

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	292
Land:	Ukraine
Kilde:	Freedom House
Titel:	Freedom in the World – Ukraine
Udgivet:	15. april 2017
Optaget på baggrundsmaterialet:	24. maj 2017



Freedom in the World 2017 - Ukraine

Publisher [Freedom House](#)

Publication Date 15 April 2017

Cite as Freedom House, *Freedom in the World 2017 - Ukraine*, 15 April 2017, available at: <http://www.refworld.org/docid/58ff3e18c.html> [accessed 26 April 2017]

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Freedom Status: Partly Free

Aggregate Score: 61/100 (0 = Least Free, 100 = Most Free)

Freedom Rating: 3/7 (1 = Most Free, 7 = Least Free)

Political Rights: 3/7 (1 = Most Free, 7 = Least Free)

Civil Liberties: 3/7 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 42,700,000

Capital: Kyiv

GDP/capita: \$2,115

Press Freedom Status: Partly Free

Net Freedom Status: Partly Free

OVERVIEW

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

Key Developments

- Amid extended political deadlock over reform and anticorruption efforts, Prime Minister Arseniy Yatsenyuk resigned in April at the request of President Petro Poroshenko. Volodymyr Groysman, a close Poroshenko ally, replaced Yatsenyuk.
- The front lines in the Donbas regions of Donetsk and Luhansk remained largely unchanged during the year, with only minor outbreaks of combat between government forces and Russian-backed separatists, and significantly fewer casualties than in 2014 or 2015.
- In July, a car bomb killed prominent journalist Pavel Sheremet in Kyiv, heightening concerns about the safety and freedom of journalists. Several other media professionals and

organizations – in both government-controlled and separatist-held areas – faced violence, threats, and harassment during the year.

- Strong protection from security forces ensured that a Kyiv LGBT (lesbian, gay, bisexual, and transgender) pride parade could proceed without violence in June, though some other LGBT events outside the capital were threatened or attacked.

Executive Summary

Political infighting consumed much of the early months of 2016. President Poroshenko requested the resignation of Prime Minister Yatsenyuk in February, but failed to gather the necessary support in the parliament, where Yatsenyuk's People's Front is the second-largest party. Yatsenyuk resigned in April, along with many ministers who were outspoken advocates of reform, and was replaced by Groysman. The Yatsenyuk government had achieved notable reforms in the gas and banking sectors, and Groysman moved ahead with changes in the electricity sector, eliminating some opportunities for corruption. In June, the parliament passed long-promised legislation aimed at increasing independence and reducing malfeasance in the judiciary. Nevertheless, other anticorruption efforts moved slowly throughout the year.

The Minsk II agreement, a cease-fire deal brokered by France and Germany in early 2015, remained formally in effect in 2016, but low-intensity combat continued along the line of contact in eastern Ukraine. In a December 2016 report, the Office of the UN High Commissioner for Human Rights (OHCHR) noted that at least 9,733 people had been killed and more than 22,000 wounded in Ukraine from the outbreak of the conflict in April 2014 to November 2016. In April, the Ministry of Social Policy reported that it had registered approximately 1.7 million internally displaced persons (IDPs) from Crimea and the Donbas. IDPs continued to experience difficulties in accessing public services in 2016.

The situation in the Donbas separatist entities, the self-styled Luhansk People's Republic (LNR) and Donetsk People's Republic (DNR), remained unstable, with several killings and arrests among the rebel leadership. Following an alleged coup attempt against Luhansk leader Igor Plotnitsky in August, the separatist leaders purged dozens of political and military personnel. In October, a bomb killed Arsen Pavlov, a Russian national and one of the most prominent separatist military leaders in Donetsk. Local elections and administration in these two regions remained contentious issues. In October, despite some preparation by separatist authorities in both Donetsk and Luhansk, the regions' leaders announced the cancelation of voting, which had been scheduled for November. Details about the framework and conduct of future elections in separatist-held areas were still unclear at year's end.

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

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 25 / 40

A. Electoral Process: 9 / 12

A1. Is the head of government or other chief national authority elected through free and fair elections?

A2. Are the national legislative representatives elected through free and fair elections?

A3. Are the electoral laws and framework fair?

The president is elected to a maximum of two five-year terms. After Yanukovych fled the country in February 2014, a snap presidential election was held that May. Poroshenko won 54.7 percent of the overall vote and majorities in regions across the country. The process was largely considered free and fair by international observers, although voting could not take place in Crimea and some districts in the east.

