition that a strike does not jeopardize national security, public health, or the rights and liberties of others. The right was generally respected in practice. The right to strike does not apply to personnel of the Prosecutor General's Office, the judiciary, armed forces, security services, law enforcement agencies, the transportation sector, or public servants. Personnel from these entities may seek redress through the judicial system.

Federations and confederations of unions are not entitled to strike. A strike may be organized only if two-thirds of the workers of an enterprise vote for it, which trade unions considered to be an unfairly high threshold. The law permits trade unions to organize and participate in collective bargaining. It calls for joint worker-management commissions to resolve differences over wages, working conditions, and the rights and duties of management at the enterprise level. The National Mediation and Reconciliation Service mediates labor disputes. There are no legal mechanisms to prevent antiunion discrimination.

The right to form unions was generally respected in practice. To function, a union must be registered by the government. Unions reported that the registration process was extremely burdensome, entailing payments of multiple fees and visits to as many as 10 different offices. The International Trade Union Confederation (ITUC) characterized the registration requirement as "a restriction unacceptable by international labor standards." Unions affiliated with the Federation of Trade Unions (FPU), which inherited assets from Soviet-era unions, have enjoyed an advantage in organizing workers.

In addition, the recent passage and implementation of the Social Dialogue Law has increased the burden on smaller and independent unions to meet representation criteria to take part in tripartite negotiations, participate in social insurance programs and represent labor at a national and

international level. While this does not directly impact workers' freedom of association, it affects the ability of smaller independent unions to effectively represent their members' interests by limiting which unions meet criteria. The ITUC published an opinion in December indicating its doubt as to the true independence and objectivity of the agency that determines which unions meet the Social Dialogue's representation criteria.

Unions not affiliated with the FPU, including the Confederation of Free Trade Unions of Ukraine (CFTU), continued to be denied a share of the former Soviet trade unions' real estate and financial holdings. These included social insurance benefit funds, which gave the FPU a benefit that independent unions could not offer. Leaders of non-FPU trade unions and some government officials claimed that the FPU improperly sold some Soviet-era assets to thwart their future distribution. While a 2007 parliamentary moratorium on the FPU's sale of property remained in place during the year, the current government dissolved a commission formed during the previous administration to inventory union assets. On the whole, the manner in which the law was applied disadvantaged the bargaining process against newer and more independent unions and favored FPU-affiliated unions.

The joint worker-management commissions were not always effective, and enforcement was uneven. The commissions were at times dominated by management and union representatives co-opted by management. Renouncing membership in an FPU-affiliated union and joining a new union was bureaucratically onerous and typically discouraged by management.

In practice the right to organize and bargain collectively was not always respected. Members of a major CFTU-affiliated union were pushed out of collective bargaining negotiations and the signing of a branch agreement with the Ministry of Education, Science, Youth, and Sports. The ministry later concluded the branch agreement with the FPU-affiliated union alone. The CFTU-affiliated union succeeded in postponing the branch agreement registration process and was not a party to it at year's end.

Another CFTU-affiliated union was kept from joining a previously signed branch agreement between the FPU and the Ministry of Health. The ministry refused the CFTU union's accession to the agreement, justifying the decision based on the new Social Dialogue Law. Union representatives

reported that an independent health care union attempted to join a branch collective bargaining agreement concluded with an FPU affiliate but was denied without justification in June.

Members of CFTU-affiliated unions claimed that management sometimes forced them to carry out additional work assignments without compensation or threatened them with dismissal if they refused to leave their unions. There were continuing complaints that FPU-affiliated unions deducted union dues from the salaries of workers who had chosen to join a different union.

There were several reports that employers pressured union members to leave a CFTU-affiliated union. In several instances the union member or local leader was demoted, fired, or threatened with dismissal. In one case an employee was reportedly beaten and hospitalized after refusing to leave the union. The employee appealed to local law enforcement, but the case was delayed and finally dropped.

Another employer reportedly pressured employees to write a statement relinquishing their membership in the local CFTU union. Approximately half of the company's CFTU union members left the union.

In a highly publicized situation in October, small ad hoc groups of retired Chernobyl cleanup workers that were not associated with any traditional unions petitioned and camped outside several government buildings in several cities against a possible reduction in retirement benefits. In one city in November, law enforcement forcefully disassembled a tent camp of the cleanup workers before the ad hoc group voluntarily dissolved. During the disassembly of the tent camp, a 69-year-old protester had a heart attack and died later at the hospital. The cause of the heart attack was not fully determined; local officials reported that the protester had complained earlier of chest pain.

After several months of pressure, FPU chairman Vasyl Khara resigned from his post late in the year. Labor experts believed his resignation was unrelated to any of the organization's labor activities but instead was due to ownership questions over the FPU's real estate assets. His resignation did not affect the organization's labor activities.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor; however, there were reports that women, men, and children were trafficked for labor.