Citizens elect delegates to the Verkhovna Rada (Supreme Council), the 450-seat unicameral parliament, for five-year terms, according to a system in which half of the members are chosen by closed-list proportional representation and half in single-member districts. The early parliamentary elections held in October 2014 produced a legislature with a reformist majority. Petro Poroshenko's Bloc won 133 seats, former prime minister Arseniy Yatsenyuk's People's Front took 81, Self-Reliance 33, the Opposition Bloc 29, the Radical Party 22, and Fatherland 19. Several smaller parties and 96 independents divided the remainder. While the elections were generally deemed free and fair, voting was again impossible in Crimea and separatist-held parts of Donetsk and Luhansk, where many citizens would likely have voted against the winning reformist parties. As a result of the occupation, the elections filled only 423 of the parliament's 450 seats.

In October 2015, Ukraine held elections for more than 10,000 mayors and 155,970 local, district, and regional council members, with 132 political parties participating. Turnout was 46.6 percent. Petro Poroshenko's Bloc and its allies won more than 16,500 seats, while former prime minister Yuliya Tymoshenko's Fatherland party placed second with over 8,000 seats. The Opposition Bloc, a successor to Yanukovych's Party of Regions, did well in some of the eastern and southern regions, taking over 4,000 seats.

B. Political Pluralism and Participation: 10 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?

B2. Is there a significant opposition vote and a realistic opportunity for the opposition to increase its support or gain power through elections?

B3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

B4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

Since the fall of Yanukovych, Ukraine's political party system has experienced extreme volatility. The Communist Party was banned in 2015, and other older parties have all but disappeared, while a variety of new groups have formed and won important offices. A key problem has been that the parties often rely on the country's politically connected business magnates, or oligarchs, for their funding. A new law that came into force in July 2016 subjects party funding and expenditures to public reporting and oversight requirements and provides parliamentary parties with state funding beginning in 2017. The latter provision effectively favors established parties over newcomers. The party landscape continued to evolve in 2016, with the small Democratic Alliance party growing thanks to defections by high-profile reformists. A fledgling far-right party, the National Corps, was created in October by the Azov Battalion – a nationalist volunteer paramilitary unit that has been incorporated into Ukraine's National Guard.

Russia maintained a powerful influence over the course of Ukrainian political life through its occupation of Crimea, involvement in the fighting in the east, imposition of economic sanctions on the rest of the country, and manipulation of the price Ukraine pays for natural gas. Concerns about national security and Russian influence have contributed to a shrinking space for criticism of the Ukrainian authorities and military, and for discussions on resolving the conflict in the east.

through political means. Journalist Ruslan Kotsaba, arrested in early 2015 and charged with treason for his calls to resist military conscription, was convicted in May 2016 of "obstructing the activities of Ukraine's armed forces" and sentenced to three and a half years in prison, though he was then acquitted on appeal and released in July. Lawmaker and military veteran Nadiya Savchenko faced widespread criticism for meeting with separatist leaders in Minsk and advocating a political dialogue to end the fighting.

Ethnic minorities are able to participate freely in political affairs in Ukraine. However, their voting and representation has been hindered by factors including the conflict in the Donbas, illiteracy and lack of identity documents for many Roma, and rules against running as an independent for many local, district, and regional offices.

C. Functioning of Government: 6 / 12

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

C2. Is the government free from pervasive corruption?

C3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

Poroshenko's removal of Yatsenyuk has considerably strengthened the power of the president. Yanukovych in 2010 had overseen the restoration of the 1996 constitution, which featured a dominant presidency, but a 386–0 vote by the parliament in 2014 reversed that move, reviving the 2004 charter. The latter, the product of a compromise during the Orange Revolution, had shifted power to the prime minister and cabinet and made them responsible to the parliament, though the president retained control over the foreign and defense ministers and the head of the security service. This division of power had led to infighting between the president and prime minister between 2004 and 2010, and similar rifts began to emerge in 2015. However, in April 2016, Poroshenko secured a dominant position by placing a close ally in the prime minister's office.

Aside from the conflict in the east, the main obstacle to effective governance in Ukraine is corruption, and the vast majority of citizens have been deeply disappointed with the government's slow progress in combating it since Yanukovych's departure in 2014. No major figures have been arrested, and the government has recovered almost none of the billions of dollars in assets that were allegedly looted under previous administrations.

Oligarchs continue to exert considerable influence over Ukrainian life through their control of some 70 percent of the economy, much of the media, and the financing of political parties. Poroshenko, a wealthy businessman who is counted among them, remains at the center of controversy. Former member of parliament Oleksandr Onishchenko, after fleeing abroad, accused him of offering bribes to lawmakers and extorting money from state companies. Odesa governor Mikheil Saakashvili resigned from his post in November 2016, claiming that the president and other high-level officials were taking advantage of the system for personal gain. Poroshenko has not honored campaign promises to sell most of his extensive assets, and his son Oleksiy Poroshenko is now a member of parliament and an increasingly powerful businessman, drawing comparisons to Yanukovych, whose sons also became power brokers.

Another key problem is pervasive corruption among Ukraine's prosecutors and judges. Under intense pressure from his critics and civil society, Poroshenko in February initiated the removal of Prosecutor General Viktor Shokin, who was seen as blocking anticorruption reforms, and replaced him in May with loyalist Yuriy Lutsenko, who lacks legal training. Before his removal by the parliament in March, Shokin sacked his deputy, corruption fighter Davit Sakvarelidze; another

reformist deputy prosecutor general, Vitaliy Kasko, had resigned earlier. Although the parliament adopted a lustration law in 2014, it has not been used against prosecutors and judges.

The National Anti-Corruption Bureau of Ukraine (NABU), set up to investigate corrupt officials, began operating in 2015, but critics warned that it would be ineffective without reforms in the prosecutor's office and judiciary. It lacks sufficient personnel and powers, according to NABU head Artem Sytnyk, and faces institutional resistance to its work. In August 2016, for example, NABU officials conducting a criminal investigation into a department of the Prosecutor General's Office were detained and allegedly beaten by members of the targeted unit. Poroshenko's administration is seen as supporting the prosecutors over NABU.

Nongovernmental organizations (NGOs) focused on combating corruption complained in June that they were not properly included in the process of choosing the new leaders of the National Agency for the Prevention of Corruption (NAZK), as required by law. Also during the year, one prominent anticorruption NGO was targeted by prosecutors with an intrusive criminal investigation in apparent retribution for its work.

Ukraine has made some progress in advancing transparency, requiring that banks publish the identity of their owners. Under pressure from the European Union (EU), the parliament in March 2016 passed a law obliging politicians and bureaucrats to file electronic declarations of their assets by October 31. The measure exposed large amounts of property and cash held by Ukrainian officials who had no obvious means of earning such wealth. While the disclosures received significant media attention and bolstered civil society anticorruption efforts, critics warned that the NAZK lacked the capacity to properly investigate the declarations, and few criminal cases had been reported by year's end.

Civil Liberties: 36 / 60

D. Freedom of Expression and Belief: 11 / 16

- D1. Are there free and independent media and other forms of cultural expression?
- D2. Are religious institutions and communities free to practice their faith and express themselves in public and private?
- D3. Is there academic freedom, and is the educational system free of extensive political indoctrination?
- D4. Is there open and free private discussion?

The constitution guarantees freedoms of speech and expression, and libel is not a criminal offense. The media landscape features considerable pluralism and open criticism of the government. However, business magnates with varying political interests own and influence many outlets. Poroshenko owns the television network Fifth Channel and has rebuffed press freedom groups' calls to honor his earlier promise to sell it. Among other key media owners are Ihor Kolomoysky (1+1), Dmytro Firtash (Inter), Rinat Akhmetov (Ukraine), Viktor Pinchuk (Novy Kanal, STB, ICTV), and Andriy Podshchypkov, whose cable and satellite broadcaster 112 Ukraine is often critical of Poroshenko. In 2014, the Interior Ministry banned the broadcast of over a dozen Russian channels, arguing that the country's information space had to be protected from Russia's "propaganda of war and violence."

Despite the pluralism of the Ukrainian media, many problems persist. In September 2016, VoxUkraine published a two-year analysis showing that the top four weekly television news programs only made negative references to President Poroshenko in 1 to 2 percent of their reports. At a June news conference, Poroshenko asked journalists not to write negative stories about

Ukraine. He has also sought to block coverage of Onishchenko's corruption accusations by threatening lawsuits.

Journalists continue to face the threat of violence and intimidation. In July, a car bomb killed prominent journalist Pavel Sheremet, who wrote for the independent online newspaper *Ukrayinska Pravda*. In September, intruders set fire to the offices of Inter, which many Ukrainians view as having a pro-Russian bias. In May, Myrotvorets (Peacemaker), a website whose stated goal is to identify Ukraine's enemies, listed the names, employers, and contact information of more than 4,000 Ukrainian and foreign journalists who had received press credentials from separatist forces to report on fighting in the east. The website claimed that the journalists were supporting the separatists by seeking and receiving such accreditation, though many journalists stressed their need to receive accreditation in order to operate safely in separatist-controlled areas. Interior Minister Arsen Avakov defended the website's action. Other journalists who are critical of the government have been threatened and beaten. Deputy Information Policy Minister Tetyana Popova resigned in August, protesting the authorities' failure to prosecute attacks against journalists and defend free speech.

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

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

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

E. Associational and Organizational Rights: 9 / 12

E1. Is there freedom of assembly, demonstration, and open public discussion?

E2. Is there freedom for nongovernmental organizations?

E3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

The constitution guarantees the right to peaceful assembly but requires organizers to give the authorities advance notice of any demonstrations. While officials generally create an open environment for public gatherings in practice, Ukraine lacks a law governing the conduct of demonstrations and specifically providing for freedom of assembly. Moreover, threats and violence by nonstate actors sometimes prevent certain groups from holding events, particularly those advocating equal rights for LGBT people.