Trafficked women worked as housekeepers, seamstresses, dishwashers, or workers at small and large manufacturing plants abroad. Some women with small children and persons with disabilities were trafficked abroad for begging. Men were exploited in construction and manufacturing. Internal trafficking of Ukrainian citizens and exploitation of foreigners also occurred. The IOM assisted 568 adult victims (men and women) of labor exploitation as well as 12 minors.

Also see the Department of State's [*2011 Trafficking in Persons Report*](#).

c. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace, but the government did not always effectively enforce the law.

The labor code sets 16 as the minimum age for most employment. Children 15 years of age may perform "light work" with a parent's consent, but the law does not clearly define the term. Children can legally do some forms of work beginning at age 14 as part of an apprenticeship in the context of vocational educational training.

The Child Labor Division of the State Labor Inspectorate under the Ministry of Social Policy is responsible for enforcing child labor laws. The Department on Adoption and Children's Rights Protection in the Ministry of Social Policy and the Criminal Police for Children's Affairs in the Ministry of Internal Affairs are responsible for identifying children in the informal sector involved in the worst forms of child labor. The Internal Affairs Ministry's Department on Cybercrimes and Trafficking is responsible for the enforcement of laws against child trafficking. The office of ombudsman for children's rights, instituted by presidential decree in August, was given official responsibility for monitoring children's rights.

The worst forms of child labor were found primarily in the informal sectors, including on family farms and in open-air markets.

The criminal code criminalizes exploiting children for labor. According to the Ministry of Health, there were very few recent or official statistics

about exploitation of child labor. The most recent research on the issue of child labor was more than a decade old. The 1999 research study conducted by the State Statistics Committee and the International Labor Organization found that 350,000 children were employed, 46 percent in agriculture, 26 percent in commerce, and 19 percent in the service industry. The average age at which a child began employment was 12.

Enforcement remained inadequate to deter violations. The State Labor Inspectorate inspected 579 enterprises in September. It identified 1,065 working minors, 230 of whom were 14-15 years of age and 37 of whom were under 14. The other 798 minors were 16-18 years old. Almost all cases of labor involving children under age 14 were in the agricultural sector. The inspectorate found approximately the same number of children under age 14 involved in child labor as in 2010.

Also see the Department of Labor's [*2010 Findings on the Worst Forms of Child Labor*](#).

d. Acceptable Conditions of Work

The monthly minimum wage is 1,004 hryvnias (\$126), or approximately six hryvnias (\$0.75) per hour. The government set the monthly subsistence income at 952 hryvnias (\$119) as of December 1. Workers in the informal sector may receive wages below this established minimum.

The State Labor Inspectorate employs 551 labor inspectors nationwide (while its staff schedule contains 754 labor inspector positions) and is responsible for enforcing the minimum wage. The organization was unable to monitor all employers because its staff during the year was inadequate to conduct sufficient inspections.

Wage arrears increased slightly in the first third of the year but ended November below the January figures. According to the State Statistics Committee, arrears stood at 1.1 billion hryvnias (\$138 million) at the end of November. Most arrears accumulated in industry but also significantly impacted construction, transport, communications, and agricultural enterprises.

The law 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. The law

provides for double pay for overtime work and regulates the number of overtime hours allowed. However, regulations covering rest periods, maximum hours, and overtime were not always effectively enforced.

Although the law contains occupational safety and health standards, the standards were frequently ignored in practice. Lax safety standards and aging equipment caused many injuries on the job. During the first half of the year, 6,835 workplace injuries were reported, as compared with 5,628 for the same period in 2010; these included 817 job-related fatalities, compared with 644 in 2010.

During the year there were 161 mining fatalities, 23 percent more than in 2010. During this period 4,255 coal miners were reported injured. The fatality rate was two deaths per million tons of coal mined. The total number injured at work during the year was 10,657 (down 9 percent from 2010), while work fatalities during the year increased to 685, a 6 percent increase from 2010.

The law provides workers the right to remove themselves from dangerous work without jeopardizing their continued employment; however, the Solidarity Center stated that employers in the metal and mining industries often violated the rule and retaliated against workers by pressuring them to quit.

Some unions reported good cooperation with government labor inspectors. The CFTU signed a publicized memorandum of understanding with the Labor Inspectorate to cooperate more closely that gives local union leaders and health and safety specialists the right to inspect places of work jointly with labor inspectors. The Solidarity Center reported that these joint inspections proved important in the mining sector.

However, the CFTU reports that an affiliated trade union, the Independent Trade Union of Miners of Ukraine, was excluded from the special government commission that investigated the July 29 accident that killed 29 miners – including seven CFTU members – at the Sukhodilska-Skhidna coal mine. This was the highest-profile mining accident during the year and garnered the attention of the national press. The exclusion contravened the law, which includes heads of branch unions in investigative commissions. The union successfully appealed against the exclusion.