Civil society has flourished since 2014, as civic groups with a variety of social, political, cultural, and economic agendas have emerged or become reinvigorated. Trade unions function in the country, but strikes and worker protests are infrequent, as the largest trade union, stemming from the Soviet-era labor federation, lacks independence from the government and employers in practice. Factory owners are still able to pressure their workers to vote according to the owners' preferences.

F. Rule of Law: 6 / 16

F1. Is there an independent judiciary?

F2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?

F3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?

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

Ukraine has long suffered from politicized courts, and judges were subject to intense political pressure under Yanukovich. An April 2014 judicial reform law sought to weaken the top-down power of court chairmen, who assign cases to specific judges and often make decisions about judges' salaries and other work conditions. Despite these reforms, Poroshenko has been unwilling to give up his control of the judicial branch. The senior prosecutors and law enforcement officials he has appointed are frequently criticized for failing to arrest high-level suspects on corruption charges.

In June 2016, the parliament approved constitutional amendments that changed Ukraine's system for appointing judges. They will be chosen by a judicial council rather than the parliament, which should help shield them from political influence. The amendments also call for specialized anticorruption courts that will be independent of the existing system. However, before the courts are created, a new law must be enacted to clarify their operations and the selection process for their judges. Full implementation could therefore be delayed until 2019.

In 2015, Ukraine introduced new patrol police in several cities. Though the police were initially popular, they came under attack from the unreformed prosecutor's office. First Deputy Interior Minister Eka Zguladze, who was in charge of the new police force, resigned after the downfall of Yatsenyuk government and warned that the patrol police could not survive as an "island" amid corrupt institutions.

Due to the ongoing fighting in eastern Ukraine, substantial parts of the population face extensive violence – including inaccurate or indiscriminate shelling by both sides. The separatist rulers of the DNR and LNR have "undermined the human rights of the estimated 2.7 million people residing under their control," according to the OHCHR. Meanwhile, there has been insufficient progress in bringing to justice the individuals responsible for political violence in Kyiv and Odesa in 2014 that killed some 150 people.

A July 2016 report by Amnesty International and Human Rights Watch alleged that the Security Service of Ukraine (SBU) was illegally holding and torturing suspected separatist fighters in unlawful detention facilities. The groups detailed alleged abuses in the cases of nine individuals held by the SBU, mainly in 2015 and the first half of 2016, as well as nine individuals held by the Russian-backed separatists. The SBU reacted to the document by releasing 13 prisoners; no similar response by the separatists, whose violations were reportedly much greater in number, was reported.

Although the national government has generally protected the legal rights of minority groups, the Romany population continues to suffer from discrimination. In one high-profile incident in 2016, dozens of Roma fled the village of Loshchynivka in southern Ukraine in August, when villagers blamed them for the rape and killing of a nine-year-old girl. Roma often live in substandard housing in marginal areas.

The LGBT community also faces bias and hostility in Ukraine. A June 2016 pride parade in Kyiv proceeded without violence thanks to strong protection from the security forces, though the heavy police presence made the march almost inaccessible. Public events on LGBT issues were

disrupted in Zaporizhyya, Odesa, and Lviv, through either violence or pressure by right-wing groups. Incidents of homophobic and transphobic violence are rarely investigated or prosecuted by the authorities, and there is no effective hate-crime legislation in place.

G. Personal Autonomy and Individual Rights: 10 / 16

G1. Do individuals enjoy freedom of travel or choice of residence, employment, or institution of higher education?

G2. Do individuals have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?

G3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?

G4. Is there equality of opportunity and the absence of economic exploitation?

The ongoing conflict with Russian-backed separatists in the east has displaced many residents from their homes and hampered freedom of movement within the country.

The separatist-controlled territories are largely lawless, with armed groups controlling public buildings and looting local businesses for supplies. Numerous reports indicate that separatist commanders force local residents to perform menial tasks. In the rest of Ukraine, private businesses continue to suffer at the hands of corrupt bureaucrats, tax collectors, and corporate raiders.

Gender discrimination is prohibited under the constitution, but government officials demonstrate little interest in or understanding of the problem. Human rights groups have reported that employers openly discriminate on the basis of gender, physical appearance, and age. Women currently make up about 12 percent of the parliament. A new local elections law, adopted in 2015, includes a 30 percent quota for women on the party lists, but there are no sanctions for parties that do not comply. The new law on party financing provides financial incentives for parties to achieve gender equality.

The trafficking of women domestically and abroad for the purpose of prostitution remains a major problem. The IDP population is especially vulnerable to exploitation for sex trafficking and forced labor. Separatist forces have reportedly recruited children as soldiers and informants.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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